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**Official Report
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(Hansard)**

A-14

**Journal
des débats
(Hansard)**

A-14

**Standing Committee on
Government Agencies**

Intended appointments

1st Session
42nd Parliament
Tuesday 16 April 2019

**Comité permanent des
organismes gouvernementaux**

Nominations prévues

1^{re} session
42^e législature
Mardi 16 avril 2019

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Tuesday 16 April 2019

Mardi 16 avril 2019

The committee met at 0900 in committee room 1.

INTENDED APPOINTMENTS

MR. RAY KINDIAK

Review of intended appointment, selected by official opposition party: Ray Kindiak, intended appointee as member, Ontario Securities Commission.

The Chair (Mr. John Vanthof): I'd like to call this meeting to order. We have Ray Kindiak, nominated as member for the Ontario Securities Commission. Mr. Kindiak, could you please come forward? Hi.

Mr. Ray Kindiak: Hello.

The Chair (Mr. John Vanthof): As you may be aware, you have the opportunity, should you choose to do so, to make an initial statement. Following this, there will be questions from members of the committee. With that questioning, we will start with the government, followed by the official opposition, with 15 minutes allocated to each recognized party. Any time you take in your statement will be deducted from the time allocated to the government.

The floor is yours, sir.

Mr. Ray Kindiak: Thank you very much, Mr. Chair and members of the Standing Committee on Government Agencies. It is a privilege and an honour to be nominated as a board member for the Ontario Securities Commission. I will take a few moments at this time to explain about my past and try to show to you how I can make a positive contribution to the Ontario Securities Commission.

As you are aware, the Ontario Securities Commission has the very important role of overseeing capital markets in Ontario and works with other provincial commissions in establishing securities laws and regulations throughout Canada.

The OSC has three stated mandates. To protect investors is first. Second, to foster fair and efficient capital markets. Third, to contribute to the stability of our financial system. In short, with the goal to always maintain the highest standards to protect investors, the OSC fulfills the crucial role of facilitating access to capital for companies in the province and companies that decide to raise private equity or public equity through our capital markets, such as the Toronto Stock Exchange and the venture exchange. Access to capital is an integral part of growing companies, which leads to vital job creation and prosperity in our province.

In highlighting these important objectives that the OSC carries out for the province and for many Canadian companies, I'd like to provide you with a brief summary of my education and work experience. I'd just like to provide a common thread that what I've done in my career over 25 years is diversify. Twenty-five years ago, everyone was focusing on specialization; I was trying to diversify.

For my educational background, I went to the University of Windsor and got a bachelor of commerce. I was fortunate enough to then go to law school and acquire the two degrees in six years instead of seven. With the extra year, I took a year off and studied French in Quebec City, where I took a lot of courses. Donc, je suis capable de parler en français aussi. À mon avis, je peux mener et suivre des enquêtes en français aussi pour la commission. I can hold hearings in French if necessary.

With that diversification theme, after articling in Ottawa—my original hometown—I went with a real estate development company in Montreal. I thought I would combine, basically, law and also my bachelor of commerce to look at financial opportunities to grow businesses of any kind, especially in the development area.

Very quickly, I learned about market cycles and that they go up and down. One year after I joined and set up operations in Ottawa, the real estate cycle started to peak and come down in 1990, so I went from basically being a lawyer to collecting rent cheques. I learned all aspects of the business in between, basically going hands-on to do turnarounds in Ottawa and Montreal.

Then, in my last year, towards 1991-92, they sent me to the United States, where they invested in properties in the United States, in Las Vegas and Los Angeles. I provided them with a one-month turnaround plan of my time spent. Anyway, I ended up living in Las Vegas for two years doing that turnaround. I basically have learned not by choice but through opportunities how to help businesses grow, both in the growth cycles and in the downward cycles which we've experienced since then.

When I got back to Canada, once again I decided to diversify. Instead of going into a law firm, where my colleagues said there weren't that many jobs, I went into capital markets. That's where, basically, I became acquainted with the Ontario Securities Commission, the regulations and the laws that it sets.

I became an analyst with Canaccord Capital, in situations helping out small and medium businesses for raising

capital. At that time, I had to become very acquainted with the laws for raising funds and, of course, realized the requirements to protect investors, while at the same time doing private placements for every type of company in those days, from oil and gas to mining and especially my niche at the time, which was technology companies in Canada. So I covered companies like, for example, Corel, ATI Technologies and Cognos, which was bought out by IBM, and I was there at the beginning for the first few rounds of Research in Motion, among many others.

