

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

**Official Report
of Debates
(Hansard)**

A-29

**Journal
des débats
(Hansard)**

A-29

**Standing Committee on
Government Agencies**

Intended appointments

1st Session
43rd Parliament

Thursday 11 April 2024

**Comité permanent des
organismes gouvernementaux**

Nominations prévues

1^{re} session
43^e législature

Jeudi 11 avril 2024

Chair: Will Bouma
Clerk: Isaiah Thorning

Président : Will Bouma
Greffier : Isaiah Thorning

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



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

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Thursday 11 April 2024

Jeudi 11 avril 2024

The committee met at 0900 in room 151.

The Chair (Mr. Will Bouma): Good morning, colleagues. The Standing Committee on Government Agencies will now come to order. We are meeting to conduct a review of intended appointees.

We are joined by staff from legislative research, Hansard and broadcast and recording. Thank you all for your work.

As always, all comments by members and witnesses should go through the Chair.

SUBCOMMITTEE REPORTS

The Chair (Mr. Will Bouma): The first item of business will be the adoption of two subcommittee reports, which were distributed in advance.

We have the subcommittee report dated Thursday, March 28, 2024. Could I please have a motion? Member Holland.

Mr. Kevin Holland: I move adoption of the subcommittee report on intended appointments dated Thursday, March 28, 2024, on the order-in-council certificate dated March 22, 2024.

The Chair (Mr. Will Bouma): Thank you, sir.

Are there any comments, discussion? Seeing none, are members ready to vote? Very good. All those in favour? Any opposed? Carried. Thank you.

Then we will have a subcommittee report dated Thursday, April 4, 2024. Could I please have the motion? Member Holland.

Mr. Kevin Holland: I move adoption of the subcommittee report on intended appointments dated Thursday, April 4, 2024, on the order-in-council certificate dated March 29, 2024.

The Chair (Mr. Will Bouma): Thank you, sir.

Is there any discussion on the motion? Seeing none, are members ready to vote? Very good. All those in favour? Very good. Any opposed? Carried. Thank you.

INTENDED APPOINTMENTS

MS. LUCIELLA LONGO

Review of intended appointment, selected by official opposition party: Luciella Longo, intended appointee as member, Landlord and Tenant Board.

The Chair (Mr. Will Bouma): If I beg the committee's indulgence—our first appointee today is running somewhat late, but the Clerks have figured out that the second appointee could go first. If everyone's fine with that, we

will move to Luciella Longo, nominated as member of the Landlord and Tenant Board.

I gather—Luciella, are you on here?

Interjection.

The Chair (Mr. Will Bouma): Good. So I will continue to speak, although I can't see you yet. Thank you for joining us remotely today.

You may make an initial statement at your discretion. Following this, there will be questions from members of the committee, and with that questioning, we will start with the government, followed by the official opposition, with 15 minutes allocated to each recognized party. Any time that you take in your statement will be deducted from the time allotted to the government. Thank you.

Very good to see you this morning. Thank you for joining us. Go ahead, you can make your statement.

Ms. Luciella Longo: Good morning, Mr. Chair and members of the committee. Thank you for the opportunity to appear before you today to discuss my potential appointment as a member of the Landlord and Tenant Board. I'm honoured to have this opportunity to highlight my professional experience, qualifications and skills which I believe would make me a valuable member of the Landlord and Tenant Board.

I obtained my Juris Doctor from the University of Saskatchewan in 2012 and was called to the Ontario bar, becoming a member of the then Law Society of Upper Canada in 2013. I have knowledge, skill and passion in the areas of mediation, negotiation and conflict resolution. I competed on the University of Saskatchewan's law school dispute resolution moot team, travelling to London, England, to compete with universities from around the world. In my final year of law school, I developed and conducted a clinical project on mediation with the Saskatchewan department of justice Dispute Resolution Office. I took all mediation and negotiation courses offered by the law school, achieving a grade of A in each.

I have worked in landlord and tenant law for the past 10 years. Prior to working for the provincial government, I started my own law practice focused on landlord and tenant law. Active listening and communication were central to my practice. I conducted client interviews, identified the issues, interpreted the Residential Tenancies Act and applied the law to the evidence presented by my client to effectively work towards a resolution.

One of my biggest strengths was my ability to see the strengths and weaknesses of my client's case and the case presented by the opposing party. This level of analysis and taking a two-sided perspective was the key to managing

client expectations and driving towards a resolution that met my client's goals.

Advocating through mediation and presentation of both oral and written argument before the Landlord and Tenant Board were central features of my practice. I assisted clients in a variety of Residential Tenancies Act matters, including maintenance issues, non-payment of rent matters and review and drafting of tenancy agreements.

I have experience as an impartial decision-maker. Prior to joining the residential commercial tenancies unit at the Ministry of Municipal Affairs and Housing, I worked as a senior processing officer at the Ministry of Citizenship and Immigration, where I reviewed and made decisions on applications for nomination for permanent residence under the Ontario Immigrant Nominee Program. I reviewed applications and made decisions solely based on whether the applicants met the criteria for approval set out under the Ontario Immigration Act. For applicants who failed to demonstrate that they met the criteria through the information provided in their application, I drafted procedural fairness letters to provide a further opportunity to demonstrate criteria were met and to provide further written reasons as to why an application was denied.

Since 2017, I have been a policy adviser with the Ministry of Municipal Affairs and Housing residential and commercial tenancies unit. In this role, I am engaged in the policy development process and have gained valuable skills along the way which are crucial to the role of an adjudicator. I'm regularly called on to interpret, analyze and provide well-reasoned recommendations on policy-related development sections of the Residential Tenancies Act. My work requires me to identify issues and develop policy options to address those issues.

At every step of the policy development process, I consider the purpose and function of the current provision under the act and evaluate each policy option, considering the impact it will have on key stakeholders, including landlords, tenants and the Landlord and Tenant Board.

In my role, I have further honed my writing skills, ensuring that documents are written using clear, concise and plain language. I manage a policy portfolio of several areas covered by the act, and I also manage an often heavy correspondence caseload, where I respond to incoming correspondence and connect directly with both landlords and tenants to provide general information on the issue they are facing.

