

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

**Official Report
of Debates
(Hansard)**

A-19

**Journal
des débats
(Hansard)**

A-19

**Standing Committee on
Government Agencies**

Intended appointments

2nd Session
41st Parliament

Tuesday 9 May 2017

**Comité permanent des
organismes gouvernementaux**

Nominations prévues

2^e session
41^e législature

Mardi 9 mai 2017

Chair: Cristina Martins
Clerk: Sylwia Przewdziecki

Présidente : Cristina Martins
Greffière : Sylwia Przewdziecki

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7400.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7400.

Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



ISSN 1180-4335

Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

CONTENTS

Tuesday 9 May 2017

| | |
|----------------------------|-------|
| Subcommittee report | A-169 |
| Intended appointments..... | A-169 |
| Mr. Scott Tousaw | A-169 |
| Mr. Ian Cunningham | A-174 |

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GOVERNMENT AGENCIES**

**COMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX**

Tuesday 9 May 2017

Mardi 9 mai 2017

The committee met at 0901 in committee room 2.

SUBCOMMITTEE REPORT

The Vice-Chair (Ms. Daiene Vernile): Good morning, committee members. Before we begin our intended appointments review today, our first order of business is to consider a subcommittee report. Mr. Pettapiece, would you like to please read it into the record? This is for Thursday, May 4.

Mr. Randy Pettapiece: Yes. I move adoption of the subcommittee report on intended appointments dated Thursday, May 4, 2017.

The Vice-Chair (Ms. Daiene Vernile): Is there any discussion, committee members? All those in favour? Opposed? That is passed.

INTENDED APPOINTMENTS

MR. SCOTT TOUSAW

Review of intended appointment, selected by official opposition party: Scott Tousaw, intended appointee as member, Ontario Municipal Board (Environment and Land Tribunals Ontario).

The Vice-Chair (Ms. Daiene Vernile): Our first intended appointee today is Mr. Scott Tousaw. He is nominated as member, Ontario Municipal Board. I would ask that Mr. Tousaw come forward. Welcome. Please make yourself comfortable.

Mr. Scott Tousaw: Thank you.

The Vice-Chair (Ms. Daiene Vernile): Thank you very much for being here today. You may begin with a very brief statement, if you wish. Members of each party are going to have about 10 minutes to ask you some questions. Any time taken for your statement will be deducted from the government's time for questions. Please start by stating your name.

Mr. Scott Tousaw: Good morning. My name is Scott Tousaw.

The Vice-Chair (Ms. Daiene Vernile): And begin.

Mr. Scott Tousaw: Madam Chair and members of the committee, I believe you have a copy of my CV, so I don't intend to go through that in my opening remarks. Thank you for the opportunity to appear before you today. I do have a few opening comments, but I intend to be brief to allow time for as many of your questions as possible.

I'm very pleased to be here for two reasons. First, I appreciate the diligence with which the Legislature considers appointments. I respect due process and am glad to know that this level of review occurs at Queen's Park for important appointments for Ontario's many boards. Second, becoming a member of the OMB would be the realization of an ambition I have held for many years. Throughout my career, I have held a keen interest in the intersection of planning and law, and nowhere do these intersect more prominently than at the Ontario Municipal Board.

Although I have testified at the board on numerous occasions, some 20 years ago, I was invited to deliver a presentation on nutrient management, a polite term for agricultural waste, to the OMB's intensive training session. I came away from that experience with a strong appreciation and respect for the character of the board's members and for the important work they do. This was the kind of work that matched my professional interests and my skills. Since that time, while pursuing a rewarding career in public sector planning, I have retained the ambition to join the OMB.

At the heart of my interest in planning and law is a concern for due process and natural justice. I have a great respect for the role and function of the OMB in Ontario's land use planning system. Land use planning is complex, perhaps increasingly so, and that complexity poses challenges for all stakeholders in the planning process, from citizens to applicants to municipal councils. I am committed to advancing good planning and development in Ontario through a municipal board that is responsive and relevant to the needs of communities. I believe I have the experience and character required to make a contribution to that effort. I hope you will give me that opportunity.

I will be pleased to try to answer your questions, and I thank you again for allowing me to appear before you.

The Vice-Chair (Ms. Daiene Vernile): Thank you, Mr. Tousaw. Our first questions for you will come from our opposition parties. Mr. Pettapiece.

Mr. Randy Pettapiece: Good morning.

Mr. Scott Tousaw: Good morning.

Mr. Randy Pettapiece: Did you drive up from out there in the west coast?

Mr. Scott Tousaw: I came from Ontario's west coast last evening.

Mr. Randy Pettapiece: Last evening, did you?

I noticed in your resumé that you've made a number of presentations on renewable energy in the past, and one I'm interested in is on the feasibility of farm-scale anaerobic digesters. Can you give me a little bit of background on what you said on that?

Mr. Scott Tousaw: That was some time ago. We have a water protection steering committee in Huron county that we started as a result of a variety of water studies a number of years ago, and a number of really interesting projects have resulted. One of those projects was a feasibility study on an anaerobic digester on a hog farm. This is going back 10 or 12 years. I'm guessing at that timeline, but it was approximately that time period.

Of course, Huron county is the largest agricultural producer of any county in Ontario. It has either the highest or second-highest farm gate receipts for agricultural products on an annual basis year on year. So we have a lot of livestock and we have a lot of manure. It struck us that, from a water protection standpoint, when you put manure through an anaerobic digester, it does a couple of very helpful things. It chemically converts the manure into a form that is readily taken up by crops. So it has the effect of commercial fertilizer, but in fact it's manure based. The other thing it does is it removes the odour. So with a large livestock population in the county that exceeds the human population of the county by a significant margin, it was felt that that would be something worth looking into. It turned out at that time that the economics weren't quite there, especially for hog manure, and I'm not sure that they're there today. It may be happening on some hog farms, but I do believe that it's more common in the cattle industry.