I was very excited to see what we could do in Ontario regarding these types of jobs, and what we could create through the companies and the education system we have that encourage entrepreneurial growth within our country and our province.

Then, I decided to further diversify and went on the banking side to use more of my law degree—and my mother was happy with that—versus the diversification off into other areas of the financial area, which I loved, as well.

Also, I had to, of course, continue to be acquainted with the laws of the Ontario Securities Commission, the Securities Act of Ontario and all related regulations.

I became a VP and director of research capital. I acquired my partners, directors and officers exams—so I acquired the accreditations to be an executive level of a broker-dealer in Ontario.

Once again, the common thread: Everything was dictated, administered, enforced by the Ontario Securities Commission and, of course, across Canada, through related agreements that they have with other provinces.

Just to recall back, 20 years ago we encountered another market cycle with technology, and the markets peaked, so I went on the restructuring side, but I had my previous skills from 10 years earlier restructuring real estate companies.

I've learned, at the end of the day, to keep things simple: Focus on protecting the investors that come into the company and, of course, try to keep the business going through all the ups and downs of the economic cycles.

At that point, in 2000, I went to my hometown of Ottawa and I became a CFO of a public company, so once again I had to become acquainted with the laws of the Ontario Securities Act related to disclosures—full, true, plain disclosures. I drafted quite a few annual reports, and I've brought some here, which are still filed with SEDAR—so once again, the common thread, from a different vantage point, but basically being familiar with the laws of the Ontario Securities Act as administered by the Ontario Securities Commission.

I've had a first-hand view of helping small and medium business in Canada and have been fortunate enough to see how we can create opportunities in Canada. Of course, there is the other side of the equation: that in early-stage companies you always have to protect investors, which means adherence to the laws and the regulations of the Ontario Securities Commission.

As I'm sure we're all aware, the jurisdiction of securities in Canada is a provincial domain, and at this

time there have been many attempts to bring together all the different commissions throughout Canada for the harmonization of the laws, so I've been familiar with that, for example, when doing filings in other provinces when you want to sell securities.

For the last 10 years, I've been, on an advisory basis, helping out a lot of private companies, doing business plans and preparing them at some point to raise capital for private placements, so I'm familiar with the exemptions that apply outside of the regular filings for a public company. Exemptions mean that there's a different level of disclosure that has to be given for companies of different sizes based upon what the companies' requirements are for raising capital.

Anyway, that is a very short summary of my background.

I also did legal work for the government of Canada holding hearings for Canada pension and disability claims. I did about 70 of those hearings, from 2009 to about 2013.

I'm open for any questions.

The Chair (Mr. John Vanthof): Thank you. Our first round of questioning will go to the government. Mr. Cuzzetto.

Mr. Rudy Cuzzetto: Thank you, Ray, for being here this morning. It sounds like you've done a lot over your time.

What aspect of your professional experience will serve you well on the board of the Ontario Securities Commission?

Mr. Ray Kindiak: I believe the continuity of helping small and medium businesses that required capital—and required capital through the regulations and the laws set up through the Ontario Securities Commission or whatever jurisdiction it was in Canada. Of course, I've spent most of the last 20 years here in Toronto—so it has been raising capital and seeking investors related to specific companies that we believe could become successful companies in Canada.

The Chair (Mr. John Vanthof): Mr. Roberts.

M. Jeremy Roberts: Bonjour. Merci beaucoup d'être ici aujourd'hui.

M. Ray Kindiak: Ça me fait plaisir.

M. Jeremy Roberts: Vous avez mentionné que vous êtes bilingue et que vous pourriez participer dans des audiences dans les deux langues officielles.

M. Ray Kindiak: Oui.

M. Jeremy Roberts: Est-ce que vous pourriez nous donner un exemple où vous avez utilisé votre français dans un cadre professionnel?

M. Ray Kindiak: Merci beaucoup, monsieur Roberts. Quand j'habitais à Montréal, avec la compagnie de développement, il fallait que je parle en français toujours, et en anglais, pour nos clients à Montréal. Donc, c'étaient des plazas, des magasins, des centres industriels. J'avais besoin de parler toujours avec eux et d'expliquer des règlements à ces clients pour notre compagnie. Donc, j'avais besoin d'être toujours bilingue avec des clients à Montréal. Ça, c'est un exemple.