It continues to be a great honour to work as a public servant for the people of Ontario in the context of residential tenancies.

With that said, I am prepared to take your questions.

The Chair (Mr. Will Bouma): If I could say on behalf of the committee, thank you very much for presenting a little bit early for us today.

There is 10 minutes and 40 seconds left on the clock. We'll turn to the government. Member Holland, go ahead.

Mr. Kevin Holland: Hi. Thank you for being with us today and your interest in serving on the board. I'm just wondering if you could share with the committee any volunteer work or engagement in your community that

you've undertaken that you think will assist you on your role in the tenant board.

Ms. Luciella Longo: One community engagement project that I took the initiative on for which I'm really proud of was a clothing drive which I held—I did several of them; I organized several of them. It's called New Circles Community Services. Basically, it's an organization which provides free clothing—they take donations and they provide a retail shopping experience to their clients. Their clients support diverse members of our community, including newcomers, refugees and those experiencing poverty. They provide a retail shopping experience, providing free, gently loved outfits to wear, the idea being to provide them with those necessities so it will free up their resources for other important necessities, like housing and food.

I'm happy to say that in each of those clothing drives I organized, we filled up at least two carloads worth of donations, and it was really heartwarming to see those around me donate to this cause and to have been able to be supportive of my community in that way.

Mr. Kevin Holland: Great. Thank you.

The Chair (Mr. Will Bouma): Moving on to member Sandhu with eight minutes, 45 seconds.

Mr. Amarjot Sandhu: Thank you, Ms. Longo, for your presentation. We know that the Landlord and Tenant Board has high caseload volumes these days. Can you please tell us about your experience managing heavy caseloads. How will you ensure that you stay atop the workload and deliver your decisions within the targeted processing times?

Ms. Luciella Longo: I am not a stranger to managing heavy caseloads. When I ran my own practice, I did it all on my own. I didn't have a law clerk or anyone to run or manage my files behind the scenes or to do my paperwork. I was managing that often heavy caseload myself.

In that position, and really throughout my entire career path to that point, I've sharpened my time-management skills, my organizational skills, my ability to prioritize my work. I've carried that forward throughout all positions that I've held, and I would say each of them having a very heavy caseload at times. So I'm confident that I will be able to manage the workload and fast pace of the Landlord and Tenant Board, and I'm looking forward to jumping in, rolling up my sleeves and getting started.

The Chair (Mr. Will Bouma): Moving on to member Martin, with seven minutes and 15 seconds left.

0910

Mrs. Robin Martin: Thank you again to Ms. Longo for being here with us today. As a person who was born in Saskatoon, I'm very happy to see all the great Saskatchewan background here, which I'm sure means there's going to be a lot of common sense in what you're bringing to the table.

Also, as a lawyer, I can tell from what you've said that you have a lot of very relevant experience to this. I wonder, from that experience, if you could help us understand what you think it takes to be an effective member of the Landlord and Tenant Board.

Ms. Luciella Longo: I think that one of the keys to being an effective member of the Landlord and Tenant Board is being able to be a fair and impartial decision-maker. Being able to interpret the legislation and undertake legal analysis, listening actively to both parties that come before you, to review and weigh the evidence, assess that evidence against the law and assess the unique facts of each case, being able to engage in fact-finding to uncover the issues—these are all skills that I bring with me from my legal background.

Clear, concise writing, avoiding using legal jargon when you're talking to parties, is often very helpful. These are all things that I bring from my legal background to this position, and I think that they're all things that would make me a great fit for that role of an adjudicator.

Mrs. Robin Martin: Thank you.

The Chair (Mr. Will Bouma): Moving on to member Hardeman, with five minutes and 40 seconds.

Mr. Ernie Hardeman: Thank you very much for your presentation. I noticed you have a lot of experience on the other side of the issue, I guess, where you're defending. You mentioned in your presentation representing the clients. How do you see that as being of assistance to be the adjudicator, to decide which side of the argument is on the right track, shall we say? I think there's a great difference between analyzing what's happening as opposed to putting forward a case in defence of something.

Ms. Luciella Longo: From my experience, I think that you have to look at both sides. You're right: It is one thing to put forward a case and to advocate for your client; however, I think that if you're going to be a good advocate, you have to take a two-sided approach, because you have to know the strengths and the weaknesses of your case and of the opposing side.

I really think that that skill aligns well with the role of the adjudicator, because the adjudicator is assessing both. They're not just looking at one side; they're assessing both cases, both facts that come before them. I think that that really does still line up with the role of an adjudicator, because you are assessing both sides. It's not about acting in the role of an advocate; it's about taking the facts that are presented before you, taking the evidence that is presented before you, and assessing that evidence against what the rules are set out in law, and reaching a decision in that case.

So yes, I really think that's how it does align with the role.

Mr. Ernie Hardeman: Thank you.

The Chair (Mr. Will Bouma): Member Sarrazin, with three and a half minutes.

Mr. Stéphane Sarrazin: It was really interesting hearing your experience. I guess you were recommended following Tribunals Ontario's competitive merit-based recruitment process. We were wondering: What's your impression of the process, and why do you think you're the best candidate?

Ms. Luciella Longo: I'll start with the process. I think the process—it's a merit-based process. The process was a lengthy process—a duly lengthy process, which, for me,

really represents the importance of the role. I was happy to submit my application and go through that process: the interview; I was tested in that process and went through a conflict check. These are all, I think, things that are very important, and they signal the importance of the role. I'm happy to have gone through that process and made it here to be able to present before you today and to present all of my qualifications.

I think that my qualifications are a very good fit to the role. I have that background representing both landlords and tenants. I have that legal background that I bring with me; my experience in dispute resolution, in mediation, reviewing documents, drafting legal written arguments; my experience in policy, working with stakeholders, looking at the law and looking at the provisions of the law and how they impact landlords and tenants. These are all things—plain writing, using clear and concise language. These are all things that I think make me an excellent fit with the role, and I'm looking forward to getting started.

Mr. Stéphane Sarrazin: Thanks.

