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**Official Report
of Debates
(Hansard)**

Tuesday 1 October 2013

**Journal
des débats
(Hansard)**

Mardi 1^{er} octobre 2013

**Standing Committee on
Government Agencies**

Intended appointments

**Comité permanent des
organismes gouvernementaux**

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Tuesday 1 October 2013

Mardi 1^{er} octobre 2013

The committee met at 0902 in committee room 1.

SUBCOMMITTEE REPORT

The Chair (Mr. Lorenzo Berardinetti): Good morning, everybody. This is the Standing Committee on Government Agencies. The first item on the agenda is the report of the subcommittee on committee business dated Thursday, September 26, 2013. Do I have a motion? Mr. McDonnell.

Mr. Jim McDonnell: I move the adoption of the subcommittee report on the intended appointees dated September 26, 2013.

The Chair (Mr. Lorenzo Berardinetti): Any discussion on the subcommittee report? All those in favour? Opposed? That carries.

INTENDED APPOINTMENTS

MS. JEAN BUIE

Review of intended appointment, selected by official opposition party: Jean Buie, intended appointee as member, Social Benefits Tribunal.

The Chair (Mr. Lorenzo Berardinetti): We have three appointments to review today. Our first intended appointee is Jean Buie, nominated as member, Social Benefits Tribunal. Please come forward and take a seat at the table. Welcome to committee.

Ms. Jean Buie: Good morning.

The Chair (Mr. Lorenzo Berardinetti): Thank you very much for being here. You may begin with a brief statement, if you wish. Members of each party will then have 10 minutes each to ask questions. Any time used for your statement will be deducted from the government's time for questions. You can go up to 10 minutes or finish earlier, and then we rotate and ask questions.

Ms. Jean Buie: Thank you very much. I will be very brief so that I can allow people to ask questions. I respond better to direct questions than I do to an opening statement situation.

As you know, my name is Jean Buie. You have my CV or my application before you. What I will do is highlight for you my experience and my background.

I have a bachelor's degree from the University of Toronto in criminology and women's studies. My law degree is from Dalhousie; Halifax is a great city to go to law school in.

Since being called to the bar, my focus has been on what I would consider to be social justice advocacy. I articulated in a legal aid clinic situation at the Centre for Spanish Speaking Peoples, where my practice focused on immigration and refugee law as well as income security issues, and where I gave legal advice to the clinical legal workers who were assisting people in that situation.

After my articles, I worked for Suzan Fraser in a very small firm—it was just the two of us—which is where I was introduced to mental health law. By mental health law, I mean any area of law where mental health may have been an issue and cross-sected. I had some family law experience, some criminal law experience—Ontario Review Board, Consent and Capacity Board, Human Rights Tribunal, Criminal Injuries Compensation Board. I'm sure there are others, but those are the things that are coming to mind at this point in time.

I then went in-house to the Centre for Addiction and Mental Health, where I could continue my focus on mental health law. I was in-house counsel there, primarily as a litigator, though I did give some summary advice with respect to issues around capacity or risk management of patients who were there under the Ontario Review Board. As in-house counsel, I conducted approximately 300 hearings a year, as well as between five and 10 appearances before the Court of Appeal, so I have extensive experience appearing before tribunals. Tribunals have always been my focus.

There is a reason why I choose tribunals and the Court of Appeal as my venue. In my view, tribunals are the place where most Canadians will come into contact with justice. It's where they will have most of their very important issues resolved. It's very important, in my view, that a tribunal be an expert tribunal, that it have knowledge with respect to the issues before them and that it be a very open and fair process for those coming before them. Many people before tribunals are unrepresented, and it takes a particular skill level as an adjudicator or as counsel on the other side to deal with a situation where there is an unrepresented accused or an unrepresented applicant.

My skill set in working as in-house counsel as well as working with those who have a mental health issue or have been told they have a mental health issue and they don't necessarily agree—there's a certain level of empathy. There's a certain ability to deal with situations and keep them calm. People with mental health issues or

disabled people find themselves in situations that are very emotional, and it's very important in those situations to be able to keep your head about it and still make the process as fair as possible for either party.

What my CV does not highlight is my volunteer experience and my personal background. During university, part of the course load was a requirement to do volunteer work, keep a journal and write a paper. I volunteered at Sistering. At that time it was located in the Scadding Court Community Centre. Sistering is a community organization that specializes in services for marginalized women, many of whom are homeless or disabled. The most common denominator is often a mental illness or disability of some sort for those women. My volunteer time there led me very quickly to believe that it was not very far from my own reality and that I could end up as a client rather than a volunteer there. It takes only a few wrong turns or unfortunate events for that to happen to many people.

After that, I also volunteered as a board member at Central Neighbourhood House. Central Neighbourhood House is one of the oldest community centres in Toronto—I think it dates back to the early 1900s; it could be the late 1800s—where they specialized in assisting new immigrants and marginalized people, even at that time, in adjusting to the community and finding supports. It specializes in the Cabbagetown area as well as the Blecker Street housing project area, which will get me into my personal reason for why I choose to practise law the way I do and why I'm looking at this particular tribunal.

Central Neighbourhood House was an agency that I came into contact with as a child. I lived in social housing in the Blecker Street area until I was about nine years old. I think that had a huge impact on forming who I am as a person as well as why I choose to advocate for those who are on the margins of society.

Interestingly enough, I also ended up there as a single mother for the first three years of my daughter's life, in the same building that I lived in when I was nine. What I discovered very quickly was that many of the friends I had at nine also still lived there. It is very easy to get stuck in a situation where you are in social housing or on social assistance.

Since then, there have been a number of changes with respect to the legislation—the difference between Ontario Works and ODSP; for example, the hand-up rather than the handout, which I think has made some inroads with respect to moving people forward and out of the system.

0910

I think our social safety net is an extremely important part of our particular society. It is something that needs to be dealt with very carefully. It's something that helps people move forward, although it can also be something that entraps people if it's not managed in the correct way or if people aren't given the supports that they need in order to move forward.

In my view, the Social Benefits Tribunal is one of those agencies that is very important in making decisions,

in particular because the difference between income in Ontario Works or ODSP—although it might seem insignificant to us, a few hundred dollars a month is not insignificant to people who are in that situation. It is a very significant difference, the difference between using a food bank every week, for example, or not having to use a food bank.

When I was looking at the opportunity to apply to a board for a tribunal, I went to the website and the Social Benefits Tribunal caught my eye, in particular because of my background, because I think I bring a depth of understanding that is both personal as well as professional. That's why I'm looking for this appointment.

Thank you.

The Chair (Mr. Lorenzo Berardinetti): Thank you. We'll begin with questions from the government side. Are there any questions?

Mrs. Laura Albanese: Thank you very much, first of all, for being here today and appearing before the committee. You have an impressive presentation and CV. I think you made the case as to why you have applied.

As a lawyer, you mentioned you have appeared before the Social Benefits Tribunal in the past. I wonder if you could just elaborate for us what you did learn by appearing before the tribunal and what you think you could bring to this role by having been on the other side, so to speak.