M. Jeremy Roberts: Merci beaucoup. C'est fantastique.

0910

The Chair (Mr. John Vanthof): Mr. Nicholls.

Mr. Rick Nicholls: Good morning, Mr. Kindiak.

Mr. Ray Kindiak: Good morning.

M. Rick Nicholls: Ma question est en anglais.

Laughter.

Mr. Rick Nicholls: Just to be clear; just to be clear.

I see you attended Windsor. You're a Lancer.

Mr. Ray Kindiak: Yes.

Mr. Rick Nicholls: Absolutely.

Mr. Ray Kindiak: Two degrees from the University of Windsor.

Mr. Rick Nicholls: The gold and blue. I'm from that neck of the woods. I went to Windsor as well, so we have common ground. That's what I like to do with people: Try to find common ground. It makes things—

Mr. Ray Kindiak: I went to school with a lot of guys from Chatham.

Mr. Rick Nicholls: Did you really? Oh, boy. I'm sure we'll have some stories to share.

I kind of chuckled when you said your mother was happy. We all know that if Mama ain't happy—and so on.

My question to you is very straightforward. How do you think the Ontario Securities Commission should respond to the changing technological landscape that's facing the securities industry? I, for one, hire those who are not technically challenged. But how would you handle that? How do you respond to those technological changes? Because it's becoming more and more serious as the days go on.

Mr. Ray Kindiak: Thank you very much, Mr. Nicholls. I very much agree that technology has to be a part of the innovations made within any company, and of course that goes for any government agency as well. We have to keep up with not just other provinces but other countries as well, which are all modernizing their forms of disclosure through technological means.

The Ontario Securities Commission held a symposium in March at the Design Exchange, and the theme was "reduce the burden." So there's a theme, not just within Ontario, that this has to be done, but across all competing nations looking for companies.

What we have to do in Ontario is just not reflecting what we have to do vis-à-vis other provinces, but vis-à-vis other countries, in creating technological efficiencies to make it easier for companies to get up and running, to raise capital and to reduce the costs, for example, of raising capital.

At the same time, you have to keep a balance with investors in protecting investors, which is paramount. Apparently, many of the submissions at the symposium showed that this can be done through technology and with a lot of consulting with current industry participants.

Mr. Rick Nicholls: Thank you very much.

The Chair (Mr. John Vanthof): Mr. Ke.

Mr. Vincent Ke: Thank you, Mr. Kindiak, for coming to our committee. My question is, are there any experiences outside of your professional career that you would like to expand on? Additionally, is there any community service or other volunteer work that you have done that would inform your work with the Ontario Securities Commission?

Mr. Ray Kindiak: Thank you, Mr. Ke. I consider community involvement a very important part of my day-to-day life. Once again, I think it was fostered by my parents to always give back to the community.

I've had the opportunity to be involved in different organizations, whether it be through my Ukrainian background growing up or also as a very proud Canadian, first and foremost, to help out other people with different backgrounds. I've helped out individually a lot of immigrants who have needed help, maybe people who slipped between the cracks. I've tried to make sure that they get to the proper government agencies, which we have here in Ontario at the municipal level or at the federal level, to help out new Canadians.

I'm reminded often by my parents of what it was like for them to arrive in the 1920s in Windsor. The fact that we, as Canadians, want to continue to welcome the world here, as a place to raise your family and, of course, to all prosper with, once again, the same types of strong laws that we have to protect businesses and property interests—there has to be a balance of the two, in other words. I believe very much in trying to foster early-stage companies, but also helping people on a volunteer basis.

One of the organizations I was involved with since 2005 was called DiversityCanada. Little did we know when we set up that foundation how much used the word "diversity" would be, but it's very appropriate for Canada. The chairperson of that organization is actually based out of northern Ontario, so we've set up job programs in northern Ontario. If you go to diversitycanada.org, you can see the programs that we've set up to help out new Canadians, even in the north of Ontario, for jobs that were based out of Elliot Lake.

Those are just some of the examples of extracurricular activities I'm involved with in the community.

The Chair (Mr. John Vanthof): Thank you. That concludes the time available for government questions. We will now switch over to the official opposition. Mr. Natyshak.