The Chair (Mr. Will Bouma): Just under a minute and a half. Member McGregor, go ahead.

Mr. Graham McGregor: I just want to thank Ms. Longo for coming to the committee here today. Looking at the résumé, something I think is really impressive is the mix of legal background with the government background. As I've discovered since being elected, government can be a bit of a tricky place to navigate. I've never had to navigate the legal world, but my colleague MPP Martin says that being a lawyer is no walk in the park either.

With the time we have left, can you give us a concise example of how that combination of experience is going to serve you well should you be successful going to the Landlord and Tenant Board?

Ms. Luciella Longo: I think that combination of working in law and in policy has given me a different perspective. Coming at it from, obviously, a legal side of things, looking at the case before me, looking at both sides of the case, and then again on the policy side, looking at the law in kind of a different format, with a different lens, so to speak, I think that combination—

The Chair (Mr. Will Bouma): We'll have to pause there. Maybe we'll get to the rest of that answer, but now we will turn to the opposition side for 15 minutes. Member Glover, go ahead.

Mr. Chris Glover: Thank you, Ms. Longo, for putting your name forward here for the Landlord and Tenant Board. I'm going to start with just a very broad question: What is your motivation for this appointment?

Ms. Luciella Longo: My motivation is that I think I would be a great fit. I look at my background, I look at my experience and I think all of that experience aligns very nicely with the role. That is my interest in applying to this position.

Mr. Chris Glover: What makes you a good fit? What is it about it that stirs you inside to say, "This is the direction for me"?

Ms. Luciella Longo: I think what stirs me is all of the skills that I bring, all of the qualifications that I bring—that experience, that background that I have. I think it's clear from my application that I do have an interest in residential tenancies. All of that experience that I bring to the table has always sparked an interest for me, dealing with unique fact scenarios. I have always found it very interesting looking at how the law applies to unique situations, and that's always kept my interest. It's always held my interest.

All of those skills and qualifications that I bring from those positions—I think that's really key to the role and makes me a good fit.

Mr. Chris Glover: Thank you. I appreciate your comments about clear, concise language. I come from a writing background, so I appreciate that that's so important. It's particularly important for people who are not familiar with the law. When they're coming to the Landlord and Tenant Board, often, especially small landlords and tenants are not familiar with the law and legal language, so they need help navigating that.

What barriers have you witnessed in your work for Ontarians when accessing the Landlord and Tenant Board hearings, and how, in your opinion, could they be remedied?

Ms. Luciella Longo: I can't really comment on the tribunal processes or policies, but what I can tell you, from my perspective, are some of the things that I encountered when dealing with individuals. What helps individuals navigate a process—there's often self-represented individuals that appear before the board. What often helps is accessible documents, ensuring that any public-facing documents are accessible; again, clear language, clear communication; clearly written decisions that are clear and concise. Things that also help are setting out the process, how a hearing will evolve over time. Those have all been very helpful to my clients and to clients that I have observed, individuals who have appeared before the board on their own, self-representing themselves.

0920

Mr. Chris Glover: The next question actually dovetails into this one, and I think it applies particularly to self-represented individuals. How would you say your background would, specifically—or your ideas for the board, specifically—help relieve the backlog being experienced at the board?

Ms. Luciella Longo: Well, again, I'm not a member of the board, and I'm not really in a position to comment on the board's processes, although I understand that the tribunal has said that there is a backlog.

I'm sorry. Can you repeat the last part of your question again?

Mr. Chris Glover: Sure. Let's see—

Ms. Luciella Longo: Or the whole question.

Mr. Chris Glover: Yes, sure. How would you say your background would specifically help relieve the backlog being experienced at the board currently?

Ms. Luciella Longo: Again, I'm not a member. I can't really comment on their practices and procedures, but I am

looking forward to bringing my skills of time management and prioritization with me to the board. I'm looking forward to their onboarding process. I'm looking forward to the training that they have to understand better how the board functions, and I'm really looking forward to getting started in bringing those time management skills in to make a contribution to the board.

Mr. Chris Glover: I have a friend who's a family law clerk, and she said one of the challenges is that when people come self-represented—and she was talking particularly about the cuts to legal aid. There were more and more clients coming who were self-represented, and they didn't understand the process. So a lot of the time in the family law courts was taken up just explaining processes to people, like being served with a document doesn't just mean that they walked over and handed the document to someone. So a lot of the times they came in, they were unprepared, and a lot of time in the courts was taken up just helping and trying to guide people who were self-represented. Have you seen something similar at the Landlord and Tenant Board, in your experience?

Ms. Luciella Longo: In my experience, when I'm dealing with clients, I always take it upon myself. I think it's very important, because my clients were never—a lot of them were first-time before the board, and so I always took the opportunity to explain the process to them. I took the opportunity to allow them to ask questions about the process and get comfortable with the process. So I think it is important for those proceeding before the board to have a familiarity with that at all stages, and that is something that I did.

Mr. Chris Glover: Okay. Let's see. You said that you were a lawyer serving landlords and tenants, I assume, for 10 years. What per cent of your clients were landlords and what percentage tenants?

Ms. Luciella Longo: Oh, I couldn't give you a percentage, but I did represent both.

Mr. Chris Glover: Okay. In navigating this, both landlords and tenants, what is needed in order to maintain fairness?

Ms. Luciella Longo: I think to maintain fairness, you have to focus on staying within the confines of the role. The role is about looking at the facts, taking the facts and the evidence before you and interpreting the law and applying that law to that set of facts to render a decision, and that's what will help you to ensure that you're engaging in impartial and fair decision-making.

Mr. Chris Glover: Okay. With clients, did you ever say to your client after hearing their situation, "You know what? This isn't going to fly. There's no point in taking it to the Landlord and Tenant Board"?

Ms. Luciella Longo: I advised my clients. I looked at their case, their matter. I advised them of the strengths and the weaknesses of their case. I think you'd be doing your client a disservice to say, "We're going to win this case." No, I think it is fair and appropriate to set out the strengths and weaknesses of any case.

Mr. Chris Glover: Okay.

I'm going to pass it to my colleague.

The Chair (Mr. Will Bouma): Member Pasma, with just over seven minutes left.