Ms. Jean Buie: Thank you. I haven't actually appeared before the Social Benefits Tribunal. I assisted clinic legal workers whose responsibility was to do so. I did the legal research and assisted them with respect to the legal tests. So I don't have any experience appearing before this particular tribunal.

What I do have is extensive experience appearing before other tribunals: the Ontario Review Board, the Consent and Capacity Board, the Human Rights Tribunal, and the Criminal Injuries Compensation Board.

I have very extensive experience in fundamental justice, law, and in procedure. I understand that it is a more informal process, for a very specific reason, than it is for courts. I think it's very important that people realize that it is more informal in order to address those who come unrepresented. My experience with unrepresented persons before the board—I think that brings quite a bit as an adjudicator, to be able to assist without going outside your role as an impartial adjudicator.

Mrs. Laura Albanese: I just have one more question: How did you hear about this position? I think you mentioned in your presentation that you just went to the website.

Ms. Jean Buie: That's correct. I was specifically looking. I have many friends—well, I have many colleagues now, after appearing before the Ontario Review Board and the CCB, who are adjudicators, and we discussed where next I wanted to go with my career. It was time for a change; it was time to have a new challenge. I specifically looked at the website to see what appointments were available and what would interest me.

Mrs. Laura Albanese: And I believe—

The Chair (Mr. Lorenzo Berardinetti): Thank you. That concludes the 10 minutes. Sorry.

Mrs. Laura Albanese: Oh, that concludes the 10 minutes. Okay.

The Chair (Mr. Lorenzo Berardinetti): We'll move now to the Conservative Party.

Mr. Jim McDonell: Thank you for appearing today.

Ms. Jean Buie: Good morning.

Mr. Jim McDonell: Your resumé is impressive, especially considering the challenges you've overcome.

Ms. Jean Buie: Thank you.

Mr. Jim McDonell: I know the tribunal has a record of turning over about 50% of the decisions, which obviously adds a lot to the workload. Do you see any way of getting that information down the line to try to stop these appeals and stop the disruption of people's lives—if they truly should be granted in any way?

Ms. Jean Buie: Thank you. I'm not clear as to why so many appeals are granted. I believe it's a 50% rate. I'm not sure. I think I've read that there's a possibility that it's a definitional difference. People are applying the legal tests differently.

In my view, intelligent people can certainly come to different conclusions and differing conclusions, and the tribunal itself has been overturned as well by the court. But one of the clearest ways to assist with that is ensuring that your reasons for decision set out what the legal test is and why this person meets the test, in your view. If people at the director level are reviewing what the legal test is, that's the easiest way and probably the only way, as a member, that I could assist in that.

What I would also want to point out is that my understanding is that the director level has a limited amount of information they're relying on—the reports more than anything else, medical reports. At the tribunal, there is a certain advantage, because you do have the person before you. They are sworn and giving testimony and you can assess the person's credibility as well as their cumulative deficits and look at it in a different way. So it may not be that there's any error, but rather, more information is before the tribunal.

Mr. Jim McDonell: You've had quite a bit of experience over your lifetime living in social housing and going back. Do you see an answer, or something that we're not doing that would be a solution?

Ms. Jean Buie: That's a very, very complex issue. In my view, part of what entraps people is that the housing is not mixed housing. You have a situation where people are all living together in the same circumstances. I think if there's mixed housing, your context, the people you come in contact with, the people your children come into contact with and the resources are far more available than when you are simply in, for example, Bleecker Street. I think what got me out was the fact that, at one point, my parents made a decision to move out. That was really what kept me from staying there.

I'm not sure that it is just a matter of wishful thinking or drive. I think it is very difficult, when you are in a situ-

ation with people all around you in the same situation, to see anything different.

Mr. Jim McDonell: I suppose it's as much something where you become comfortable in that situation, and your surroundings are comfortable, so to step out is always a challenge. Maybe that's a real issue.

Ms. Jean Buie: And self-esteem—I think there's such a stigma in living in social housing that it's very hard to get past the idea that you deserve more or that you can accomplish more.

Mr. Randy Pettapiece: I've been sitting here listening to you for the past few moments. I'm very impressed by what you've done in your life and how you've accomplished it.

The average appeal processing time is about nine months, and that's very difficult for someone who is waiting for a decision to be made, whether they're on fixed income or a person with no income. Do you have an opinion as to why this is taking so long? Is it a matter of more staff or simplifying forms? Do you have an opinion on that?

Ms. Jean Buie: I'm not in it at this point in time, so it's hard for me to judge what the delay is about, if it's in fact a delay. Nine months—there is no mandate. The advantage of the Consent and Capacity Board is that once you put in an appeal, your matter has to be heard within seven days, so the delay doesn't happen in the same way with certain boards. I suppose there's a way to legislate something similar in this situation.

There have been ways where they're trying to address it through alternative dispute resolution. I think that's a huge step. Most people don't feel it necessary to go through a full hearing, so long as they feel they've been heard and their matter has been looked at. If it can be looked at in the way of alternative dispute, that might be an alternative.

Mr. Randy Pettapiece: Thank you.

Ms. Lisa M. Thompson: I have a question. The salary is quite considerable for the position we're considering you for today. The first question: Do you have any other income to supplement that, or will this be your sole source of income?

Ms. Jean Buie: This would be my sole source of income, unless we're counting my husband, and I try not to.

Ms. Lisa M. Thompson: Okay. That's kind of funny. That begs another question, but we'll just park that for now. I, too, am very impressed by your drive. You're an inspiration.

0920

Just yesterday, we had some news break, and I'm curious to have your opinion on it. We heard of some total disregard of well-paying appointees with regard to the expenses some folks are associated with, with regard to the Pan Am Games—shipping their dog from Vancouver back to Toronto, parking tickets underneath two dollars. Given your background, how do you feel when you hear things like that, and what can we be doing dif-

ferently in terms of oversight to put a stop to this nonsense?

Ms. Jean Buie: I'm not sure what we could do. It seems to be pandemic if you're looking at the news. I can say for myself that I don't have a dog, so that expense won't be an issue.

Ms. Lisa M. Thompson: I like your sense of humour.

But you don't think of, you know, "Man, those dollars could be used so well in other areas of society in Ontario"? What goes through your mind when you hear the waste like that?

Ms. Jean Buie: I think everyone feels that way. I don't think it would be newsworthy if it wasn't true that everyone feels that it is inappropriate for certain things to be looked at expense-wise. This has been quite a hot-button issue over the last three years for many people. What the solution is? I think good government and good governance, and watchdogging it, is always the solution.

Ms. Lisa M. Thompson: Okay, I appreciate that. Thank you.

The Chair (Mr. Lorenzo Berardinetti): Thank you. We'll move on to the NDP. Ms. Taylor.

Miss Monique Taylor: Thank you. Good morning and thank you so much for being here with us today. My question is around the mental health sector and the challenges that most people—I've seen people come into my office who don't have mental health issues and they have a hard time figuring out the paperwork and things like that. So when we have people with mental health issues who are coming before a board without representation, what do you feel their biggest challenges are, and how do you think we can make a difference for that?

Ms. Jean Buie: There is the income security legal clinic that can assist people with even paperwork and these appeals, and there are websites. The problem is that there is a certain level of expectation that people will be able to even manoeuvre their way around that part of the system. Many people cannot.

My experience at CAMH was that there were a number of staff who filled out the forms for patients and assisted them with their application process. I think it's very important that there be something or someone available who can assist with that.

As a member of the board, my view is that I have to be open and understanding that this is a challenge for people. So merely the fact that the paperwork is incomplete in a certain way—I think a certain amount of accommodation has to take place.

Miss Monique Taylor: Good. What about people with addictions? Do you feel that they should be eligible for ODSP benefits?

Ms. Jean Buie: There was the case recently that did decide yes, and I do not disagree with that law, with that decision. Addictions often are concurrent with mental illness. They are very rarely a stand-alone issue for a person. I think it's a case-by-case analysis, and you have to look at how that addiction is impacting someone.

Miss Monique Taylor: Right. Thank you.

Rates for single adults on Ontario Works have fallen by 56% since 1993 in real terms. What is your feeling about the adequacy of Ontario Works rates, and how do you think they should be determined? Do you have a thought on that?

Ms. Jean Buie: Well, if I understand correctly, the rate is around \$600 a month. I'm not sure how anyone is able to live on \$600 a month without also having assistance in their housing. We are underhoused as a society when it comes to people on the margins. I think it is a complex issue that has to be looked at from all sides for people.

But the purpose of Ontario Works is very specific. It is a short-term solution. It is to assist people to get into the workforce. So increasing the rates wouldn't be the only answer in that situation. I think it has to be looked at from all angles: How do we get people back to work?

Miss Monique Taylor: Right. Thank you.

Mr. Percy Hatfield: Good morning. Thank you for coming. Do you have an opinion on the special diet allowance?

Ms. Jean Buie: I think it's important. There are many challenges to it legally right now as to what qualifies for the special diet allowance. I think as our understanding of certain illnesses becomes more prevalent or better, as the population ages and as illnesses that require a special diet increase in our population—it is a very important issue. For example, for somebody who has cancer and can only use Ensure, that is a serious issue for them. They cannot be expected to choose between housing and food. It's a very, very important issue.

Mr. Percy Hatfield: You worked at the Spanish clinic, was it?

Ms. Jean Buie: The Centre for Spanish Speaking Peoples.

Mr. Percy Hatfield: Do you speak Spanish now?

Ms. Jean Buie: No. I did have a tutor. I was taking Spanish lessons every Friday, but the workload in a legal aid clinic is quite heavy, and trying to learn a language at the same time as articling was proving difficult, though I continue to attempt to do so.

Mr. Percy Hatfield: Thank you.

Ms. Jean Buie: You're welcome.

The Chair (Mr. Lorenzo Berardinetti): Any more questions? Okay. That concludes our time for your review. We're going to move on. You can have a seat if you want to stay.

Our next intended appointee is not here, and neither is the one after that. We can just take maybe a five-minute break and try to find the next two intended appointees. Neither one is here.

Mr. Rick Bartolucci: So why don't we vote for this appointee while we're waiting and let her go? She's a busy person.

The Chair (Mr. Lorenzo Berardinetti): All right. We'll do that right now then. Let's consider the concurrence for Jean Buie, nominated as member, Social Benefits Tribunal. Do I have a motion? Ms. Albanese.

Mrs. Laura Albanese: Yes, Mr. Chair. I move concurrence in the intended appointment of Jean Buie, nominated as member of the Social Benefits Tribunal.

The Chair (Mr. Lorenzo Berardinetti): Any discussion? All those in favour? Opposed? That carries. Congratulations.

The next intended appointee is supposed to be Mr. Greg Anderson. Is there Greg—I don't think there's a Greg Anderson in the room. Maybe the Clerk can make a call. He apparently hasn't contacted anybody here yet. The only thing is maybe he's stuck in traffic?

Interjection.

The Chair (Mr. Lorenzo Berardinetti): Same thing. There's no Leslie Flemming in the room and no Greg Anderson.

The only thing we can do is break for five minutes, and maybe either one or the other will show up. The time I have now is 9:28, so let's say we come back at 9:35—or should it be to 9:40? We can meet at 9:40. That clock is wrong, by the way. I have 9:29. We'll just wait 11 minutes till 9:40. We'll just take a short recess.

The committee recessed from 0929 to 0938.

MR. GREG ANDERSON

Review of intended appointment, selected by official opposition party: Greg Anderson, intended appointee as member, Brant County Health Unit board.

The Chair (Mr. Lorenzo Berardinetti): We'll get started, then, a minute early. Our next intended appointee is here: Mr. Greg Anderson, nominated as member, Brant County Health Unit board. Good morning. Welcome.

Mr. Greg Anderson: Good morning. I apologize sincerely about my tardiness. Honestly, I sprinted from the parking lot at Grosvenor over to here, and I'm too old to do that. I just learned that.

The Chair (Mr. Lorenzo Berardinetti): Thank you very much for being here. You may begin with a brief statement, if you wish. Any time used during your statement will be deducted from the government side. After you finish, there will be questions of you. When you finish your statement, we'll first start with the Conservative Party, and then we'll rotate—10 minutes each party.

Mr. Greg Anderson: First of all, I retired recently—and by recently, I mean four weeks ago—as a school superintendent. I ran all the schools in the Brant-Haldimand-Norfolk area and retired. I had been wanting to do something in my retirement to give back, and I thought this was important.

I've dealt with the Brant County Health Unit on a couple of occasions as a school superintendent, things like influenza, measles—outbreaks of various capacities. I was involved and knew the work they did. I just really wanted to be a volunteer and help out, and I think I'm very familiar with the governance model they would offer because it's very similar to that of the district school boards.

First of all, I am very involved in the community. I'm trying to get a new YMCA into Brantford and was on the

board of directors for six years. I also am the current president of the Brantford Rotary Club, so I'm very familiar with giving back to the community.

My purpose in doing this is the service to the community. I really feel strongly about doing that, and I believe I have the necessary experience. Obviously, I was a school superintendent for a long time, and I was a principal for a long time before that. I hope to be able to help serve the Brant County Health Unit.

The Chair (Mr. Lorenzo Berardinetti): Thank you. We'll start the questioning with the Conservative Party. Mr. McDonnell?

Mr. Jim McDonnell: Thank you for coming out today. I saw you come in a while ago, and I guess I didn't realize it was you. Have you had any experience with the health unit before?

Mr. Greg Anderson: No, my only experience with the health unit would be dealing with the medical officer of health when we had issues, particularly when kids did not get their immunization. Because of the way it works, there had to be suspensions given out. That would be my major involvement with them. A couple of times we've dealt with situations with families, again in my capacity as a school superintendent, but that would be all.

Mr. Jim McDonnell: I see that the Brant County Health Unit shares an officer of health with Haldimand-Norfolk. Do you see this—his not being there—as being an issue or a problem? I sat on the health unit in eastern Ontario, and it was always very difficult. I questioned sometimes the qualifications required for the health unit—more than half of them don't have a medical officer of health because of the tough qualifications.

Mr. Greg Anderson: I don't see it as an issue. I worked in all three counties, and I do know that the medical officer of health that they have in Brant, from my understanding, is pretty capable. It seems to be a pretty good structure, from what I understand.

I have to admit to my naïveté on some of these questions. My interest is to be a community person to help watch the governance of the health unit.

Mr. Randy Pettapiece: Thanks for coming here today. I'm looking at your resumé here, and I've got 16 agencies that you've been involved with. Are you still involved with all of them?

Mr. Greg Anderson: I'm not quite sure which—I haven't got that in front of me.

Mr. Randy Pettapiece: I'm sorry; I misread this. Scratch that.

Mr. Greg Anderson: I was impressed. If I was on 16 agencies, and I didn't know, I must have been doing a great job, because I don't recall. I believe those are the different things I have an interest in.

Mr. Randy Pettapiece: I'm sorry about that. I misread what was going on there, which I do occasionally.

Mr. Greg Anderson: That's fine.

Mr. Randy Pettapiece: We've had a number of issues. I suppose my riding is a little bit different than where you're from. I'm from a rural riding. Stratford is in my riding, up that way. We've had some issues with

being able to do one thing in one part of the riding and not in another part of the riding, just because of a different rule. I wonder, have you seen that in—

Mr. Greg Anderson: Actually, I can tell you—sorry to cut you off—that I’m very familiar with that, as a school superintendent. Brantford is an urban area, but Brant county is not, and I actually live in Brant county, in the very southern extreme, almost bordering on Norfolk county. There’s a very big difference. As a school superintendent, you would see that the needs in urban schools were different than the rural schools. The makeup and the fabric is very different and so is the economy that drives that area. It is different, but it can certainly work together.

Mr. Randy Pettapiece: Working together, I guess the confusion lies in one rule that doesn’t fit everything. We have particularly seen this with people in the Amish community up our way—I see that you live near Scotland, and I’ve been through there—where they are allowed to sell their goods in a farmers’ market. They were invited to go to an auction place and were kicked out of there by the public health unit because of the rules: It wasn’t a farmers’ market. They were selling the same bread and the same goods. I wonder if that’s something that you might be interested in, trying to get some consistency within this branch of the service that you want to belong to.

Mr. Greg Anderson: First of all, I’m one member, so I would not have any great authority. I think the authority lies with the medical officer of health. However, we can guide and hopefully advise, and that would be my role.

Actually, I’m very familiar with that because not too far southwest of us we have a large Mexican Mennonite population, which is very transitory and moves between Mexico and here. It’s an excellent issue.

Mr. Randy Pettapiece: Okay. Thank you.

Ms. Lisa M. Thompson: I’ll pick up where my colleague was going, because your interest in the various agencies caught my attention as well. Some of them are very, very different from the health unit. Aside from your desire to serve your community—I appreciate it—I don’t see a common link.

Mr. Greg Anderson: I’m just trying to keep them guessing.

Ms. Lisa M. Thompson: Okay. I guess my question, with regard to keeping them guessing, is, do you anticipate any other appointments over and above the health unit?

Mr. Greg Anderson: I have no idea. I was a published author back in the 1990s. I’m going to get to the answer to your question in a second. I have just released my new book, which is called *Bully Stop Now! A School Superintendent Tells You How*. It’s getting tremendous interest. The Toronto Star did a story about it last week. Because I’m going to be very involved with the book and speaking to the book, my gut sense is that right now I will be doing this particular service. We will have to wait and see in a couple of years’ time. I’m not going to say

no. I am going to say, though, that my life is going in a bit of a different direction right now.

Ms. Lisa M. Thompson: Okay, interesting. On that list of applications you made, where did the Brant County Health Unit fit in in terms of your priorities?

Mr. Greg Anderson: It’s a great question. I would say I can’t even remember which ones I applied to at this point. The fact is, that one offered proximity, and I thought I could serve the community. I’m very involved, obviously, with Rotary right now. I’m very involved with a lot of things in the community. To me, that was really a no-brainer, and I was thrilled. Some of the ones, especially after my drive today coming in here, which took a little over three hours to Toronto from outside rural Scotland, I thought, “Maybe I don’t want to do this too much.”

I have to apologize. I left at 6:30. I was convinced I had given plenty of time. Well, I was very wrong.

Ms. Lisa M. Thompson: Hey, I live in Huron–Bruce. I get exactly what you’re saying, and I know where Scotland is as well. There are some good beef producers out there.

One last question: In Bruce county we share a medical officer with Grey county. Hazel Lynn is very, very leading-edge. I see Brant county would be sharing a medical officer of health with Haldimand–Norfolk. Going back to my Bruce county example, Hazel Lynn has done a literature review. Based on the conclusion of her literature review, she has raised a flag with regard to potential negative health impacts of industrial wind turbines in my area. Haldimand–Norfolk is in the same boat, if you will. What’s your stance on industrial wind turbines? What’s the stance of the current medical officer of health for your area?

Mr. Greg Anderson: That’s an excellent question that I don’t know the answer to. I’m not making one up. I really don’t know what his stance is. I would like to find out what it is, assuming I do get appointed to this committee. I’m very interested in that because I did at one time have all the schools in Norfolk and Haldimand, and honestly I did see the wind turbines and the construction of them. I found it really quite interesting to watch how quickly they were put in. But I do not know the actual stance of the Brant County Health Unit. Obviously, if I’m part of that, I guess I will find out fairly soon.

Ms. Lisa M. Thompson: Okay. But it’s something that you’re intrigued by? You’re—

Mr. Greg Anderson: “Intrigued” is the answer I’ll go with, yes.

Ms. Lisa M. Thompson: Okay. You mentioned that they went up very quickly. Would you say there’s a gap, there’s room in there, especially with surplus energy right now, there’s an opportunity to hit the pause button and to do things right?

Mr. Greg Anderson: I don’t know enough about the progress of them to make a really qualified answer. I’m going to give you a concerted “I don’t know” right now.

Ms. Lisa M. Thompson: Okay. Fair enough.

The Chair (Mr. Lorenzo Berardinetti): You have about 90 seconds left.

Mr. Jim McDonell: I know in my time in the health unit, getting a public health nurse in the high schools and the schools was always an issue of money and sometimes working with the schools. Being involved with the schools, did you see that as something that was lacking or that there needed to be more time in the schools with public health nurses?

Mr. Greg Anderson: I found that the co-operation in the health department was pretty good, and when we needed them, we would get them in. Honestly, it was as much an issue with the police, the issue of getting police in schools. That was perhaps a larger issue than it was in health. Sorry to open a can of worms. The issue of the police was probably a bigger one. The police were wonderfully responsive, but they were pulled in various directions. That was a larger issue from an educator's point of view.

Mr. Jim McDonell: But I mean, from the point of view of needing one, was the need for a nurse looked after, or was it lacking?

Mr. Greg Anderson: My experience as school superintendent was that if the need was there, we contacted the health unit. We found we got good results because they recognized the importance of having—obviously, there was a large number of people involved.

0950

The Chair (Mr. Lorenzo Berardinetti): Okay. I have to cut you off there because time's up.

Mr. Jim McDonell: Okay.

The Chair (Mr. Lorenzo Berardinetti): We'll move to the NDP for questions. Mr. Hatfield.

Mr. Percy Hatfield: Thank you for coming in and for sprinting.

Mr. Greg Anderson: Thank you for guiding me to the right room here.

Mr. Percy Hatfield: Do you know how often the board of health meets?

Mr. Greg Anderson: Yes, I do. Someone from the ministry phoned yesterday, but I had already found out: once a month, and I guess they take the summer off. There's 10 meetings a year, I understand, the third or fourth Wednesday of each month.

Mr. Percy Hatfield: I just sat on our health unit in Windsor and Essex county, the least-funded health unit in the entire province. When I read that your health unit had a \$500,000 surplus in 2011, I said, "Wow, how can they do that?" But then, the secrecy surrounding the reason—first, it was the telephone equipment that wasn't installed, and then it was unspent wages and benefits. Somebody was trying to hide the real reason, it appears at first, which leads me to the question: As a board member, can you be independent of—let me besmirch everybody and say—"the old boys" on the board who have been there for a long time? I don't know if they have or not; I'm making this up, obviously.

Mr. Greg Anderson: I don't know any of the people who are on the committee. I looked up the names. I see

there's a couple of councillors. I haven't been involved in council at all, and I don't know the public appointees. So I would go in with, I think, a set of fresh eyes. I tend to say what I think, so I think if I found something that was inappropriate, I would say something.

Mr. Percy Hatfield: That's what I was hoping to hear. You've answered my next question about knowing any other members on the board.

A couple of years ago in Windsor, we had something called Art in the Park, and volunteers were out helping raise money for a number of charity events. The Rotary Club was heavily involved. Some of the ladies had made egg salad sandwiches at home, brought them in and started to sell them. The health unit came in and said, "Where were these prepared?" They said at home. They took a bottle of bleach and poured it all over the sandwiches. It brought great media attention to the health unit—great outrage amongst the population—of the need to better work with the community on issues as opposed to this heavy hand of the health unit. What would you do as a board member if this controversy or one like it blew up in your face?

Mr. Greg Anderson: I can tell you that I've already had to deal with it as an educator because we had to deal with that same issue with parents in schools bringing in food for bake sales and that whole issue—having to have the separated kitchen and the sinks and all that. I've been through it. The biggest thing you do is, you listen to the community, and you don't do it heavy-handedly. You actually have some consultation with folks and let them know where it's going.

But that has already gone through the schools, I would say in the last four or five years, when a lot of the rules changed about food handling, hot dog days, distribution of food in the schools. There was a lot of upset people on the parent and school councils because of that, because they thought, "We've done it forever," and more so in some of the rural areas where they would say, "We've always been able to do this. Who are you to tell us?" I think the thing there is to get the information out there and don't surprise people.

Mr. Percy Hatfield: The other issue we're dealing with is kibbeh, which is an ethnic food—pretty well raw meat. The health unit is saying, "I don't want to see it, and I don't want to hear about it," yet members of certain ethnic communities want to acquire it or want to go to a restaurant and enjoy it. Do you have any similar concerns with that?

Mr. Greg Anderson: I'm going to compare it to looking at school accommodation studies. When you have to look at closing a school, nobody likes that, and it's awful. You have to get the information out there. You have to get input from the community and find out. If you just spring it on people and say arbitrarily, "This can't be in"—I think people need to have advance notice, and you have to make the extra effort to let folks know. If it is a community where English isn't the first language, you have to make them aware of the changes. I think it's a

matter of process, that you deal with people with respect and let them know what the current rules are.

Mr. Percy Hatfield: If you get this appointment, are friends in the community going to say that's because you're a member of the Liberal Party or you have friends in the Liberal Party?

Mr. Greg Anderson: No. No, I'm not a member of any party.

Mr. Percy Hatfield: Thank you.

Mr. Greg Anderson: You're welcome. Thanks again for getting me in here. I would have been wandering around the halls for years.

Mr. Percy Hatfield: There are ghosts that do that.

The Chair (Mr. Lorenzo Berardinetti): Any further questions? Ms. Taylor?

Miss Monique Taylor: Yes. Thank you for being here with us today. Six Nations falls within the catchment area of the board that you've applied for. I wonder if you have any thoughts on the specific health issues that they face.

Mr. Greg Anderson: Again, I'm very fortunate to have worked hand in hand with the Six Nations educators. The federal government does their schools, so I'm very familiar with the Six Nations. I think that you have to realize that the Six Nations operate in a way where there are a variety of different spokespeople. You have the clan mothers, you have the hereditary chiefs and you have the elected council. There are a lot of different things. I have that awareness. If you didn't know that and assumed it was run just like any other jurisdiction in Ontario, you'd be in for a big surprise. I have had the experience of working with them, and I believe that I would be able to help facilitate some of the people on—I've looked at some of the names of the people in the Brant health unit, and there seems to be a heavier emphasis from the urban Brantford area—people who may not have as much experience as I would dealing with the Six Nations.

Miss Monique Taylor: Are you saying that you have built relationships already with those folks?

Mr. Greg Anderson: Some.

Miss Monique Taylor: So you must be aware of the challenges that they face: the boil-water advisories and all of those things. What is it that you're going to do to help change that process and to make things better?

Mr. Greg Anderson: First of all, I'm one member if I'm appointed. I don't have the authority to—

Miss Monique Taylor: But a voice.

Mr. Greg Anderson: Yes, I have a voice, and I can speak up for them. I think it's important, as a new voice, that I bring new thoughts and ideas to the table and, obviously, the experience that I do have. I let people know my experience and hopefully help form a decision that will help folks in the Six Nations.

Miss Monique Taylor: On a municipal level, you have no former health interests or—

Mr. Greg Anderson: My only connection to the municipal government is that my father was the mayor of Oakville from 1965 to 1972. But that was so far ago and

he has been dead so long that it doesn't seem to be relevant anymore. That would be my only connection to municipal government.

Miss Monique Taylor: Are there any hopes and dreams—I see that you had listed 16 different agencies that you would like to be part of. Since you've been called to this one in particular, have you had any thoughts like "I've seen this happen," especially in your role as the superintendent of education, that you think you could make a specific difference to?

Mr. Greg Anderson: Where I think I can make a specific difference is helping parents deal with bullying in schools. I'm on TV again tomorrow; I'll be on CHCH. I was on CTV National News on Sunday to be interviewed about the book. That's my first love.

I'm diverting here. Do you want to know if I want to be a politician? No. I want to help people deal with bullying, and there's a whole lot of inside information that I'm sharing with people about what happens in schools. That's my biggest love.

I was a professional speaker back in the late 1990s when I was still a principal in the Oakville area, and I really believe that that is something I'm far more interested in. I'm very fortunate that both my wife and I retired at the same time and we were in a position where we could retire. I'd like to give back. This is just one way of giving back.

My interest is far more in helping parents deal with bullying. I see it all the time—sorry, it's my soapbox now. I do believe that there is a space for someone in the province to speak up for the kids who are getting bullied in schools and to tell parents exactly how to deal with it, and I do that. That's my interest. Sorry, you hit the button, but that's my interest.

Do I want to be a local councillor or the next MPP for Brant? Not so much.

Miss Monique Taylor: No, no. That wasn't what I was getting at. It was specifically about the health unit and the challenges that you've had to have seen—other than the bullying issues—with mental health and other things, where you would be responsible for having a voice. Is there anything else where you think you could make that role that much more vibrant?

Mr. Greg Anderson: I believe I can have a voice at the table. I'm not quiet, shy and introverted, and I think that I can be very helpful in putting in some information. I think I can also bring back from my years of experience dealing with parents in the community and what their concerns and issues are. Health education is so important, and looking at some of the things that the health unit would be responsible for, I have an interest in that.

Miss Monique Taylor: Thank you.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Okay, we'll move on—

Mr. Percy Hatfield: Do we have 15 seconds left?

The Chair (Mr. Lorenzo Berardinetti): About 30 seconds.

Mr. Percy Hatfield: I just have a very quick question. Are we going to get another book out of you about the health unit?

Mr. Greg Anderson: No.

Mr. Percy Hatfield: Why not?

The Chair (Mr. Lorenzo Berardinetti): Okay, thank you.

We'll move on to the government side. There are about five to six minutes left.

Ms. Mitzie Hunter: Mr. Anderson, thank you for coming in this morning and appearing before the committee. I noticed here that you served as a director on the YMCA of Hamilton Burlington Brantford. What role do you believe the promotion of healthy lifestyles has in encouraging the community to be active and to develop healthy lifestyle habits in terms of recreation?

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Mr. Greg Anderson: I think it's critical. I'm a firm believer; I'm a daily user of the YMCA. The reason I was on that board is because we had a tragic event where our chair of the YMCA passed away suddenly and we were rudderless. We had to form committees. I was part of the group that went, and we joined up with Hamilton-Burlington to make it a strong and vibrant YMCA.

I believe, especially in Brantford, there's a real need for support. There's a lot of poverty in downtown Brantford, and I think the YMCA provides a terrific help for moms and dads to learn about nutrition, for kids to have exercise in after-school programs. It's really important. I was very involved with that.

Ms. Mitzie Hunter: Talk a little bit more about your soapbox and Bully Stop Now!—that's the name of your book.

Mr. Greg Anderson: Bully Stop Now! A School Superintendent Tells You How. That's about as humble as I can be.

No, that's what it's called. It has a couple of chapters in there—one specifically, which has already raised the ire of the Ontario Principals' Council, is excuses from principals. Another one is about dealing with an ineffective principal. One of the biggest frustrations parents have is when they've got a bullying incident, they've got the facts, they go to the school and they get brushed off by the principal.

I have supervised well over 200 principals in my career. Many of them are terrific, but there are some who aren't great. I think it's really important that we get that message out to parents so they know how to deal with the school system.

If you look at anybody who writes on bullying, from Barbara Coloroso on down, they never specify exactly who to talk to or what to do. My book is very specific on that.

Ms. Mitzie Hunter: It's almost like a handbook?

Mr. Greg Anderson: It's a handbook for parents—and for principals, if they want to have a look, because I have two chapters directly giving advice to principals. Whether they wish to take it or not is another story.

Ms. Mitzie Hunter: Clearly, you're not afraid to speak up when you observe something that's wrong. That's good.

Lastly, you mentioned your experience in management and oversight of principals. One of the key responsibilities is to hire the local medical officer of health. Just maybe speak a little bit about what you would bring to that type of decision.

Mr. Greg Anderson: I think what I would bring is the experience of knowing the entire county in Brant county, because I've supervised the whole area at the elementary and secondary school levels.

I think what I would do is bring to that committee some knowledge of what parents want and what the community wants. It's very similar in education, where the board of trustees hires the director of education. This is very similar.

I think it's a critical point, because this is the only person we actually do hire. So it's critical that we get it right.

Ms. Mitzie Hunter: Mr. Anderson, thank you for the energy and passion that you clearly bring in putting your name forward for this.

Mr. Greg Anderson: Thank you very much. If I'd been on time, it would have been nice, too.

The Chair (Mr. Lorenzo Berardinetti): Okay. Thank you, Ms. Hunter. That concludes our time for questions. We'll move concurrence after the next appointee is interviewed.

If you want, you're welcome to stay and have a seat, or if you leave, it's fine—

Mr. Greg Anderson: Oh, no. I imagine this is just too much fun, but I'm looking forward to my trek home. Counting the rest of the day, I'm hoping to get there by supper.

I appreciate the chance to talk. I apologize for my soapbox, but I think you can see I'm pretty passionate about the whole issue of bullying. Obviously, the health unit, to me, would be an interesting sidelight that I think I can help and support, and I'd be very, very interested in it. Hopefully, you'll give me the opportunity to do that.

The Chair (Mr. Lorenzo Berardinetti): Thank you.

Mr. Greg Anderson: Thanks for giving me the right room—this gentleman here. Thank you. I would have still been out there.

The Chair (Mr. Lorenzo Berardinetti): Thank you.

MS. LESLIE FLEMMING

Review of intended appointment, selected by official opposition party: Leslie Flemming, intended appointee as member, Assessment Review Board.

The Chair (Mr. Lorenzo Berardinetti): Our next intended appointee today is Leslie Flemming, nominated as member, Assessment Review Board. Please come forward and take a seat. Welcome to the committee. Thank you very much for being here.

You may begin with a brief statement, if you want to. The time utilized in your statement will be deducted from

the government side. The other two parties have 10 minutes each to ask you questions. You may begin.

Ms. Leslie Flemming: Thank you very much. I'll just get a glass of water.

The Chair (Mr. Lorenzo Berardinetti): Sure.

Ms. Leslie Flemming: Thank you. Good morning, Mr. Chairman and the members of the committee, and ladies and gentlemen. My name is Leslie Flemming. I've come down today from Bracebridge, where I live. It's an honour to appear in front of this committee.

I'd like to take a few minutes just to give you a little bit about my background. I'm an intended appointee to the Assessment Review Board as a part-time member.

I've been a citizen of Ontario my entire life. I have been very privileged to have attended four universities as an adult. I've got a BA from Brock and a bachelor of education from Queen's University. I did my bachelor of laws at Windsor—

Interjection: Yay.

Ms. Leslie Flemming: I think so, too.

Most recently, I did an LLM in alternative dispute resolution through the Osgoode professional development faculty in downtown Toronto, so I have a degree from York University as well.

I practised most of my legal career in legal clinics, and I'm sure questions will come from that as to what's the connection with assessment review, but I'll get there. Practising law for legal clinics is an honour, and I really enjoyed the work. I did it until 2012, 13 years in St. Catharines and 12 years in Muskoka.

Lawyers for legal clinics have an opportunity to appear in front of many boards and tribunals, both provincial and federal, and through this work I developed quite an interest in administrative law and enjoyed very much the various appearances that I was able to make on behalf of my clients.

Of course, our clients are all poor and they're usually coming from very bad circumstances, many times. The advantage of being in a legal clinic, though, is that where the community board that runs each clinic and our executive director agree, where you wish to appeal a decision of an administrative tribunal, you can then go on to appellate levels. So I was able to appear in front of Divisional Court a number of times, the Court of Appeal of Ontario one time, and, on employment insurance matters, the Board of Referees, of course, and then up to the Umpire and then the Federal Court of Appeal on two occasions. Those are experiences not everybody gets when they're practising law, and I really enjoyed that.

I learned, in doing that practice, about the role of administrative tribunals and how much of the decision-making in justice issues gets done at administrative boards and tribunals as opposed to courts. Certainly, the day-to-day, bread-and-butter, vast majority of cases that are dealt with in a day in this province are done by administrative tribunals. As a result, I became very interested.

I also was able to see, in my service at the clinic, in probably the last 15 years but more so in the last 10

years, the important role of alternative dispute resolution as it appeared in administrative tribunals. Of course, I was appearing in front of the Landlord and Tenant Board, the Human Rights Tribunal of Ontario, and the Social Benefits Tribunal probably more than any other tribunals, and all three of those tribunals have embraced different forms of alternative dispute resolution in recent years.

The Landlord and Tenant Board, of course, had mediators on-site at hearings days to assist the parties to landlord and tenant matters. The Human Rights Tribunal of Ontario, of course, has been one of the front-runners in this area. The members are also mediators, so sometimes they're mediating and sometimes they're adjudicating. Of course, they've had very good results from their mediation program as well and had some very lengthy cases settle in advance of taking days and days of hearing time. The Social Benefits Tribunal mostly used members via telephone, in more of a pre-hearing format for alternative dispute resolution, in order to cut down the caseload.

I did do the LLM at Osgoode and really enjoyed it. I left the clinic practice and opened a mediation business. I will be honest: It's slow. I'm not doing family mediation. I will never do family mediation. The other kinds of mediation are not well known north of the city, and I'm finding I do have some business but not a lot.

However, even before I had started down that path, I had put in applications to this board. I put in a general—you know, go on the website, send in a general application, even before that. I think that was probably June—maybe it was April 2012—and that was to the Landlord and Tenant Board and the Human Rights Tribunal. However, I applied specifically for the Assessment Review Board position when that became available.

I would be excited about sitting on the Assessment Review Board because of the fact that this board is incorporating more of an emphasis on alternative dispute resolution. I think I can bring to that board my skills and training in that regard. I think what I brought to my practice—and it was commented on, actually, by various tribunal members—was a sense of fairness, a sense of procedural quality and justice, and those are the things that I would like to offer the Assessment Review Board.

Those are my comments today, and I welcome your questions.

The Chair (Mr. Lorenzo Berardinetti): Thank you. We'll start with the third party, the NDP, for questions.

Mr. Percy Hatfield: I note the comments in one of our background papers about mayors in northern Ontario whose communities are suffering. If you're in an almost single-industry town and the mill shuts down or else shuts down most of its operations, then the repercussions when their assessment drops—I know in Kapuskasing—from \$54 million to \$34 million to \$24 million—and now they want a 40% reduction in that. The last time it happened in Kapuskasing, they had to write a cheque to the company for more than \$2 million.

1010

What obligations do you feel a board member should have to take into account a municipality's ability to pay

and the impact of a major rate reduction to the entire community?

Ms. Leslie Flemming: Again, I'm not coming from a position of having practised in this area, but I think what I'm taking away from those scenarios is that the new case resolution strategy that the board is employing as of this year, 2013, is designed to address these problems. The reason those large amounts of monies have to be paid back is, I believe, because the cases have taken so long to wind through the system.

When I was reading about the Assessment Review Board, I was shocked to see that they still have cases—or at least they did have in February of this year—that were started in 1998. So I'm thinking that the reason for these large amounts of money is because of the fact that the cases have been dragging through the system. Things have changed so much in those years that the rulings that the board is making now are hardly relevant to the current situation.

Again, I'm not speaking from a position of knowledge because I have not practised in this area of law, but that's what I took from that, is that the board's new case resolution strategy is supposed to, I think, aggressively attack the backlog, then the decisions that the board will be making will be much more current. As far as what the solution is, I'm not sure that the board member, in hearing a case like that, has the discretion to change a decision which is going to be based on fairly clear procedures of assessments.

Therefore, even though this is going to be a hardship for a community, I don't see that the board member who's doing the adjudication has any discretion. I'm not reading that in the act, that the board member would have discretion. I think the take-away for the board is that they have to get these cases moving through so that the decisions are timely.

Mr. Percy Hatfield: I know in Windsor's case, we had Caesars Windsor, and they spent half a billion dollars on a major renovation, creating a new convention space and a 5,000-seat theatre. They appealed their assessment and were given a \$10-million drop in assessment after spending \$500 million to increase the value of their property, which makes no sense to the municipal politicians or to the community. There's not much you can do on appeal as it turns out. We lost Ford Motor Co.—as you mentioned, a nine-year backlog—and it ended up costing the municipality \$18 million, and that's a tough hit on municipal taxpayers. I just hope that you take into account the impact on municipalities when these major, major decisions are made.

Ms. Leslie Flemming: I think as a board member I will be able to take that into account but, again, only within the confines of the way the act is drafted.

Mr. Percy Hatfield: Yes, it's the retroactivity that can cripple a municipality.

Ms. Leslie Flemming: That's the problem, the retroactivity.

Mr. Percy Hatfield: So we need quicker decisions, more board members.

Ms. Leslie Flemming: Well, looking at the long-range plan of this particular board, they are hoping to have the backlog all taken care of by 2016. Now, I know that's still a few years away, but that's better than having a case in the system for 15 years. I'm not sure that that's the answer you're looking for, but that's how I read their strategy for moving forward.

Mr. Percy Hatfield: Thank you.

The Chair (Mr. Lorenzo Berardinetti): Ms. Taylor?

Miss Monique Taylor: The question I was going to ask was directly about the backlog and if you've seen issues like that in Bracebridge, in your area, and how you would deal with that. So I think you've pretty much answered—

Ms. Leslie Flemming: Well, the case resolution strategy—sorry, I didn't mean to cut you off.

Miss Monique Taylor: No, please, go ahead.

Ms. Leslie Flemming: The strategy appears to be streaming cases. The new rules which came in in April of this year put cases now on direct stream, for cases of less value—I think it's under \$6 million in Toronto and under \$3 million outside Toronto. They would go directly to hearing. They get 60 days' notice of a hearing date and then they have to attend and deal with it, as opposed to the exchange of documents, discoveries and all of these procedures which were permitted before, as I understand.

The higher-level cases will go in the standard streaming, and those do involve a number of pretrial steps.

Looking at the strategy, what the board wants to do is bring in, wherever possible, alternative dispute resolution measures, including pretrial conferences, mediation, and then it's pretty open-ended, if there are any other ADR strategies that the parties want to try. I don't think that encompasses coin tosses, although I'm not sure.

Anyway, the streaming wasn't done, as I understand it, before the new rules came in this year, so that should be a way of attacking this. Again, I can only speak from what I've read. I don't have personal experience.

Miss Monique Taylor: Thank you.

The Chair (Mr. Lorenzo Berardinetti): We'll move on to the government side. You have about four minutes.

Mr. Rick Bartolucci: The government doesn't have any questions. We just want to thank you for applying. We believe that your credentials in alternate dispute resolution, if you're approved by this committee, will come in very, very handy as you move forward with your expertise in this very, very important work.

Ms. Leslie Flemming: Thank you.

The Chair (Mr. Lorenzo Berardinetti): We'll move to the Conservative Party for any questions.

Mr. Jim McDonell: Thanks for appearing today. I had the chance to sit on the MPAC board for a couple of years and also on the council. I wonder if a lot of the cases that are before the review board are just the fact that people don't understand what the whole process is and what the assessment is trying to—the theory is that if you make your complaint, then they'll lower it all the time. I know you haven't had a lot of background, but do you see that as a key in getting—the number of cases is

ridiculous, that there are that many cases before the board.

Ms. Leslie Flemming: When I was preparing by doing as much reading as I could about this board, I saw—and I hope I have the figures right—that only about 27% of the cases before the board involve residential properties and the bulk of them involve things like farm properties, commercial, industrial and others. I would think that if you're doing an appeal with a commercial property or a shopping centre or things of that nature, your case is probably being handled by lawyers who are familiar with the system. So I don't think it would be a case of people going into this not knowing what was involved. Quite the contrary: If the bulk of the cases are the large properties and commercial interests, then I think people would know what they were doing because I'm quite certain they would have hired counsel.

Ms. Lisa M. Thompson: In terms of assessment reviews, as you can well imagine, there's a lot of concern over the devaluation of property in close proximity to industrial wind turbines. Specifically in my riding of Huron-Bruce, I have three wind farms that predate the Green Energy Act. One wind farm in particular chose, under a gag order, to pay out, purchase, five homes because of concerns associated with proximity to that particular wind farm.

As we evolve and look to today, there are realtors throughout this province who have proven property devaluation. As a result, there are going to be a number of people coming forward with appeals to their assessment, especially in rural areas where property values have gone through the roof these days.

I picked up on your comment that you're looking forward to the Assessment Review Board experience because now they're focusing more on alternative dispute resolution. What opinion do you have, going into this application and onto the board, of industrial wind turbines? And how do you see the Assessment Review Board entertaining appeals—because they're going to be coming in fast and furiously.

Ms. Leslie Flemming: It's an excellent question. I don't have any intimate knowledge of wind turbines and those issues, other than what I read in the newspaper and so on. My reading is that the science is unsettled. Certainly as far as the devaluation of property, yes, I think you're right, because of perceptions. People clearly perceive that wind turbines may be a health threat. I understand that people complain about noise and so on.

1020

I have relatives in the Chatham-Erie-Blenheim area. I was down this summer, and of course that's always a topic of conversation.

How would the board deal with that? I have to say, I'm not even sure, but I'm sure that the existing board members—and I don't know any of them personally—must be aware of this issue. It must be coming up more and more, especially in the southwest. It seems that the science is conflicting with the perceptions. Science seems to be saying that there's not a health threat to people

living beside wind turbines, but again, there's some science that would dispute that.

Ms. Lisa M. Thompson: Absolutely.

Ms. Leslie Flemming: I would guess that the way this is going to go is based a lot on scientific evidence.

Ms. Lisa M. Thompson: The Grey Bruce medical officer of health has done a literature review and she has raised the flag, saying that she believes there are negative health impacts. While there's surplus energy, let's hit the pause button and get this right and look at the science and look at demand. It's interesting; what kind of science do you think could be applied to evaluating property values in close proximity to industrial wind turbines?

Ms. Leslie Flemming: It's not the science. I realize that the board is going to be dealing with perceptions. If people are coming into the board and they're bringing in the comparators, which are showing that property values are dropping, the board has to take that—that's evidence of property values.

I'm just thinking that on a larger scale, provincially, the province is going to have to weigh in at some point on maybe changing regulations or adopting regulations to keep pace with the current health information, whatever that may be. And, yes, I've heard the arguments both ways, but if we're just looking at straight property values, especially in residential properties, that is what the board is going to be looking at. That's the evidence that we look at at the board.

Ms. Lisa M. Thompson: Right. In speaking about alternative dispute resolution, using industrial wind turbine property devaluation as an example, what type of alternative dispute resolution might you suggest might fit in this particular example?

Ms. Leslie Flemming: Again, looking at mediation, mediation allows parties to basically present their case in more of an informal way to see if there are any common interests or any areas that can be resolved on agreement. It may be that there's a main issue that can't be, but I see ADR being helpful at least in narrowing issues.

Again, it would depend on what the parties want to do. If they're coming together to talk, that demonstrates a willingness to try and find a resolution. I don't know what those resolutions are, myself, but I do know that that process often will give rise to resolutions that people hadn't formally thought of when they're talking more informally about the problem.

Ms. Lisa M. Thompson: Okay. I'm intrigued by that, but recognizing that there's a huge backlog of mediation, do you think it would contribute to increasing backlogs or help speed things up?

Ms. Leslie Flemming: I think it will speed things up occasionally. I'm sure there are examples where you mediate the whole thing and everybody is more or less happy with the solution and signs on the dotted line. Where I think it will be more effective is reducing the issues and narrowing the issues so that we can settle a number of issues, get those off the table and then proceed to adjudicate the main issues or the remaining things that can't be agreed on.

The Chair (Mr. Lorenzo Berardinetti): You have about one minute left.

Ms. Lisa M. Thompson: I find your comments helpful, actually, so thank you. I appreciate that.

The Chair (Mr. Lorenzo Berardinetti): Thank you very much. You may now step down.

We're going to move into two concurrences, so if you want to have a seat, you're welcome to.

Ms. Leslie Flemming: Thank you. I think I will do as the former person did and head out. I do have some other things to do here in Toronto. I wasn't late today, though. I took the GO train from Barrie because I know what that highway is like in the morning, the 400. Thank you very much, everybody.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Ms. Flemming.

We'll now consider the concurrence for Mr. Greg Anderson, nominated as member, Brant County Health Unit board. Would someone please move concurrence? Ms. Albanese.

Mrs. Laura Albanese: Thank you. I move concurrence in the intended appointment of Greg Anderson, nominated as a member of the Brant County Health Unit board.

The Chair (Mr. Lorenzo Berardinetti): Any discussion? All those in favour? Opposed? That carries.

We will now consider the concurrence for Ms. Leslie Flemming, nominated as member of the Assessment Review Board. Is there anyone who wants to move concurrence?

Mrs. Laura Albanese: Thank you, Mr. Chair. I move concurrence in the intended appointment of Leslie Fleming, nominated as member of the Assessment Review Board.

The Chair (Mr. Lorenzo Berardinetti): Any discussion? All those in favour? Opposed? That carries.

We're adjourned.

The committee adjourned at 1025.

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