M. Taras Natyshak: Bonjour, monsieur Kindiak.

M. Ray Kindiak: Oui.

M. Taras Natyshak: Merci d'être ici aujourd'hui et félicitations pour votre appointment.

M. Ray Kindiak: Merci beaucoup.

Mr. Taras Natyshak: *Remarks in Ukrainian.*

Mr. Ray Kindiak: *Remarks in Ukrainian.*

Mr. Taras Natyshak: Mr. Kindiak, we have a concerning pattern in this committee that we've identified since the beginning of the committee. Unfortunately, it involves heavily weighted partisan appointments on behalf of the government. I don't know if you're aware of this, but we're pegging it at upwards of 98% of the appointments

that have come through this committee as being partisan: tied in some way to either the provincial Conservative party, the federal Conservative Party or having been a candidate or donor in some respect. I don't know what your thoughts are on that. I will ask you later on, but certainly it's concerning to us as members of the opposition because we have not, in the history of this House, seen such a heavily weighted appointment process.

Therefore, my questions are along that line. Please don't take offence at them. They are not directed towards you personally, but they certainly are starting to tell a disturbing story.

With that, sir, are you currently a member of the Progressive Conservative Party of Ontario?

Mr. Ray Kindiak: Yes, I am.

Mr. Taras Natyshak: Are you a member of the federal Conservative party?

Mr. Ray Kindiak: No, I am not.

Mr. Taras Natyshak: Have you ever been a candidate in an election for either the federal Conservatives or the Ontario Conservatives?

Mr. Ray Kindiak: No, I have not.

Mr. Taras Natyshak: Have you ever donated to a leadership campaign on the provincial or federal side?

Mr. Ray Kindiak: I have donated to the riding associations of the party.

Mr. Taras Natyshak: Have you ever donated to a leadership candidate for the Ontario Progressive Conservative Party?

Mr. Ray Kindiak: I donated at the end of the year when I received a letter saying that one of the candidates had a deficit.

Mr. Taras Natyshak: Which candidate was that?

Mr. Ray Kindiak: Christine Elliott.

Mr. Taras Natyshak: How did you come about learning about this appointment? Did someone approach you? Did you find it out on your own? Was it something that you had researched and identified as a possible position for you, or did someone reach out to you specifically and offer this appointment to you?

Mr. Ray Kindiak: In the fall at a business event, some business colleagues mentioned to me that there's the opportunity to get involved, related to my professional background. They said that I should pursue it, given the amount of time I spent helping out at a riding level. I'd like to disclose that I was a riding president for Spadina-Fort York with the effort of trying to get downtown professionals involved in the community, of any affiliation. I just thought it was a good opportunity to do this in downtown Toronto—

Mr. Taras Natyshak: Sorry. Were those business colleagues tied to the Ontario Progressive Conservative Party?

Mr. Ray Kindiak: I wasn't aware at the time if they were or weren't.

Mr. Taras Natyshak: Okay. What is your relationship, past or present, with the Premier of Ontario?

Mr. Ray Kindiak: I have no relationship with the Premier.

Mr. Taras Natyshak: You've never met the Premier?

Mr. Ray Kindiak: I've had pictures with him; that's it.

Mr. Taras Natyshak: Do you have any business relations, any fiduciary responsibilities or any holdings that might put you in conflict with any ministers?

Mr. Ray Kindiak: None at all.

Mr. Taras Natyshak: You have no business relationships with any current members of the Progressive Conservative Party caucus?

Mr. Ray Kindiak: None at all.

Mr. Taras Natyshak: You have not ever in the past either?

Mr. Ray Kindiak: Never.

Mr. Taras Natyshak: Do you have a relationship with Mr. Bernier, the people's—I forget the party now. It's the People's Party of Canada, I believe, right?

Mr. Ray Kindiak: During the leadership race for the federal Conservative party, I got to know Maxime Bernier, but that was it. After he lost, I stopped my involvement with the party.

Mr. Taras Natyshak: Did you support his campaign specifically? Did you endorse his campaign?

Mr. Ray Kindiak: I liked him as an individual. I thought he'd be a good candidate. I went to a few functions where he was at the events.

0920

Mr. Taras Natyshak: Did you donate to his campaign?

Mr. Ray Kindiak: Yes, I did.