Mr. Chris Glover: And thank you for your responses.

Ms. Chandra Pasma: Thank you very much for being here this morning. I know it's not the most comfortable experience and maybe not what anybody would choose to go through on a Thursday morning, but it's a very important part of the public appointments process so that members of the public have confidence that appointments are being made on the basis of merit and not based on someone's ties to the government. Unfortunately, it's not something that the government allows us to practise all the time, but it's an incredibly important part of the democratic process.

You mentioned that your workload for the Ministry of Municipal Affairs and Housing included a complex mix of policy files, but you didn't list which ones they were. Can you tell us which files you had as part of your assignment?

Ms. Luciella Longo: No. Really, I'm here today to talk about my skills and my qualifications, and I don't really want to get into the day-to-day policy work because I'm not making policy as an adjudicator. In the role, you're not making policy, and so I prefer to stay away from that and stay focused on what skills, qualifications, experience and background I bring to the position.

Ms. Chandra Pasma: But I think it's important for understanding your skills and qualifications to understand which files you were advising the minister on. Did you advise on the Landlord and Tenant Board, on ways of structuring the Landlord and Tenant Board? Did you advise on the rental amount or above-guideline rent increases or the rent freeze of the pandemic?

Ms. Luciella Longo: Again, I prefer to stay away from that. I would like to stick to—I don't think those are relevant to the role and so I don't really feel that it's appropriate to comment on what I worked on in terms of policy. But I can tell you the skills that I gained in that position.

Ms. Chandra Pasma: But if you were advising the minister on things that are related to the Landlord and Tenant Board and the decisions that will be made there, how is that not relevant to people understanding whether or not they will have a fair and impartial hearing before you?

Ms. Luciella Longo: Sorry, it cut out for a second there. Can you say that again?

Ms. Chandra Pasma: Yes. If you were advising the minister on things that are related to the Landlord and Tenant Board and issues that will come before the Landlord and Tenant Board, how is that not relevant for people to understand whether or not they will get a fair and impartial hearing if they come before you as the adjudicator.

Ms. Luciella Longo: Well, because those are two different roles. I have to understand the role of an adjudicator is not to make policy. The role of an adjudicator is to look at the facts. Every situation is unique, right? So take those facts back in, look at the evidence that's presented, look at the law, interpret the law and apply the law to that

unique fact scenario to render a decision. It's not about me bringing in policy. That has nothing to do with the position.

And so, no, it does not affect my ability to render a fair and impartial decision and I'm confident that I'm able to do so.

Ms. Chandra Pasma: Okay. Do you own any rental properties?

Ms. Luciella Longo: I do.

Ms. Chandra Pasma: How many?

Ms. Luciella Longo: I don't know. I think there's about four or five.

Ms. Chandra Pasma: Have you ever applied for an above-guideline rent increase for one of your properties?

Ms. Luciella Longo: You know what? I don't manage my properties. I have a property management company. But no, I don't believe I have.

Ms. Chandra Pasma: Okay. Have any of your tenants been evicted?

Ms. Luciella Longo: I'm not sure why you're going down this line of questioning?

Ms. Chandra Pasma: Well, once again, I think it would be of great interest to somebody who's appearing before the Landlord and Tenant Board, especially as a tenant, as to whether or not they would get a fair and impartial hearing from you. Your own track record as a landlord would be pretty relevant to that tenant.

Ms. Luciella Longo: I would like to point out a couple of things. You're right, I am a landlord, but I was also a tenant for over a decade. Yes, I have rental properties; they are managed by a property management company. But as part of this process, I participated in a very robust conflict-of-interest check with the Tribunals Ontario. Part of that check was disclosing all of my potential conflicts of interest, and I did so voluntarily. Willingly, I divulged all of my potential conflicts. I have an obligation, and it's an ongoing obligation, to disclose any potential conflicts to the associate chair, should they arise, and I take that obligation very seriously. Should a conflict arise, should a matter that comes before me present a conflict, I would obviously immediately report that to the associate chair and recuse myself immediately.

0930

Ms. Chandra Pasma: Okay. One of the complaints about the Landlord and Tenant Board and its backlog, which for some people is over 14 months, is that hearings for landlords are being scheduled well in advance of hearings for tenants. Do you think that's fair?

Ms. Luciella Longo: You know what? I'm not a member of the board, so I can't comment on their policies and procedures. I do look forward to onboarding and learning more about them. I look forward to the training that I will be participating in, and I'm really looking forward to bringing all of my background to the role and advancing the role of an adjudicator.

Ms. Chandra Pasma: Okay. I'm going to conclude with a series of quick, uncomfortable but necessary questions. Have you ever been a member of the Progressive Conservative Party provincially?

Ms. Luciella Longo: No.

Ms. Chandra Pasma: What about the federal Conservative Party?

Ms. Luciella Longo: No.

Ms. Chandra Pasma: Have you ever donated to the Progressive Conservative Party?

Ms. Luciella Longo: No.

Ms. Chandra Pasma: What about the federal Conservative Party?

Ms. Luciella Longo: No.

Ms. Chandra Pasma: Okay. Have you worked on a Conservative election campaign?

Ms. Luciella Longo: No.

Ms. Chandra Pasma: Did anyone ask you to apply for this position?

Ms. Luciella Longo: No.

Ms. Chandra Pasma: And have you ever sat at the Premier's table at a family wedding?

Ms. Luciella Longo: Never.

Ms. Chandra Pasma: Okay. Well, thank you very much for your responses this morning.

The Chair (Mr. Will Bouma): There we go—with 40 seconds left.

Mr. John Fraser: I want to thank you very much for taking the time to appear here today, and I really appreciate your comments with regard to the clarity of decisions, especially for making sure that (a) they don't get appealed, and (b) that there's fairness and people can understand the reasoning behind the decisions that you'll make. So good luck. It's a lot of writing.

Ms. Luciella Longo: Thank you very much.

The Chair (Mr. Will Bouma): Very good. That concludes the testimony, Ms. Longo. Thank you very much for joining us. On behalf of all the members of the committee, thank you for your willingness to serve the people of Ontario in this fashion. Have a lovely day.

Ms. Luciella Longo: Thank you, Mr. Chair, and thank you, committee members.

DR. DAVID JACOBS

Review of intended appointment, selected by official opposition party: David Jacobs, intended appointee as member, University of Toronto Governing Council.

The Chair (Mr. Will Bouma): Committee members, our second intended appointee is David Jacobs, nominated as member of the University of Toronto Governing Council.

Mr. Jacobs, thank you for joining us. You may make your way up. You may make an initial statement at your discretion. Following this, there will be questions from members of the committee. With that questioning, we will start with the government, followed by the official opposition, with 15 minutes allocated to each recognized party. Any time you take in your statement will be deducted from the time allotted to the government.

Again, thank you very much for joining us. I know traffic was interesting today, but I'm glad we could juggle things around. You may go ahead with your statement.

Dr. David Jacobs: I apologize for my tardiness. I was up early, taking care of patients. The last case went a little longer than I thought it would.

Dear members of the committee, my name is Dr. David Jacobs, and I'm pleased to be in front of you today. I'm currently a practising radiologist at Toronto's Humber River Hospital. My clinical work focuses on breast cancer, including mammography, ultrasound, MRI and image-guided breast cancer procedures and biopsies. My clinical duties also include nuclear medicine, ultrasound, MRI and CT interpretation, as well as image-guided interventions.

I am currently president of the Ontario Association of Radiologists. My time in this role has been spent advocating for increased access to advanced imaging, raising awareness for minimally invasive, image-guided procedures, such as vertebroplasty, and lobbying for the reduction of the age of breast cancer screening from age 50 to age 40.

Last year, we were successful in working with the government and Ontario Health in bringing about this important change for the women of Ontario. Through bipartisan meetings, we worked with the Progressive Conservative Party, the NDP and the Liberal Party to raise awareness of this important shift in breast cancer screening. By reducing the age of breast cancer screening, we are now better aligned as a province with the United States, and we have created momentum for the rest of the provinces who had not yet adopted this change. The lives of hundreds of young women will be saved across Canada every year from this initiative.

Another provincial issue that I've been trying to address during my time as president has been the health human resource shortage in the province. In partnership with Sheridan College, I facilitated the placement of hundreds of nursing students at Humber River Hospital for their clinical instruction. In discussion with the Ministry of Colleges and Universities, we were able to find funding for an initiative through Mohawk College to upgrade the skills for existing medical radiation technologists in order for them to become MRI technologists. Currently, I'm working with Sheridan College to develop a new MRT program, which should satisfy all future provincial health human resource needs in the field of diagnostic imaging.

My academic background began in the United States, where I received an honours degree in neuroscience. I then went to medical school at Queen's University. I pursued my degree in radiology at the University of Toronto and did my fellowship on cross-sectional imaging at St. Michael's Hospital.

My research has predominantly been in industry. I was the Canadian lead for the first commercial artificial intelligence product delivered by General Electric in the field of diagnostic imaging. We developed a tool to detect collapsed lungs that is used all across the world today. During the pandemic, I also did clinical research with a Canadian company who was exploring the efficacy of their rapid tests.

I've been an educator for many years, having taught medical students and residents while working in Thunder

Bay in support of the Underserved Area Program. I also teach residents at Humber River Hospital, who come for community rotations from various universities across Ontario.

Having served on the board of the Ontario Association of Radiologists for well over a decade, as well as participating in leadership roles at the Ontario Medical Association, various committees at Health Quality Ontario and Cancer Care Ontario, I'm confident that I will be able to serve the University of Toronto well as a member of the board of governors.

Thank you for your attention.

The Chair (Mr. Will Bouma): Thank you very much for your presentation.

We'll now turn to the government, with just under 11 minutes. Member Martin, go ahead.

Mrs. Robin Martin: Thank you, Dr. Jacobs, for being here today and for, really, all the important work you've already been doing with the OMA, breast cancer screening and the health human resource training you've already engaged in with, I think you said, the MRTs, which are an important part of our health human resource workforce—and nurses—so I really appreciate that.

Ontario is facing increased demand, as we all know, for health human resources, and consequently increased need for relevant medical training. Ontarians are really counting on our post-secondary institutions to focus on training the next generation of health care professionals.

The University of Toronto has a renowned medical school and, like other universities across the province, for the first time in many, many years, has been allotted an increased number of domestic medical seats by this government. Can you advise the committee as to how your extensive experience as a physician, medical doctor, working with all these other committees and educators, can be leveraged to ensure that U of T continues to produce the next generation of world-class medical professionals?

Dr. David Jacobs: The University of Toronto truly does produce some of the best physicians in the world. It is an amazing institution, and when people apply for fellowships in the United States, they're considered to be "golden residents." That's the term they use; these are the best of the best. So we do find that a lot of our trainees from the University of Toronto end up getting placed at Harvard, at Yale, at really fine institutions across the United States and across the world.

So how can we improve on the University of Toronto medical education? It's going to be difficult. But what we do need to do for the University of Toronto in terms of medical education is we need to take this increased capacity that we're seeing, and we need to train them, because as it stands, medical education is stretched.

So what we need to do is basically one thing, which will be immensely helpful for two things. First off, we need to start reaching out to some of our large community hospitals. Now, hospitals like Humber River Hospital—it's a community hospital, but in fact, it is a tertiary care centre, and we have many tertiary care centres which are not directly affiliated with the University of Toronto as

much as we would see Mount Sinai or UHN, who are integral to the University of Toronto system. So what I will do, much like I've done with the nursing and the MRTs—those MRTs will be placed at Humber River. I'm going to leverage all of the resources that I have, and we're going to start training these medical students and the residents that they become in many of the community hospitals. That is going to be a tremendous amount of work to build those systems so that they get adequate training.

0940

That brings us to the other side, which is pragmatic experience. When we look at how you're trained as a medical student and as a resident, much of what we do at the University of Toronto, where I did my residency, is spectacular stuff, but it is not necessarily the most common things that you do. You could spend a month learning about liver transplants and you could spend the rest of your career seeing one or two of them because they're going to be concentrated down at UHN.

One of the reasons why a lot of residents enjoy coming to Humber for their experience is because it's pragmatic. It's practical work. It's what they're actually going to be doing for most of their careers.

I remember back when I was trained at St. Mike's, we had Dr. Dae Chung, and he was Mr. Pragmatic. He would sit you down for a month and he would say, "All right, you've learned what you need to learn for the exams. I'm going to teach you what you need to learn for your career." I think that the more that we do of that—and not just in medical training but for all the fields of study in the University of Toronto. I'd like to see these students come out and be able to go into the workforce, whether it be medicine, law, engineering, English, what have you. They need to have an idea of how to apply what they've learned.

Mrs. Robin Martin: Thank you very much.

The Chair (Mr. Will Bouma): Member Holland, go ahead—six minutes.

Mr. Kevin Holland: Thank you, Dr. Jacobs, for being with us today and, of course, for all your work. It's much appreciated. It's great to see you.

I'm curious to know more about your experience with medical education in the north. You mentioned in your opening remarks about your work in Thunder Bay.

Dr. David Jacobs: Yes.

Mr. Kevin Holland: Thank you for that—which I assume has a connection to NOSM.

We know there are needs across the province for increased doctors, but in rural and northern areas, this need becomes more acute. Can you speak a little bit more about this and how we might be able to get more doctors studying and staying in the north and other underserved communities across Ontario?

Dr. David Jacobs: I started up in Thunder Bay just when the new hospital had opened up. The medical school wasn't even there yet. What we saw with that new hospital is that I saw Thunder Bay, over the 15-plus years that I was there, grow. That infrastructure acted as the base of growth for much of Thunder Bay, and then we saw a

medical school coming in. And then with that medical school, we saw people who are learning and staying.

The real trick to creating a place where people want to work is building a facility where people want to work, where they don't feel like they're in some remote outpost. What you'll get with that is the ability, as we have seen, to educate people there. And when people are educated there, they tend to stay where they've been educated. So when we look at the beautiful facility in Thunder Bay, that has acted as a magnet for talent and it has acted as an anchor for people who want to work there.

It's always going to be tougher to get people to stay and live in the north, and some people do eventually move away, but the more you make it a positive lifestyle choice, the more likely people are going to stay.

Mr. Kevin Holland: Thank you for that. We try to attract people [*inaudible*].

Interjection.

Mr. Kevin Holland: Thank you. I'm good.

The Chair (Mr. Will Bouma): Just under four minutes, member McGregor.

Mr. Graham McGregor: Good morning, Doctor. Thanks for joining us here today. I want to dive in on this idea of bridging the gap between education and career skills. That's something that we often talk about within the post-secondary sector.

As a candidate for the U of T board and somebody who has been through extensive post-secondary education, including, obviously, a stint at U of T, the actual institution you're applying for, could you tell the committee about some of the gaps that you've seen and what steps you believe are necessary to better prepare our young people, or older students, for meaningful careers, but especially students who are going through university today?

Dr. David Jacobs: It's interesting. My father is a professor emeritus. He was a professor at Harvard and at the University of Montreal. My mother is a professor emeritus from Concordia. We used to have this conversation at the dinner table, because I accused them of taking four years out of students' lives and leaving them with no skills, and they said, "That's not the point." They said, "The point is to learn how to learn and to educate yourself," so it was back and forth.

Now, the truth is that we're both right. My wife graduated with an English degree and was rudderless afterward. She went to college for a year in public relations, and then her career took off from there. While that's an interesting way of going about it, really what we need to do is we need to be able to give students, particularly students in the arts, where the next step is not obvious—we need to give them some sort of, if not a pathway, at least options. Whether that be through job fairs—you see that with business schools. They have these job fairs, and everyone comes in and they pick up their next round of executives. We need to be able to do that with the arts. We need to be able to give these arts students some sort of an idea of what careers are there for them. We need to be able to communicate that with the industries that are out there.

So I think that—will we be able to stuff a pragmatic year into an already busy four-year course for undergrads? That's going to be a tough thing to do. Should there be a course available? I would think so. But should there be at least resources available? Absolutely, that should be a bare minimum, where we talk to these students and tell them what they should be focusing on and where we can try to place them once they've done their education.

The Chair (Mr. Will Bouma): Fifty seconds. Member Sarrazin, go ahead.

Mr. Stéphane Sarrazin: I'll do this quick. Thanks for being here. It's really interesting hearing all this. I can tell you're passionate about this. What I'm going to be asking you is—the university's board of governors is responsible for making big decisions like budgets, selecting a president, approving plans for future initiatives. As a potential board member, what would you do to ensure the continued and future success of the University of Toronto and the post-secondary education sector as a whole?

Dr. David Jacobs: The University of Toronto is very much on the right track. The most important thing is to understand their processes, not to derail success and to be a responsible governor, to do your work and make sure that you're dotting your dotting the i's and crossing the t's with these important appointments, because—

The Chair (Mr. Will Bouma): And we'll wrap it up there. Thank you very much.

We will now move on to the opposition side, with 15 minutes. Member Pasma, go ahead.

Ms. Chandra Pasma: Thank you for being here this morning, Dr. Jacobs. I know it's not the most comfortable experience, but it's an important part of the democratic process so that people can understand whether appointments are being made based on merit or based on connections to the government.

You've endorsed Doug Ford twice, in 2018 and 2022. You've endorsed Pierre Poilievre and the Conservative Party federally. You've donated over \$17,000 to the Progressive Conservative Party since 2016. You've praised Sylvia Jones's handling of the health care file and publicly criticized doctors and health care workers who have been critical of the Ford government. You've publicly supported private health care, and you've done media interviews in support of Ford's expansion of privatized health care.

So why should the people of Ontario believe that this appointment is not being given to you as a reward for your service to Doug Ford and the Conservative Party?

Dr. David Jacobs: There's something you left out there, in terms of my donations.

Ms. Chandra Pasma: I don't think a couple hundred dollars to Tom Rakocovic is equal to \$17,000 to the Progressive Conservative Party.

Dr. David Jacobs: You've missed some other donations.

Ms. Chandra Pasma: Anyway, I'm asking you about your service to the Conservative Party.

Dr. David Jacobs: I've donated to the NDP Party, I believe, in 2016. I've donated to Tom a few times. Now, the question is, why do I donate to Tom? Tom is—

Ms. Chandra Pasma: That was not the question. The question was, why should the people of Ontario believe that this appointment is not a reward for your service to the Conservative government?

Dr. David Jacobs: The question—

Mr. Graham McGregor: I think Tom recommended him.

0950

Ms. Chandra Pasma: I'm pretty sure he didn't, actually.

Dr. David Jacobs: The question is basically a question of partisanship. I think that when you look at that—and I think it's really unfair to dismiss the donations that I've given to Tom. The reason why I've given to Tom is because he does such a good—

Ms. Chandra Pasma: I didn't ask why you give to Tom—

Dr. David Jacobs: I'm just going to finish—

Ms. Chandra Pasma: —I asked about your support to the Conservative Party.

Dr. David Jacobs: I'm just going to answer your question.

The Chair (Mr. Will Bouma): Order.

Dr. David Jacobs: I'm just going to answer the question. The reason why I've given to Tom in the past is because he does great service for the community that my hospital, Humber River Hospital, is in, and I'm very supportive of the work that he has done. Similarly, I'm very supportive of the work that Minister Jones has done, and I'm very supportive of what the Ford government is trying to do for health care.

We're in a crisis in health care. It's interesting; I was at a talk the other day, and what was talked about was how we improve the patient experience. What I tried to explain to the people there was that health care workers are drowning. So while we do our best for the patient experience, what we're dealing with is such an overwhelming volume of patients that we're barely able to keep up to provide high-quality care.

For instance, today I was a little late. Why was I a little late? I was late because I was up at my desk at 6 a.m. to deal with the emergency patients that had been—

Ms. Chandra Pasma: I'm sorry to interrupt, but we only have a short amount of time. I didn't ask for your thoughts on the health care system, so I'm going to move on to the next question.

The expectations and attributes of governance and key principles of ethical conduct for the governors of the university, which was adopted by the University of Toronto Governing Council, say that the university's values include academic freedom, collegiality and civil discourse and that this entails respect for others. I'm going to read a portion of that document:

“Every member of the university should be able to work, live, teach and learn in an environment free from discrimination and harassment. Inappropriate language or behaviour which may impair these conditions is not to be tolerated. Respect for the rights and dignity of others regardless of differences must be maintained; demeaning actions or behaviour along sexual, racial, physical, socio-economic or political lines has no place in our university.”

You have publicly tweeted messages calling union leaders “pigs at the trough,” claimed that strikes are held solely to make the government look bad, criticized Unifor and CUPE, which both represent workers at the University of Toronto, and attacked student unions on Twitter. Do you think that demonstrates respect for the rights and dignity of members of the university community who do not share your political values?

Dr. David Jacobs: On October 7—just for the record, I'm Jewish. I have family in Israel. On October 7, Hamas terrorists—a recognized terrorist organization—went through southern Israel. They killed over 1,200 people. They raped a number of women. They mowed down people at a music festival. They killed babies. They burned people alive. They burned whole families. It was an absolute massacre.

Less than 24 hours later, I believe, CUPE—I believe it was the president—said something along the lines of, “Long live the resistance,” or something to that effect—abhorrent. I will not apologize for calling people out who celebrate the massacre of innocent civilians. It's not going to happen—

Ms. Chandra Pasma: Everybody at the Legislature has condemned the actions of Hamas. But your tweets about union leaders, about members of the university community and about student unions date back to 2018. This is a pattern that you have repeatedly demonstrated that is not just about one political event.

I have had multiple people from the university community reach out to me this week to express their concerns about your appointment because they say you've doxxed them or attacked them on social media and that this has led to rape threats and death threats. All of them were too scared to have their name and story on the record because they believe they will be attacked again if they go public.

Do you think that demonstrates respect for the rights and dignity of others, and will you commit to putting a stop to these kinds of attacks when and where you are aware of them if you are appointed to this role?

Dr. David Jacobs: Certainly, I've not heard of what you're alleging, and what you are alleging is obviously concerning. It's difficult to address very serious allegations when it's just that, an allegation. I maintain respect for everyone. You can see right here I show a great deal of concern for women's health, for women's issues, and I will continue to do that. You can expect that I will comport myself at the board level as I comport myself here. I don't think that I can really answer allegations like that, but you can expect a similar comportment.

Ms. Chandra Pasma: On social media you said, “The progressives are dug in deep at Canadian universities. The professors are protected by their fortifications of tenure and unions. It will not be easy to undo generations of erosion of freedom of thought and expression.”

The University of Toronto's policy regarding tenure says, “Tenure provides a necessary safeguard for free enquiry and discussion, the exercise of critical capacities, honest judgment and independent criticism of matters both outside and within the university.”

The University of Toronto's collective agreement with faculty says that both the university and the union agree to abide by the principles of academic freedom as expressed in the following statement: "Academic freedom is the freedom to examine, question, teach and learn, and it involves the right to investigate, speculate and comment without reference to prescribed doctrine." It also clarifies that, "Academic freedom does not require neutrality on the part of the individual nor does it preclude commitment on the part of the individual. Rather, academic freedom makes such commitment possible."

Would you like to retract your social media statement, and acknowledge that progressives have a right to be at universities, and that tenure and unions are not some kind of fortification against freedom of thought and expression, but are, in fact, important institutional safeguards of freedom of thought and expression?

Dr. David Jacobs: Well, I'm going to object to the premise of your question. I think that you're—

Ms. Chandra Pasma: It's your tweet.

Dr. David Jacobs: No, my tweet—I stand by my tweet 100%. I stand by my statement. But I can't agree with how you've characterized what I've said. Of course you have to have a plurality of voices at any given table, but that has to be balanced by freedom of speech on both sides of the table. Just as you are demanding that I retract my statement, I say that's exactly what I'm talking about. You have to be able to have both sides of the argument valued and heard, and I think we always have to look at that balance.

Ms. Chandra Pasma: The governing council of U of T advises on and approves compensation policies at the University of Toronto, and in fact, collective agreements are signed between the governing council and the local union. Given your repeated disparaging remarks about unions, including unions that are present at the university, and the fact that you called Andrea Horwath "a stooge" in 2018 when she said she wouldn't use back-to-work legislation to end strikes like the one at York University, do you think workers can believe you will approach your role fairly and with an open mind? And will you publicly state today, on the record, that you support free and fair collective bargaining?

Dr. David Jacobs: I do support free and fair collective bargaining. I think that unions have an important role to play, again, as a counterbalance. What I don't approve of is when unions use the students as bargaining chips. You can look through all of my tweets, and you'll see me talking about that with regard to high school, grade school. We have to protect the students. The role of the board is not just to protect the institution, but it's to protect their charges, and I see the greatest charge of the university is the students themselves.

Ms. Chandra Pasma: The right to strike is a charter-protected right in Canada, and I hope that's one you will abide by and respect if you are given this appointment today.

I'm going to turn the rest of my time over to MPP Glover.

The Chair (Mr. Will Bouma): With just under four minutes, member Glover, go ahead.

Mr. Chris Glover: Thank you for being here today. The University of Toronto statement of institutional purpose says, "Within the unique university context, the most crucial of all human rights are the rights of freedom of speech, academic freedom and freedom of research. And we affirm that these rights are meaningless unless they entail the right to raise deeply disturbing questions and provocative challenges to the cherished beliefs of society at large and of the university itself."

Do you acknowledge that professors, students and staff are allowed to have these views that you yourself disagree with, even if you vehemently disagree with them?

1000

Dr. David Jacobs: There is freedom of speech, which I deeply respect, but there are also hate laws. And when we cross over from provocative speech to hate, that has to be addressed. I think that's simply a matter of law.

Universities are protected spaces, in a way. We're dealing with younger minds who are often very passionate, and we have to appreciate that, and we have to deal with them as such. There does come a point where we do have to say, "I'm sorry, but that has crossed over." That applies to the student body. That applies to the professors.

We do have a responsibility for free thought, free speech, but we also have a responsibility to teach that there are limits, as outlined in law. And so I wouldn't go so far as to say, "Oh, I'm going to define what is or is not hate speech," but we do have to recognize that there are laws that deal with that and there are boundaries set in Canada.

Mr. Chris Glover: My next question is about a response on Twitter that you made to Anthony Housefather. He wrote, "Today we hear the notwithstanding clause may be used to override labour rights, earlier this year it was language rights. If neither of these issues matters to you, remember tomorrow it will be your rights! We need to stand against this clause being used in all instances." And you wrote back, "I put the rights of children ahead of the rights of labour unions. I think most Canadians would agree."

Bill 28, which this exchange was about—with Bill 28, the government used the "notwithstanding" clause to override the fundamental freedoms and legal rights under the Charter of Rights and Freedoms of the CUPE workers there. Included in that, in section 2, which was specifically overridden by this bill, is the freedom of speech, freedom of association, freedom of religion, freedom of the press. All of those freedoms were overridden by this bill. This bill also overrode the Human Rights Code and protections under the Human Rights Code: 60% of the workers impacted by this are women and many of them—disproportionately—are racialized.

So this bill—and I asked lawyers about it, and they thought that the purpose of this was that the government was trying to strip those workers of rights to not be discriminated against by this government.

So you stand by your tweet and yet your response—

The Chair (Mr. Will Bouma): In 30 seconds.

Dr. David Jacobs: Yes, so again, when you're talking about—you're talking about something where I've said I put the rights of children over the rights of unions. Yes, I put

the rights of children over the rights of unions. I support students' rights to go to school; that's what I support—

Mr. Chris Glover: But workers have freedom of speech and freedom of association. They're charter rights.

Dr. David Jacobs: Now listen, I've been very patient, and you're going to have to actually let me answer the questions now. What I am going to object to is all the riders that you're putting on—

The Chair (Mr. Will Bouma): I am very sorry, but that concludes the time available.

Dr. Jacobs, thank you very much for joining us today. Now, I don't know exactly when it's going to happen, but my understanding is that this building will get shut down at some point after the next election, so if you haven't been in a while, have a good look around while you're here. Thank you very much for joining us today and thank you for your willingness to serve the people of Ontario at the University of Toronto.

Moving on, colleagues, we will now consider the intended appointment and we will start with David Jacobs, nominated as member of the University of Toronto governing council. We have a motion from member Holland.

Mr. Kevin Holland: I move concurrence in the intended appointment of David Jacobs, nominated as member of the University of Toronto governing council.

The Chair (Mr. Will Bouma): Is there any discussion on that motion? Seeing none, are members ready to vote?

Ms. Chandra Pasma: Recorded vote, Chair.

Ayes

Hardeman, Holland, Martin, McGregor, Sandhu, Sarrazin.

Nays

Glover, Pasma.

The Chair (Mr. Will Bouma): That motion is carried. Thank you very much.

We will now consider the intended appointment of Luciella—

Interjection.

Mr. John Fraser: No.

Mrs. Robin Martin: No? Okay.

The Chair (Mr. Will Bouma): Good question.

We will now consider the intended appointment of Luciella Longo, nominated as member of the Landlord and Tenant Board. Do I have a motion from member Holland?

Mr. Kevin Holland: I move concurrence in the intended appointment of Luciella Longo, nominated as member of the Landlord and Tenant Board.

The Chair (Mr. Will Bouma): Concurrence in the appointment has been moved by member Holland. Is there any discussion on the motion? Seeing none, are members ready to vote?

Ms. Chandra Pasma: Recorded vote, Chair.

Ayes

Fraser, Hardeman, Holland, Martin, McGregor, Sandhu, Sarrazin.

Nays

Glover, Pasma.

The Chair (Mr. Will Bouma): Thank you very much. That concludes our business for today—

Interjection.

The Chair (Mr. Will Bouma): The motion is carried. Sorry, I forgot that.

That concludes our committee business for today. Thank you, colleagues.

The committee adjourned at 1005.

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