Mr. Randy Pettapiece: I come from Perth county, and we certainly have a number of digesters there, mostly with the dairy industry.

The numbers involved here—you say it might not be economically feasible. Do you know what you'd need out of these, per kilowatt hour of electricity, be it 13 cents, 10 cents—

Mr. Scott Tousaw: I'm going from memory. I would be happy to provide the committee a copy of that report, if you'd like, in future. My recollection is, at that time, it was about 19 cents a kilowatt hour for a hog operation. The gas potential from hog manure is less than from other types.

Mr. Randy Pettapiece: I noticed that you have also done some work with the Canadian Wind Energy Association and wind energy planning. That was back in 2004, I think. Can you tell me what that involved?

Mr. Scott Tousaw: I haven't worked with the Canadian Wind Energy Association; I presented to a conference that they held in Toronto. I presented because Huron was one of the first places to have a commercial wind farm in Ontario. This predates the Green Energy Act. We were responsible, at the local level, for the necessary planning studies and approvals through the official plan and the zoning bylaw for that wind farm. Originally, it was a single turbine, a relatively small one by today's standards. I think it was a 1.2-megawatt wind turbine; 1.8

megawatts and two megawatts is more standard today. But that was followed by 23 turbines at 1.8 megawatts each, just to the north of Goderich. So we went through that process. We had a supportive community. There were no objections, and we were sharing our experiences with CanWEA at their conference.

Mr. Randy Pettapiece: You've been around that part of the province. There has been quite an explosion of these turbines. You're probably aware of the issues they've caused in the communities, where we've had some real difficulties with those who want them and those who don't. We've had some split-ups of communities. We've had some split-ups of churches and whatever else.

We talk about the rural-urban divide, which I think is something that is perceived and is real, at least out in the country. Do you have any thoughts on that? What skills do you think you have that would bridge that rural-urban divide if you were appointed to the OMB?

0910

Mr. Scott Tousaw: Well, first of all, I think the rural-urban divide is an interesting point of conversation and a good conversation-starter, because people will have opinions about that. My sense is that we are one Ontario. By and large, the people of Ontario, whether they live in a large urban centre, in a small rural community or in fact on a farm in the countryside, understand the inter-connections between rural and urban. Rural needs urban for the markets for its agricultural products, its aggregate products, its forestry products, its manufactured products. Similarly, urban areas need rural areas for open space, for recreation, for the supply of those materials. I think that at a basic level, people understand that.

It can come out, and one of the ways that we have tried to address that in Huron county, for example—and I think it has been helpful to other rural counties around the province—is something called the “rural lens.” We've developed what is called a healthy rural lens. It has the priorities that are established by the community—economic development, measured growth, job opportunities for young people, preservation of the natural heritage, things like that—and it provides a series of questioning. When a policy is proposed or a project is proposed, one can evaluate that project against that rural lens.

The hope in rural Ontario is that the government will utilize tools like that to consider rural issues when policies are developed.

Mr. Randy Pettapiece: Yes, I can understand, and I can agree with a lot of what you said. But when the planning rights were taken away from municipalities over wind turbine projects, I think you would understand how what you just said can be thrown down the toilet, because it caused a lot of issues with municipalities and certainly with those who opposed wind turbines in their areas. As of today, they have not given those planning rights back to municipalities. This causes great angst out in the agricultural community, that one part of the province is running the other.

I agree with you. We are all one Ontario, and we should work that way. We're all in it for the long haul, and certainly one's success benefits the other. But when you have things like this happen, you certainly can understand—you've lived through a lot of this business. When governments do that to communities, it leaves a bad taste in your mouth.

You've had quite a bit of experience, and certainly in Huron county. How do you think your experience will benefit the OMB? What are you looking for?

Mr. Scott Tousaw: I have spent my career in Huron county. I've also done some work in Perth county on secondment from Huron. While I have had one employer, I've actually worked for 38 different municipalities. That's because Huron used to be 26 municipalities, amalgamated to now nine. I've also worked for the Corporation of the County of Huron, and also Perth county and Perth East on secondment from Huron. Over my time period, while my geography has stayed relatively constant, the experience with many different councils has been ongoing and changing.

My experience is rural/agricultural, obviously, but also small-town, small-urban, recreational and resources—forestry resource planning, aggregate resource planning, a wide range.

There is sometimes a sense that urban planning is different—like, large urban planning in Kitchener-Waterloo or a community within Toronto is different than small-town planning. My view of that is that people live, and planning issues arise, in communities, and those communities are not often at the scale of an entire city. They're usually at a scale of a local community, and whether you're—

The Vice-Chair (Ms. Daiene Vernile): Thank you, Mr. Tousaw. Our next questions for you are coming from Mr. Gates, with the NDP.

Mr. Wayne Gates: Good morning, Scott.

Mr. Scott Tousaw: Good morning.

Mr. Wayne Gates: I'll start here. Just a question: Have you ever donated to the Liberal Party or worked for the Liberal Party?

Mr. Scott Tousaw: I have not done either of those things. I have neither donated to the Liberal Party, nor worked for the Liberal Party.

Mr. Shafiq Qaadri: Not yet.

Mr. Wayne Gates: Probably never. Now, you said something that always strikes me as interesting when you talk about the rural lens, and you talked about job opportunities for young people in rural Ontario. I don't know if you know—it's a little off your scope here, but I think it's important to say: the importance of making sure there are jobs for young people in rural Ontario, but we have to make sure that we keep the schools open so we can get them educated in rural Ontario as well. I want to mention that because I think that's equally important, but I am glad that you did mention the fact that we need job opportunities right across the province of Ontario for young people. They are our future.

It's my understanding that you're being nominated as a full-time member. According to the information

provided, you have worked as the director of planning and development for the county of Huron since 2002 and have been a sessional instructor and guest lecturer at both the Universities of Guelph and Waterloo. My facts are straight so far?

Mr. Scott Tousaw: Yes.

Mr. Wayne Gates: Good. Are you confident that you can meet all the challenges and time requirements as a full-time board member?

Mr. Scott Tousaw: Yes, I am confident that I can meet the requirements of a board member. I think if I was to perhaps focus on a couple of the key requirements of a board member, it would be to have a rapport with the people that we're working with. One of the things where I think planners hone and develop the skill over their careers is working with people in a manner that fosters a relationship of trust. I think that's important at the board, particularly with respect to mediation processes to encourage people to open up, to explore interests and explore creative solutions.

I am confident that I can meet the requirements of a board member and certainly the time requirement. There is no shortage of work in any planning office in Ontario. Huron is no different, and I am used to working long hours.

Mr. Wayne Gates: Have you retired from your position at the county of Huron?

Mr. Scott Tousaw: I have not. I will be resigning should this opportunity be offered to me.

Mr. Wayne Gates: Okay. As previously mentioned, you have worked at the planning level of municipalities for many years. I'm sure you've enjoyed it.

Mr. Scott Tousaw: I have.

Mr. Wayne Gates: I was a city councillor, so I knew how important the planners were. Could you speak about how you believe that the OMB can look at improving the current state of municipal planning today and also over the long term?

Mr. Scott Tousaw: Okay. With respect to today and the influence of the board, one of the reasons that I'm very interested in the Ontario Municipal Board is that I believe in—perhaps it's obvious—good planning, having been a planner for some 32 years. I also believe in due process, and the OMB is a very critical part of due process throughout the planning methodology, even when there is no appeal.

The existence of an appeal body, in my view, influences the behaviour and the preparedness of the stakeholders and participants in planning processes. Because there is this democratic right of appeal and the act says on many occasions that any person may appeal—and I subscribe to that as being very important in a democratic system, where any person who is not satisfied with the result may appeal. I think the board has an important influence over the process by virtue of that legislative right of appeal.

Over the long term, the board is but one actor in municipal planning. Of course, the Legislature sets the context, sets provincial policy, cabinet passes regulations

and policies, and the board is required to subscribe to those in its decision-making. With respect to long-term planning, the board is only empowered by the legislation which it operates under.

Of interest, unlike other courts of law, there are no legal precedents with OMB decisions. Each application is considered on its merits and is unique.

0920

As you mentioned, you have been a municipal councillor. You will know that every planning application that you dealt with as a councillor would have been unique.

The board doesn't necessarily build a body of law around planning principles, but it is a reference point, and it is of interest, and there can be some learning that comes from the board's decisions over time.

Mr. Wayne Gates: It's interesting, some of the decisions that the OMB does make. In my own community of Niagara Falls, on Thorold Stone Road, the entire council—in a recorded vote, so the mayor had to vote—did not want to put a gas station on Thorold Stone Road and Kalar, because there's a school within 100 yards. We spent this week talking about school safety zones and making sure our kids are safe. The council turned it down. They took it to the OMB, and the OMB upheld that they could build a big service station at the corner there, which already had some near-misses. So sometimes the OMB doesn't get it right.

Mr. James J. Bradley: What company was that?

Mr. Wayne Gates: The service station is called Circle K service station, but I don't really know.

Do you believe the OMB can better partner for upper- and lower-tier municipalities in their planning efforts?

Mr. Scott Tousaw: Could I ask you to repeat the question, please?

Mr. Wayne Gates: Okay. It's a follow-up to what I just asked you. Do you believe the OMB can be a better partner for upper- and lower-tier municipalities in their planning efforts?

Mr. Scott Tousaw: The relationship of upper- and lower-tier—I've lived my professional life in that environment. While there are a few single-tier counties, most counties in Ontario are two-tier. In my instance, and in the case of Perth county, for example, the upper tier provides the planning service to the lower tier, so there is a great deal of coordination between the upper and lower tier by virtue of that structure.

I'm not sure that the OMB has a significant role to play in fostering that relationship. What I would say is that there are requirements in the Planning Act—and there may well be more requirements in the pending legislation from the OMB review—that relate to the board having regard to municipal decisions. So, if an upper tier is the approval authority, for example, to a lower tier, and there is an appeal to that approval authority decision, the board will sit in place of the upper tier and will have regard to that decision. That would be one of the avenues where there may be some influence.

Mr. Wayne Gates: The other thing I found interesting was that you did say that any citizen can go to the OMB.

But the problem, as a councillor—and you probably heard this with some of the councillors—is that we can make a decision, and the developer will just go to the OMB. If I'm a citizen, sometimes I can't fight against a developer that has unlimited resources compared to a citizen, who might not have the same quality of presentation. I may have the right to do so, it but it's certainly hard to go against the developers.

Some 74% of the cases are in the central region, which is the GTHA, and 43% are in Toronto. Maybe you could tell me why you think that is.

Mr. Scott Tousaw: I suspect it's a function of population density. One would have to look at the number of cases on a per-capita basis, say, per thousand population. But certainly there are more people and so there are more appeals.

Mr. Wayne Gates: That's probably the reason why Toronto wants to get rid of the OMB, just because of some of the decisions.

The last thing I'll talk about is—you're getting on the environment tribunal—what do you think of the greenbelt? Should we protect it? Should we let it go to development? What do you think we should do there?

Mr. Scott Tousaw: Planners deal with, and the OMB deals with, competing interests on an ongoing basis. The greenbelt is an example of that. As a province, clearly the Legislature decided that it was important to put a greenbelt—

The Vice-Chair (Ms. Daiene Vernile): I'm sorry, Mr. Tousaw. That's time with Mr. Gates.

Mr. Wayne Gates: I should have done that earlier. Thanks, buddy.

The Vice-Chair (Ms. Daiene Vernile): Perhaps the government side might allow you to continue, but we pass it over to the government side: Ms. Mangat.

Mrs. Amrit Mangat: Thank you, Mr. Tousaw, for your presentation. Welcome to Queen's Park.

Mr. Scott Tousaw: Thank you.

Mrs. Amrit Mangat: I'm sure you're aware that the province is in the process of a comprehensive review of the OMB. Can you share with the committee members what you think of this grand provincial review of the OMB? Can you share your thoughts with the committee members? What do you think of this grand provincial review of the OMB?

Mr. Scott Tousaw: The grand?

Mrs. Amrit Mangat: OMB.

Mr. Scott Tousaw: With respect to the review?

Mrs. Amrit Mangat: Yes.

Mr. Scott Tousaw: My sense of the review and the literature that I've read is that there are essentially three elements to the review: One is the scope of the board; access to the board and how to level the playing field, how to provide access to the board; and finally, perhaps the methods by which the board conducts its work.

I do think that it is important to review these things. It's not unlike a five-year review of an official plan. Community change is ongoing, and it's important that the process keeps up with that change.

Mrs. Amrit Mangat: So did you think it will improve things when it comes to scope or, as you said, with regard to the operation?

Mr. Scott Tousaw: I think there may be opportunities for improvement. I do think that while my understanding is that the board attempts to use mediation as much as possible, my understanding of the current process is that mediation is essentially at the complete discretion of the parties. It's fairly easy to check the "No" box on a form, that you're not interested in mediation. I do wonder sometimes, and I have been involved in cases in my home area where I felt that had the parties been encouraged a little more strongly to enter into mediation, we might have had a more desirable result.

Mrs. Amrit Mangat: Thank you.

The Vice-Chair (Ms. Daiene Vernile): Mr. Bradley.

Mr. James J. Bradley: This is a hypothetical question, but I'll put it to you anyway: What would be your attitude if you were dealing with a matter before the Ontario Municipal Board where one of the commenting agencies is a rogue conservation authority?

As we know, conservation authorities are there to protect the environment and enhance the environment. Sometimes they're taken over by people whose job is to pave every last square centimetre they can and make decisions which are anti-environment. Do you take that into consideration, or do you have to take those comments as they are, and they can't take into consideration that there's a cloud over that conservation authority? Perhaps an unfair question.

Mr. Scott Tousaw: I think what you're getting at is the way the board would deal with such a thing, and that is weight. What weight should that evidence be given at the board? Those kinds of things could be taken into account by the member. Of course, conservation authorities would need to have approved policies. Those policies would need to have connections to provincial interests, and if those connections can't be made, I would suggest that they would have a weaker argument before the board.

The Vice-Chair (Ms. Daiene Vernile): Mr. Anderson.

Mr. Granville Anderson: Thank you for putting your name forward. For me, I don't care what political contribution anyone makes as long as you're qualified. What I'm going to ask is, have you contributed to any political party?

Mr. Scott Tousaw: I have not contributed to any political party. I have kept my politics private, being a relatively public figure in a rural area. I always felt it important to keep my politics private because I work with MPs and MPPs. I do, however, believe in the privilege of voting.

Mr. Granville Anderson: Okay, good.

Mr. Gates touched on this, and he kind of stole my thunder a little bit, but I'm going to ask you a little bit more about it. Decisions are made by municipalities—whether it's green space, whatever—and developers will come along and decide, "Okay, I want to build condos,

homes," or whatever, and they challenge the municipality in that regard. You spoke about how anyone is able to appear before the OMB. Mr. Gates alluded to the fact that developers have very deep pockets, and if it's a small municipality, they cannot adequately pay for everything etc. So say a case like that comes before you. What would you do to maybe level the playing field a little bit?

0930

Where I come from, I was in workers' compensation, and if an unrepresented worker came against an employer that had lawyers, etc., you would allow more leeway to question, etc.

Basically, what would you do to—

Mr. Scott Tousaw: What I would do, and what I believe the board sets out to do—it's incumbent on the board to ensure that a fair hearing occurs and, through active adjudication, to ensure that all of the issues are thoroughly examined, whether those issues come from a very experienced panel of lawyers or whether they come from a private citizen.

Mr. Granville Anderson: And then if the community says, "Oh, it's pointless going to the OMB because we know what the answer will be," what would you say to that, if someone said that to you?

Mr. Scott Tousaw: Well, I would never want to second-guess the result of an Ontario Municipal Board hearing. The planning process is complex. It can be messy. One of the benefits of the OMB is that the process has a measured pace. It causes people to slow down, speak one at a time, understand thoroughly those issues and then render a decision.

Mr. Granville Anderson: I have no further questions.

The Vice-Chair (Ms. Daiene Vernile): Yes, Mr. Bradley?

Mr. James J. Bradley: I just have an observation to defend members of the OMB, and that is, it is said that some municipal councils are happy to have the OMB because they don't want to make the decision if it's an unpopular decision. They know what they have to do under the rules and regulations that exist in the province, but they would rather not make a difficult political decision, it is alleged. I can't think of any particular instance, but I sat on council for seven and a half years, so I know what you will be up against. Everybody loves the OMB as long as they're making a decision that suits their particular position; then they hate the OMB if the decision is opposite.

But we are looking forward to some reforms coming forward that the Legislature presumably will consider at some point in time that may benefit the process.

I wish you well, should the committee confirm you today.

Mr. Scott Tousaw: Thank you very much.

The Vice-Chair (Ms. Daiene Vernile): And that concludes the time allocated for this interview. Thank you very much for being here today. You may step down. We'll be voting on your nomination in about half an hour.

Committee members, can you hear okay with the sounds outside? Do you want us to close the windows?

Interjection.

The Vice-Chair (Ms. Daiene Vernile): It's not distracting? You're okay?

Mr. Granville Anderson: No, it's fine.

The Vice-Chair (Ms. Daiene Vernile): Okay.

MR. IAN CUNNINGHAM

Review of intended appointment, selected by third party: Ian Cunningham, intended appointee as member, College of Trades Appointments Council and Classification Roster.

The Vice-Chair (Ms. Daiene Vernile): Our next appointee today is Ian Cunningham, who is nominated as a member to the College of Trades. Good morning. Welcome.

Mr. Ian Cunningham: Good morning.

The Vice-Chair (Ms. Daiene Vernile): Please make yourself comfortable. You may begin with a brief statement, if you wish. Members of each party are going to have about 10 minutes to ask you some questions, and any time used for your statement will be deducted from the government's time for questions. Please begin by stating your name.

Mr. Ian Cunningham: My name is Ian Cunningham. Good morning, Chair, and thank you for the opportunity to be here this morning to share with the committee my qualifications to serve as a member of the College of Trades Appointments Council and Classification Roster.

As you know from the information that's been presented to you, I am an association executive, and I currently serve as president of the Council of Ontario Construction Associations. I have served in this role since August 2008. COCA is a federation of construction associations and is the largest and most representative voice for the non-residential construction sector in Ontario. Our mandate at COCA is to make sure that Ontario's laws and regulations support success in the construction industry and foster broad prosperity—

Interruption.

Mr. Ian Cunningham: That's good. That's construction.

Interjections.

The Vice-Chair (Ms. Daiene Vernile): Please continue.

Mr. Ian Cunningham: Our mandate at COCA is to make sure Ontario's laws and regulations support success in the construction industry and foster broad prosperity across the province.

Collaboration is at the centre of COCA's work and, as a consequence, I serve on a variety of coalitions, partnerships and committees, including the board of directors of Skills Ontario; the Provincial Partnership Council, which is an advisory committee to the Ministry of Education on experiential learning; the Ontario's Workforce Shortage Coalition; the Ontario Construction Users Council; BuildForce Canada's Ontario labour

market information committee; the Provincial Labour-Management Health and Safety Committee—this is the committee for the construction industry created under section 21 of the Occupational Health and Safety Act to provide advice to the Minister of Labour on health and safety matters; the Prevention Employers Partnership; the Ontario Business Coalition, where I serve as the chair; and the Daily Commercial News Editorial Advisory Board. The Daily Commercial News is the construction industry's daily trade paper.

Because the College of Trades serves not only the construction industry but also serves motive power, industrial and service sectors, I think it's important to note that several of the groups on which I serve are multi-sectoral and not just construction-specific.

With regard to the College of Trades and the role of the appointments council and classification roster, I would say I'm reasonably knowledgeable. Going back to 2009, I met with Kevin Whitaker, now Justice Whitaker, to provide advice as he was refining the College of Trades model that was originally advanced by Tim Armstrong in his report to the government of the day, prior to the drafting and introduction into the Legislature of the Ontario College of Trades and Apprenticeship Act. COCA made a submission. When the bill went to committee, COCA was an active participant in Tony Dean's review of OCOT. I watched with interest as Bill 70, and its schedule 17 amendments to the Ontario College of Trades and Apprenticeship Act that changed the shape of the appointments council, made its way through the legislative process.

To sum up, I have a good understanding of the construction industry, I have extensive experience working across sectors, and I am knowledgeable about the Ontario College of Trades and the role of the appointments council and classification roster.

Now I would be pleased to take any questions.

The Vice-Chair (Ms. Daiene Vernile): Thank you, Mr. Cunningham. The first questions for you will be directed by Mr. Gates, with the NDP.

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

Mr. Ian Cunningham: Good morning, Wayne. Fine, thanks.

Mr. Wayne Gates: I haven't seen you for a few days. I'll ask you the same question I asked the last presenter. Have you ever donated to the Liberal Party?

Mr. Ian Cunningham: Uh—

Mr. Wayne Gates: If you've got to say "uh," I'm in trouble.

Mr. Ian Cunningham: I have friends on all sides of the aisle. Until the current donations regime was put in place, COCA made donations and went to fundraisers for all parties. My politics will remain personal.

Mr. Wayne Gates: Okay. I understand you donated to some parties.

As we have learned, and you already said, you've held several positions with the chamber of commerce. Does the Ontario College of Trades do an adequate job of protecting the public by regulating and promoting skilled trades?

Mr. Ian Cunningham: The genesis of the college dates back to about 2008 or 2007, but it didn't really start up until, I think, April 2012. I think it continues to be a work in progress. I think they're getting better and better in all aspects of their work, and I think the Dean review was a big step.

Mr. Wayne Gates: The College of Trades has stated that one of their primary goals is to be an industry-driven organization that puts the decision-making in the hands of those who are directly impacted by those decisions. How does the witness feel his position with the Council of Ontario Construction Associations and past experience with the Ontario Chamber of Commerce will aid in achieving that goal? How does the witness plan to use his experience to shape the future direction of the college?

Mr. Ian Cunningham: If I am successful, the role that I will be in is as a member of the appointments council, and not on the board of governors or the divisional board or the trade board.

The appointments council wants to put qualified people in place through the governance structure of the College of Trades. The other side of that body, the classification roster, wants to make sure that informed decisions are made with regard to the classification of a trade. I think that getting the right people in place and making informed decisions will lead to better outcomes.

Mr. Wayne Gates: I'm sure you're aware of Bill 70, which established the College of Trades Appointments Council and Classification Roster. There were serious concerns from several organizations representing skilled and certified workers in the province of Ontario. We saw that out front of Queen's Park, where they had 7,000 people come in two days for a rally. Are you aware of these concerns, and can you comment generally on the situation?

Mr. Ian Cunningham: Yes. Recently, I read in the Daily Commercial News—and it was confirmed to me yesterday by some people in the know—that Minister Flynn recently arranged to have 12 representatives of trade unions come together for four days. They were facilitated by a former justice. They have come to some agreement. I don't know the principles that they all agreed to, but I understand all the unions have now signed off on these principles.

0940

It has to do with what I call the intersection of labour board decisions and the enforcement of College of Trades scopes of practice. I think in most cases it has been labourers who want to do work that's in the scope of practice of maybe an electrician or another compulsory trade.

I'm well aware of these differences.

Mr. Wayne Gates: Can you elaborate further on the recent changes made to the college? There was direct concern that this could allow unskilled workers to undertake dangerous work, ultimately putting the public at risk.

Does the witness believe these are reasonable concerns to have? You used the example of labourers doing electrical work.

Mr. Ian Cunningham: Tony Dean, in his report—I don't want to misstate, but my understanding is that he said there ought to be—for example, an electrician is a compulsory trade. There are some things that are within an electrician's scope of practice that require a lot of very specialized training. There are other things within an electrician's scope of practice that are on the periphery.

I think the public's interest is, whoever is doing the work—the public really doesn't care whether an electrician or a labourer does the work; they just want it done by somebody who's trained and qualified.

We'll see with the scopes of practice. They're going to be reviewed by the college. That's the next step, so we'll see where that lands.

But the public interest is in making sure that somebody who's trained and qualified performs the work.

Mr. Wayne Gates: That's an interesting comment, so I'll follow up on it. When the amendments that were established by COTACCR were introduced in 2016—Bill 70, Budget Measures—critics such as the International Brotherhood of Electrical Workers argued that the proposed changes would devalue skilled trades and put the public at risk by allowing unskilled workers to do the work of compulsory trades, and that big business, such as EllisDon, would benefit from the cheaper labour costs, putting the public and the workers at risk.

It goes on to say, "Are you aware of the concerns?" You obviously are. But maybe you could comment on the fact that the difference between a skilled trade and a labourer is substantial when you're talking about wages and scope of work—and the work of an electrician compared to a labourer. There is a big difference in wages, and that may be one of the reasons why people like EllisDon are fighting so hard to have this implemented.

Mr. Ian Cunningham: I don't want to speak to EllisDon, because I don't know what they might be doing. But it's my understanding, as I said before, that 12 trades have agreed to certain principles that would address this issue to their satisfaction.

Mr. Wayne Gates: You have a lot of experience in this type of industry. You've been around a long time—almost as long as me, or certainly around that area. So I'll ask you again: Do you feel that having non-skilled workers perform the work of skilled workers is in the best interests of the public?

Mr. Ian Cunningham: As I said before, I think the public's interest is served by having somebody who's trained and qualified performing whatever the task happens to be. It will all come down to how the scopes of practice are redefined and what "exclusive work" is.

I would say that those decisions are not in the domain of the appointments council and classification roster. They are in the domain of the review roster that is appointed to make these decisions.

Mr. Wayne Gates: I understand that the changes in Bill 70—obviously, there are some concerns around the changes in Bill 70, or you don't end up with 8,000 people on the front lawn. I'm glad that you—

Mr. Ian Cunningham: You don't want labourers making connections on high-voltage lines, and I don't—

Mr. Wayne Gates: No, I get that. Lastly, I understand that both the compulsory and non-compulsory trades groups have met to discuss the issues that have arisen out of the changes to the college. How do you feel both the compulsory and non-compulsory, or voluntary, trades can be treated equally? Is this possible, while also protecting the public and regulating and promoting skilled trades?

Mr. Ian Cunningham: There are some trades that want to become compulsory. There are some voluntary trades that are happy to be voluntary. There is a process, if a trade thinks that it should be compulsory, to seek to be reclassified as a compulsory trade. The process is a new one, on reclassification or classification of trades, so we'll see how that works. I think the new process is intended to be more evidence-based, research- and fact-based, so we'll see how that works out.

As I said, these things are a work in progress. It's a very new organization. I think the review process on classifications is an improved one—

The Vice-Chair (Ms. Daiene Vernile): Thank you, Mr. Cunningham. Our next questions for you will be directed from the government side. Ms. Mangat.

Mrs. Amrit Mangat: Thank you, Mr. Cunningham, for your presentation. You have a very impressive resumé.

My question is with regard to the structure and role of the agency, which has a two-pronged structure. My understanding is that the College of Trades Appointments Council and Classification Roster is a continuation of the former College of Trades Appointments Council. Do you anticipate any particular challenges associated with the two-pronged structure and duties of the newly constituted agency?

Mr. Ian Cunningham: The appointments council previously appointed members of the board of governors, members of the divisional board, the four divisional boards, members of all the trade boards, as well as members of the roster of adjudication. Under the former system, panels of three people were selected from the roster of adjudication to review ratios. Panels of three were selected to do classification and reclassification of trades.

Tony Dean recommended, particularly on the trade classification issue, that there wasn't enough evidence, facts and research coming forward to make those decisions on the classification of a trade. As a consequence, the Bill 70, schedule 17, amendments created or expanded this body to include a classification roster, which would include those folks who would consider classification of a trade as either compulsory or voluntary.

Now, will there be a challenge? I think this is an improvement. It's intended that different types of people with different experiences and different backgrounds will be selected to the classification roster, so it should produce a better outcome—more appropriately skilled people, I think.

Mrs. Amrit Mangat: Okay, thank you.

The Vice-Chair (Ms. Daiene Vernile): Mr. Anderson.

Mr. Granville Anderson: Thank you for coming forward. I had a number of calls around Bill 70—and I think Mr. Gates did, too—on public safety. I'm not an electrician, but I'm just wondering—a person does the piping that the electrical work runs through. I cannot see how that compromises public safety. They're not doing the electrical work; they are doing the piping that the wire runs through. I am at a loss to see—

Mr. Ian Cunningham: That's where you and the IBEW might have a difference of opinion, yes.

0950

Mr. Granville Anderson: Yes. As I said, I don't understand it enough. I know that Bill 70 did define more what the college was in place to do, so I just wanted your general comments on Bill 70, if you have any.

Mr. Ian Cunningham: Well, I'm pretty sure that laying conduit and pulling wire through conduit falls within the scope of practice of an electrician. I think it may be common that electrical companies could hire labourers to do that, but it's not in their scope of practice. It is an issue of enforcement, and, as I said to Mr. Gates, this is the big blow-up in the college: the scopes of practice and who can do what. Some compulsory trades want a very wide scope of practice because they want all the work that they can get and there are others that want to get little pieces of that work, and this has created a problem for the college.

Now, I think one of the next things that's on the college's schedule is the review of the scopes of practice. Tony Dean, in his report, made some recommendations with regard to how the scopes of practice ought to be drawn up, and I think that has caused some of this controversy. I was sitting at a breakfast the other day with the chair of the college board of governors and I asked him about the scopes of practice and when they're going to be reviewed, and he said they would start with construction—because that's where the issues seem to arise—and that that issue of developing a process on how scopes of practice were going to be reviewed and redefined would be handed to the construction divisional board, so it's very important that qualified people are appointed to the construction division board.

Mr. Granville Anderson: One last question: Do you think it's—

The Vice-Chair (Ms. Daiene Vernile): You've got about 45 seconds left.

Mr. Granville Anderson: Do you think it's the role of the college to police that?

Mr. Ian Cunningham: Enforcement? Well, I would say this to you, sir. Do you want somebody working on the brakes of your car who is not qualified? Would you like the college to go into auto service companies just to make sure that somebody who is qualified is working on your brakes? I think you would say yes.

Mr. Granville Anderson: Thank you.

The Vice-Chair (Ms. Daiene Vernile): Our final questions for you will come from the PC side: Mr. Oosterhoff.

Mr. Sam Oosterhoff: Ian, thank you very much for coming in and for taking our questions so far. So far they've all been very focused on the role of the college.

I want to take a little bit of a step back, perhaps, and just get some of your thoughts, as someone who has been involved in the construction industry for a long time, on many different boards and in different industry aspects of it. I have a bunch of friends who are working on getting their tickets right now, but I also have meetings, for example, with the Niagara Industrial Association, and they complain that they can't find enough skilled trades workers. What do you think is the way forward? How do we address some of this labour shortage, and do you think there is a skilled trades shortage? What role do you think the college plays in that?

Mr. Ian Cunningham: Yes, I'm hearing the same kinds of things from our members and, surprisingly, we've been talking about a skills shortage for five or eight or 10 years. Nobody saw it as a real thing, and now it's upon us and we're saying, "What do we do about it?" One of the roles of the college is to promote the skilled trades as a viable career opportunity.

There are wonderful careers in the skilled trades for people who want to work with their hands, or work outdoors. We all have different learning styles and not everybody can sit in the classroom and learn from a book and a teacher. I think Sean Conway's recent report on education suggested there ought to be more experiential learning tied to the classroom. I've been on a number of boards like the Skills Ontario board. We just had our skills competition at the Toronto Congress Centre last week on Monday, Tuesday and Wednesday. There were about 3,000 kids competing in 70 different skills areas. I think about 25,000 people went through.

I think we've got to promote to kids that being a lawyer and a social worker and a teacher aren't really what we all ought to be; that there are some great jobs out there for the right kids as an electrician, as a server—there are a lot of noble kinds of work. I think the message is gradually getting through. There have been some band-aid solutions—moving workers from one area of the province to another. Not everybody likes to do that. It's complicated. Parents have a big influence on their kids and what educational avenues they follow and what their career pursuits ought to be. So we have minds to change.

Does that answer the question?

Mr. Sam Oosterhoff: Yes, kind of. You're saying, in a broad, vague sense, that we should be changing minds, but I was asking more specifically: From your experience, what are some ways that we can actively change minds?

In my neck of the woods, in my part of Niagara, there are a lot of tradespeople. Being in the trades is a very respected profession. In some areas, from what people tell me, it's not so much necessarily—or perhaps they feel that way; there's a perception. What can we do to change that perception? Going into high school and being told that you should want to be a teacher, you should want to be a lawyer or you should want to be a social

worker, which are all excellent things, but if there's not necessarily as many jobs at the end of the day in those fields, and there is a skills shortage—how can we address some of that?

Mr. Ian Cunningham: I think we need labour market information about where the jobs are going to be. At the end of the day, I think young people should pursue the career opportunities for which they have the strongest interest and the greatest aptitude, but that is shaped by their family life, and who's around them and the values in the school environment. I think, very gradually, we're changing the values of teachers to think that careers in the trades are good.

I work with contractors who started out as an electrician, and they're doing very well. They're having a great life, a great family life and all of that. Why wouldn't a young person want to be a tradesperson?

Mr. Sam Oosterhoff: My brother is an electrician. That's great.

The Vice-Chair (Ms. Daiene Vernile): Mr. Pettapiece.

Mr. Randy Pettapiece: Thanks for coming in, Ian. This may be going on in other ridings; I don't know, but I'm just going to speak to it within my riding. Some of the high schools have a kind of pre-apprentice type of program going on. I don't know whether that's the right term, but what they do: I might think I want to be an electrician or I might want to be a mechanic, so they're sending those young people out to do that for a while and to see if they like getting their hands dirty. So they do that for a while and then, "Jeez, maybe being a mechanic isn't my cup of tea. I'm going to keep going to school and pursue something else."

I don't know if a lot of young folks now—and I know I didn't when I got out of high school. I really didn't know what I wanted to do. It was just getting this experience as I went along and it was just different jobs I had that pointed me in one direction.

All I'm saying is, I wonder if the College of Trades, if they're going to help promote this, maybe that's something that really should be looked at hard: taking some of these young folks out and giving them that experience for a couple of months, not just a couple of days, and seeing if they really do want to use their hands or whether they want further education, if they want to go to university or something.

Mr. Ian Cunningham: That is a great idea. There are co-op experiences in high school, and those have been increasing over the last many years. There's also a Specialist High Skills Major program in construction. I think there are about 15 Specialist High Skills Majors programs. They're great ways for young people to kick the tires on a career and see if they like it. If they have a positive experience, that will drive them to the next step.

Mr. Randy Pettapiece: My oldest boy is an electrician, but he didn't have that co-op business when he was in school. He thought he wanted to be an electrician. He got a job with a company and then went to Conestoga College and the rest is history.

All I'm saying is that he could have maybe gone halfway through this business and then all of a sudden, "I don't want to be an electrician anymore. I want to do something else."

Mr. Ian Cunningham: That's not typical. The typical entry-level apprentice is around 26, I think. And it's a default. They've kicked the tires on—maybe they've gone to university for a year, gone to college, gone to work and then at age 25, 26 or 27 somebody says, "Why don't you try an apprenticeship?" I think the average age is still around 26 of an entry-level apprentice.

Mr. Randy Pettapiece: He was just out of high school and went on this pursuit so he may be a little different than what you're talking about.

All I'm saying is, if young folks have the experience of working a summer or something, not just a short period of time, on what they think they want to do as far as an apprenticeship program goes, it's going to save time in their life but it's also going to save some money because they're not getting halfway through a college education in some field and all of a sudden, "Jeez, I don't want to do this anymore," and then they've got to go somewhere else. I think programs like that certainly should be promoted a lot more than what they are.

Mr. Ian Cunningham: Absolutely. Agreed.

The Vice-Chair (Ms. Daiene Vernile): Thank you very much, Mr. Cunningham. I would ask that you step down for a moment.

We're now going to be considering the concurrence for Scott Tousaw, nominated as member to the Ontario

Municipal Board. Would someone like to please move that concurrence? Mr. Qaadri.

Mr. Shafiq Qaadri: I move concurrence in the intended appointment of Scott Tousaw, nominated as member, Ontario Municipal Board (Environment and Land Tribunals Ontario).

The Vice-Chair (Ms. Daiene Vernile): Is there any discussion, members? All those in favour? Opposed? The motion is carried.

Congratulations.

We're now going to consider the concurrence for Ian Cunningham, nominated as a member on the Ontario College of Trades. Would someone please move the concurrence? Mr. Qaadri.

Mr. Shafiq Qaadri: I move concurrence in the intended appointment of Ian Cunningham, nominated as member, College of Trades Appointments Council and Classification Roster.

The Vice-Chair (Ms. Daiene Vernile): Any discussion, members? All those in favour? Opposed? The motion is carried.

Congratulations, Mr. Cunningham.

Members, we have one deadline extension to discuss: John Andrew McBride, nominated as vice-chair to the Agriculture, Food and Rural Affairs Tribunal, Board of Negotiation. Do we have unanimous agreement to extend the deadline to June 13? It expires on May 13. Any discussion? All in favour? Opposed? Extension set.

Members, thank you very much for your wonderful questions this morning. We stand adjourned.

The committee adjourned at 1003.

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Chair / Présidente

Mrs. Cristina Martins (Davenport L)

Vice-Chair / Vice-Présidente

Ms. Daiene Vernile (Kitchener Centre / Kitchener-Centre L)

Mr. Granville Anderson (Durham L)

Mr. James J. Bradley (St. Catharines L)

Mr. Wayne Gates (Niagara Falls ND)

Mrs. Amrit Mangat (Mississauga–Brampton South / Mississauga–Brampton-Sud L)

Mrs. Cristina Martins (Davenport L)

Mr. Sam Oosterhoff (Niagara West–Glanbrook / Niagara-Ouest–Glanbrook PC)

Mr. Randy Pettapiece (Perth–Wellington PC)

Mr. Shafiq Qadri (Etobicoke North / Etobicoke-Nord L)

Ms. Daiene Vernile (Kitchener Centre / Kitchener-Centre L)

Clerk / Greffière

Ms. Sylwia Przewdziecki

Staff / Personnel

Ms. Erin Fowler, research officer,
Research Services