Mr. Taras Natyshak: Did you donate to his subsequent campaign with the People's Party of Canada?

Mr. Ray Kindiak: No, I have not.

Mr. Taras Natyshak: Are you aware of his position on immigration? You alluded to the importance of immigration, specifically of the Ukrainian community. I don't know if your family story is anything like my family story, but my family has a history of coming here in destitute conditions—leaving Ukraine and coming to Saskatchewan and planting roots, literally, and feeding the country. I don't know if that story is close to your heart, but it's certainly one that we hold near and dear in the NDP caucus, in terms of the force that immigration brings to our economy. Are you aware of Mr. Bernier's position around stymying the growth or the acceptance of immigrants, and specifically refugees?

Mr. Ray Kindiak: I have not followed federal Conservative politics since the leadership race. I focused on Ontario, and I devoted my time to helping out in the province of Ontario. There was just too much to do. My involvement with helping out federally was just a side interest at the time. My focus was on how we can make change in Ontario, given the fact that at times we have so-called—I talked about business cycles. Well, we also have so-called political cycles where you have one party in power for a while. So I believe, and I say openly, that the pendulum had swung too far over 15 years to one side; it was time to swing back. That has been my focus. I have no involvement otherwise with the federal party or Maxime Bernier.

Mr. Taras Natyshak: Can you tell us about your firm, Sinclair Range Inc? What's your position there?

Mr. Ray Kindiak: I'm a managing director of Sinclair Range. I've worked there for four years.

Mr. Taras Natyshak: Did you start that company?

Mr. Ray Kindiak: No, that was started by another person, but I—

Mr. Taras Natyshak: Your partner?

Mr. Ray Kindiak: Yes.

Mr. Taras Natyshak: Do you foresee any conflict, potentially, with—are you going to continue to be involved in Sinclair Range, or are you going to withdraw your involvement there? What is your position there vis-à-vis any conflict?

Mr. Ray Kindiak: This is a part-time appointment, as far as I understand, with the Ontario Securities Commission. I will be called upon at certain times throughout the year to work several days, I believe. So I still will continue on with my current work with Sinclair Range.

Mr. Taras Natyshak: You don't see any potential conflict down the road?

Mr. Ray Kindiak: I don't see any, and if there would be, I'd make sure that it would be disclosed. But I don't even foresee any conflicts.

Mr. Taras Natyshak: No intention of resigning any of your posts at Sinclair Range—your position, to be clear.

Mr. Ray Kindiak: No, because I still need to make a living.

Mr. Taras Natyshak: Okay. Just to follow up, are you currently a member of the bar?

Mr. Ray Kindiak: Yes.

Mr. Taras Natyshak: And a member of the Law Society of Upper Canada?

Mr. Ray Kindiak: Yes, I am.

Mr. Taras Natyshak: When was the last time you practised law?

Mr. Ray Kindiak: I currently have my licence to practice law and I pay insurance. That's not with Sinclair Range, though. It's with legal clients separate from Sinclair Range. Sinclair Range is financial advisory for companies. If a legal issue does arise, I make sure that client gets legal advice from a law firm separate from Sinclair Range.

Mr. Taras Natyshak: So you're in an advisory role, in terms of your legal capacity? You don't practise criminal law or—?

Mr. Ray Kindiak: I don't practise criminal law. Like I said, I'm called to the bar, and I pay full insurance dues to give advice. I give advice, for example, on estate law, even separate from Sinclair Range.

Mr. Taras Natyshak: Is there a potential of conflict there that you could foresee, where potentially a client of yours has a case before the Ontario Securities Commission where you're advising them? That seems like that would be your forte, given your background and your knowledge.

Have you ever advised any clients in the past on OSC compliance?

Mr. Ray Kindiak: When I came back from Ottawa to Toronto, there would be registrants with the Ontario

Securities Commission who would have to go for audits, and I basically would look at the laws of the Ontario Securities Commission and prepare them for the audit. For example, there would have to be disclosures made if certain investments were sold by a certain broker-dealer or an exempt market dealer. It's about full, true, plain disclosure of the financial information on one side, and the other side is, they had to show that they know their clients. It's called the "know your client" rule.

Mr. Taras Natyshak: If that scenario plays out again in the future in your private capacity, because now you're a public figure, would you consider that a conflict in terms of just advising on any matter of OSC compliance or regulatory burdens, given that your new role would potentially allow you to vote on any of that structure and to change that structure?

Mr. Ray Kindiak: The procedure to follow up there would be similar to other cases. It's not just whether there's a conflict, but the perception of a conflict has to be avoided. So what I would do there is give a full, true disclosure to the client that I can't participate in anything related to a hearing. I'd have to disclose to the Ontario Securities Commission and to the clients that I'm a board member and therefore I would recuse myself from such a situation.

Mr. Taras Natyshak: Mr. Kindiak, I thank you very much, and I appreciate you being here before us today.

Mr. Ray Kindiak: Thank you very much, Mr. Natyshak.

The Chair (Mr. John Vanthof): No more questions? We have some time left on the clock. Madame Lalonde, would you like to ask questions?

Mrs. Marie-France Lalonde: Thank you very much for being here. C'est un plaisir de vous rencontrer. Je suis fière de voir qu'on va pouvoir parler français sur la commission.

Mr. Ray Kindiak: Je fais de mon mieux. Ce n'est pas ma première langue, mais je peux me débrouiller.

M^{me} Marie-France Lalonde: C'est bien. On est bien fier de ça. Écoutez, je pense que l'opposition vous a posé plusieurs questions qui m'intéressaient énormément par rapport à vos conflits d'intérêts. Moi, j'aimerais savoir, based on your opinion, what are the main challenges and issues facing the commission currently?

Mr. Ray Kindiak: This is from the outside looking in, so it's best for me to wait until I go inside to know what the priorities truly are of Maureen Jensen as commissioner and chairperson for the Ontario Securities Commission. But based upon the recent symposium that was held, industry participants said that we have to continue to simplify the rules and the laws and regulations across the country. There has been a national effort at different times to set up a national regulator, and there's a lot of harmonizing that's going on between the provincial jurisdictions—the efforts continue to be made to harmonize and to simplify the laws across the country. That, I believe, is a major challenge.

The other one is very much the Burden Reduction Task Force that has been set up. That's another challenge that

the OSC and other commissions across the country have and need to do in order to keep up with other nations, which is in order to encourage investment in Ontario and across the country. Those are the major challenges that I believe lie before the OSC, but as I mentioned, if I have the opportunity to be appointed, I'll listen to see what the specifics are and how they're going after them.

Mrs. Marie-France Lalonde: Would you say that currently in Ontario there are challenges with investment?

Mr. Ray Kindiak: Not with investment. But, for example, one of the points brought up at the symposium in March was the cost that you have in order to do your filings, the time it takes. In other words, anything that could be done to reduce the overall costs—paying law firms was mentioned, that it's very onerous that every time you look at the securities regulations, they're so complex that effort should be made, it was stated, to simplify the filings so they will cost less for companies. That will therefore make it easier to raise money. As mentioned, raising money is like water to a plant: You need water in order for a plant to grow. Companies need capital in order for them to grow and create the jobs and prosperity for this province.

Mrs. Marie-France Lalonde: In your opinion—and I know this is very high-level since you have not yet started in your role—why do you think those regulations were implemented over the years, and now we're looking at deregulating them to potentially support the businesses better?

Mr. Ray Kindiak: The first comment would be towards the word “deregulation.” It's not deregulation; it's just maybe, as mentioned, getting rid of duplication. In other words, because there are so many regulatory agencies across the country that manage so many things, there's a lot of duplication. So it's not deregulating. I think that's important to point out. It's basically ending duplication.

Mrs. Marie-France Lalonde: Harmonizing.

Mr. Ray Kindiak: Harmonizing, yes.

Mrs. Marie-France Lalonde: Okay. Thank you very much.

Mr. Ray Kindiak: You're welcome.

The Chair (Mr. John Vanthof): Thank you. That concludes the time allotted, so you may step down, sir.

Mr. Ray Kindiak: Thank you very much.

0930

MR. JOHN ECKER

Review of intended appointment, selected by official opposition party: John Ecker, intended appointee as member, Ontario Heritage Trust.

The Chair (Mr. John Vanthof): We have John Ecker, nominated as member of the Ontario Heritage Trust. Could you please come forward, Mr. Ecker? As you may be aware, you have the opportunity, should you choose to do so, to make an initial statement. Following this, there will be questions from members of the committee. With that questioning, we will start with the official opposition

followed by the government, with 15 minutes allocated to each recognized party. Any time you take in your statement will be deducted from the time allocated to the government.

The floor is yours, sir. Welcome.

Mr. John Ecker: Thank you, Mr. Chair. Good morning, everybody. Thank you very much, members of the standing committee. It's my pleasure and my honour to have been nominated to serve as a board member of the Ontario Heritage Trust.

I was born in Brantford, and that's where I developed a love of history and a great interest in photography. After high school, I earned a diploma in photography from Fanshawe College in London and then a bachelor of arts degree in political science from the University of Waterloo. I married my high school sweetheart, Helen, and we first settled in Toronto before moving to Whitby in 1989 to raise our family.

My parents had always been involved in our community growing up and instilled in me a commitment to civic engagement and volunteerism. Over the years, I've been involved in numerous volunteer capacities. I was chair of the Whitby Public Library board and was a strong advocate for the building of the town's new central library. I was on the board and served as chair of the Waterview Child Care Centre as it undertook a move from the historic grounds of the former Whitby Psychiatric Hospital. I was also chair of the Lynde Marsh Alliance, a land trust established under the leadership of my local MPP at the time, the Honourable Jim Flaherty. The Lynde Marsh Alliance helped to identify and protect natural heritage lands in the Lynde Marsh watershed.

I was also appointed by Whitby town council to serve on the local architectural conservancy advisory committee, or LACAC, as it is called. I served as vice-chair for several years and as chair until 2018. While serving on LACAC, I was a strong advocate for heritage conservation and was a vocal proponent of the town's retention of the Lynde House, Whitby's oldest home, and a building that has an association with the War of 1812. I've also participated in the town's Doors Open program, and I've been vocal on many other local heritage matters.

I received a five-year service recognition award from the province for my work with LACAC and another as a member of the Whitby Public Library board.

Internationally, several years ago, I helped in the establishment of the Bimini Museum in the Bahamas. I then created Bimini Bound, a local effort in Whitby that, through three public drives, sent over 10,000 books and other learning resources to the island of Bimini in the Bahamas.

I also served for several years on the board of Credit Canada, the country's largest not-for-profit credit counseling organization.

Active involvement in my volunteer roles extends to my faith community. I serve on the advisory board of ShareLife, the Toronto Catholic archdiocese's annual appeal in support of more than 40 organizations. The \$15.5-million effort includes support for more than 30

health and social service agencies that have an open-intake policy where no one is denied help on the basis of religion, gender or cultural background.

In 2010, I was a volunteer on the archdiocese's Cathedral Block committee, established to develop plans for the restoration of St. Michael's Cathedral, built in 1847. The cathedral, designed by the great architect William Thomas, has now been fully restored to its former glory.

It was my volunteer involvements at the archdiocese that led me to my current career role as director of the Family of Faith campaign and special projects at the archdiocese. I've worked with the archdiocese since 2013, and I'm proud of my association with the campaign, which, to date, has raised \$170 million against a goal of \$105 million. This, I'm told, makes it the largest faith-based fundraising campaign in Canadian history.

Most of my career roles have been in the communications, marketing, branding, public relations and fundraising fields. Before my work with the archdiocese, I was a vice-president at the National Aboriginal Achievement Foundation. I led the organization's very successful rebranding effort; the organization is now known as Indspire. Indspire helps fund post-secondary education for First Nations, Inuit and Métis students. Through its Indspire Awards, it also celebrates the achievement of Indigenous role models.

I've also held other career roles with the Toronto Board of Trade, Durham College, the Ontario Trillium Foundation and Echo, the former provincial agency for women's health.

However, one of my most fulfilling jobs was in the mid-to late 1990s, when I was the manager of marketing and communications at the Ontario Heritage Trust. It was known as the Ontario Heritage Foundation at the time. Over the years, I have followed the progress of the trust and have, in most years since, made a small annual contribution to its work.

It was during my time that we conducted the first broad-based fundraising study for the trust that was not linked to any particular property. At the time, the trust had been asked by government to find new ways to raise money and to maintain a strong connection with the people and communities across our province.

I'm proud to say that I authored the plan for the establishment of the Heritage Community Recognition program, the long-running awards program that celebrated municipally nominated individuals who best exemplified built, natural and cultural heritage contributions in communities. