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

**Tuesday 10 May 2011**

## **Journal des débats (Hansard)**

**Mardi 10 mai 2011**

**Standing Committee on  
Government Agencies**

Intended appointments

**Comité permanent des  
organismes gouvernementaux**

Nominations prévues

Chair: Ernie Hardeman  
Clerk: Katch Koch

Président : Ernie Hardeman  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIES

Tuesday 10 May 2011

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Mardi 10 mai 2011

*The committee met at 0902 in committee room 1.*

## SUBCOMMITTEE REPORTS

**The Chair (Mr. Ernie Hardeman):** I call the committee to order, and we welcome everyone here this morning for the May 10 Standing Committee on Government Agencies meeting. First of all, I thank committee members for being here.

We do have two items of business before we start with the interviews. The first is the subcommittee report of Thursday, April 14. Do we have a motion to accept the subcommittee report of Thursday, April 14?

**Mr. Bruce Crozier:** So moved.

**The Chair (Mr. Ernie Hardeman):** You've heard the motion. Any discussion? If not, all those in favour? Opposed? The motion is carried.

We also have a subcommittee report of Thursday, April 21, 2011. Do we have a motion to deal with the subcommittee report of April 21, 2011?

**Mr. Bruce Crozier:** So moved.

**The Chair (Mr. Ernie Hardeman):** We have moved acceptance of the report. Any discussion on the report? If not, all those in favour? Opposed? The motion is carried.

## INTENDED APPOINTMENTS

## MS. LYNDA TANAKA

Review of intended appointment, selected by official opposition party: Lynda Tanaka, intended appointee as executive chair, Environment and Land Tribunals Ontario, and member, Assessment Review Board, Board of Negotiation, Conservation Review Board, Environmental Review Tribunal, Ontario Municipal Board.

**The Chair (Mr. Ernie Hardeman):** We'll then move on to the interview portion. We have Ms. Lynda Tanaka. She is being recommended as executive chair of Environment and Land Tribunals Ontario, and as a member of the Assessment Review Board, the Board of Negotiation, the Conservation Review Board, the Environmental Review Tribunal and the Ontario Municipal Board.

Thank you very much for coming forward. We have half an hour for the interview this morning, and we'll start off by providing you with a few moments to make your presentation. Members of the committee, in caucuses, will each have 10 minutes to ask questions of yourself and the presentation that you make. We will

start the questions with the government side this morning.

With that, thank you very much for being here, and the floor is yours to make your presentation.

**Ms. Lynda Tanaka:** Thank you, Mr. Chair. I thank you for this opportunity to set out for you my background and qualifications for the position of executive chair of the Environment and Land Tribunals Ontario.

I practised law for 30 years, predominantly in the municipal, public infrastructure, and administrative law fields, appearing before the Ontario Municipal Board, the Board of Negotiation, the predecessors to the ERT and joint boards under the Consolidated Hearings Act, as well as the courts. I frequently had cases involving the Niagara Escarpment Planning and Development Act and environmental assessment and impact were frequently factors in my cases.

As my career progressed, I was invited to speak at training sessions for the Ontario Municipal Board, for the Assessment Review Board, as well as at conferences for the Ontario Bar Association, the Law Society and other organizations, including the expropriation associations of British Columbia, Alberta and in Ontario.

In 2003, I was appointed part-time chair of the Ontario Racing Commission by Premier Eves. Minister Hudak was the minister responsible for the commission at that time. I became engaged in the development of modern governance tools in the context of agencies, boards and commissions. In 2005, I left the practice of law and expanded, through self study and coursework, my knowledge of modern developments in alternative dispute resolution, strategic planning and governance.

In 2007, with the ill health of my predecessor, the late Carl Dombek, I was appointed acting chair of the Licence Appeal Tribunal. This is an adjudicative tribunal that hears consumer claims and appeals from business regulation. I began a process of progressive change of that tribunal to modernize it, and I'll give you two examples: better information in plain language for self-represented litigants—probably 90% of our cases are self-represented litigants; revisions to the rules of practice to support a more robust pre-hearing process that would enhance the opportunities to settle, and if not settlement then narrow the issues so you have shorter hearings, lower cost for everyone.

The revisions to the LAT pre-hearing process are based on the models of the Board of Negotiation, medi-

ation and the Ontario Municipal Board pre-hearing. They're two very different processes, but I thought there were characteristics in both of them that I could pull out and put together to make a more robust process for LAT.

The plain language initiative was born of a contrast I saw between the Ontario Municipal Board website and its materials available to citizens, and what was available at LAT.

I've served as a chair of an adjudicative tribunal now for four years. I developed a vision of what LAT could be and I've worked to implement it. I value the sharing of experiences and information with others in the tribunal community. I sit on the board of directors of the Society of Ontario Adjudicators and Regulators. If you don't know about SOAR, it's an organization that provides educational events to members of the tribunal community so that we can share ideas and we can learn from each other. I've sat on the organizing committee of COBA, which is the Conference of Ontario Boards and Agencies, an annual one-day event which brings together people from all over Ontario. There were over 300 attendees from the tribunal community. We bring in speakers and we learn from each other and from them. We're building skills and we're building knowledge.

With reference to ELTO's potential as a cluster of five tribunals, I recognize the considerable body of work done by my predecessor. Just as I, in another tribunal, was able to draw on the elements of two of the cluster tribunals' processes, put them together and create something better for the specific situation of my tribunal, I believe there's potential for enhancing the access to justice in the cluster tribunals.

The job position ad for the ELTO Executive Chair called for someone to direct and improve service delivery amongst the clustered tribunals. With the support of the executive chairs, the appointees, the administration, the ministry and the stakeholders, I believe I can achieve improvements at ELTO.

**The Chair (Mr. Ernie Hardeman):** Thank you very much for your presentation. We'll now start with the questions. The government side, Mr. Crozier.

**Mr. Bruce Crozier:** Thank you, Ms. Tanaka, for your appearance here this morning and for your apparent continued desire to serve the province of Ontario. Frankly, I'm a bit humbled to even be put in the position where I need ask you any questions. I've been on government agencies over the 17 years I've been here, probably one of the longest committees that I've served on, although not recently. One of the main objectives of the government agencies committee's review of appointees is to see that we get qualified people. Quite frankly, you're one of the most qualified that I've seen put forward for any position over those 17 years. I simply want to thank you for continuing your desire for public service.

0910

**Ms. Lynda Tanaka:** Thank you, sir.

**The Chair (Mr. Ernie Hardeman):** Anything further from the government side? If not, Mr. Wilson?

**Mr. Jim Wilson:** I'd like to echo what Mr. Crozier has said. You are very well qualified, and I noticed it was a Conservative government that originally recognized your talents.

*Interjection.*

**Mr. Jim Wilson:** Although, where's Ernie today?

**Ms. Lynda Tanaka:** Actually, it was Premier Rae who first appointed me to the vice-chair of the racing commission. So I'll just correct that because I didn't refer to that period. It was 1995, and Premier Rae appointed me. I always hoped it was entirely on merit.

**Mr. Jim Wilson:** Well, where's he today? You've got us all over—

**The Chair (Mr. Ernie Hardeman):** Do you have any further questions, Mr. Wilson?

**Mr. Jim Wilson:** I'm just warming up. This is a one-woman act over here.

You didn't have any political affiliations during that time, eh?

**Ms. Lynda Tanaka:** No, no.

**Mr. Jim Wilson:** All right. Well, that's just for the record there.

What's your impression of how things are going at ELTO, given that it's fairly new?

**Ms. Lynda Tanaka:** Well, my impression, coming from a very small tribunal—there are only 10 employees at LAT; it's very small—is that you can see some advantages for the clustering of smaller tribunals with larger ones in the website. The Board of Negotiation and the Conservation Review Board are very small tribunals, and they have a terrific website. LAT is going to have a better website by the time we get through this spring, but I know from being a small tribunal how difficult it is. So I think you can already see that. That's the visible part.

On the invisible part, as someone who has been head of an organization, I have an administration that is responsible for personnel and making sure we have good people. As a young person—and I try to maintain a perspective as a young person—a larger organization offers you opportunities for advancement and collegiality, people to learn from and connect with. So I think that on the human resources side, for our OPSers there are advantages in having a small tribunal with its specialization that it must protect, but in terms of attracting good people to work in your organization, I think it's an advantage. You won't see that, but it'll make life a lot easier everywhere if you can attract good people to the positions in your organization.

**Mr. Jim Wilson:** From the public's point of view, do you think they appreciate—I mean, it's all these different boards that have come together to form the cluster. Do you know of any negative comments out there or negative experiences? I'm just curious as a legislator.

**Ms. Lynda Tanaka:** Well, I think that people who are engaged as stakeholders or representatives, the legal community or planning community have to advise people. I sense from some of the things that I've been told that they're still waiting to see delivery on what they thought was real potential. Whenever you bring things

together, there's always the risk that you will lose some of the advantages of the smallness. What I've heard is that people are still waiting. They haven't made judgments that I've heard, but I've been pretty busy at LAT, so I haven't really gotten into it. I can see advantages to the clustering. As I said, I value the sharing of ideas. I understand the siloing of the tribunals and how important it is to bring them together as much as you can, but I haven't engaged in the stakeholder conversation at all. I didn't think it was my place, and as I said, I've been a little busy at LAT.

**Mr. Jim Wilson:** Okay. Well, good luck. Thank you very much.

**The Chair (Mr. Ernie Hardeman):** Mr. Hampton?

**Mr. Howard Hampton:** I don't have any questions. I congratulate you on your courage for wanting to take on all of this and hope that it all works well.

**Ms. Lynda Tanaka:** Thank you.

**The Chair (Mr. Ernie Hardeman):** We do have one further question from the government side.

**Hon. Aileen Carroll, P.C.:** I don't have any questions, Chair, but only to echo the comments that have been heard around the table. Ms. Tanaka, it is a great pleasure to have people such as yourself be involved in public policy at whatever level and in whatever capacity. It's wonderful to see your willingness to do so or to continue doing so.

Just one item when you were talking about the clustering of some of our tribunals: Having had a different position here with the Ontario government, I encountered the difficulties of the Conservation Review Board and its capacity to apply their lens to the OMB decisions. I think we do need to learn to knit our tribunals better, so I'm

glad to hear you comment on being cognizant of the issue. While it may be more problematic in those two tribunals, that is to say with the OMB and the conservation review—more so, perhaps, than the environmental—it still is an area where I think we need to see more reflection of whole of government in our tribunals, in the work that they undertake and the decisions they render.

Anyway, congratulations.

**Ms. Lynda Tanaka:** Thank you. Well, I'll keep an eye on that important issue. I was aware that that's an issue, but I will—it's now reaffirmed in my mind.

**Hon. Aileen Carroll, P.C.:** Yes, that's good. Thank you.

**The Chair (Mr. Ernie Hardeman):** Very good. We thank you very much for coming forward, putting your name forward to carry on serving the people of Ontario. We do wish you well in your future endeavours. We will be dealing with this appointment as we speak, so we do wish you well. Thank you for coming in and taking the time.

**Ms. Lynda Tanaka:** Thank you, Mr. Chair.

**The Chair (Mr. Ernie Hardeman):** That concludes our interviews this morning. We will now deal with the concurrences for the interviews. Do we have a motion to deal with the concurrence?

**Mr. Bruce Crozier:** I would move concurrence.

**The Chair (Mr. Ernie Hardeman):** We have a motion to concur. You've heard the motion. Any discussion? Hearing none, all those in favour? Opposed? Motion's carried.

That concludes the business of this morning's meeting. Again, we thank you very much for coming in, and we adjourn the meeting.

*The committee adjourned at 0917.*





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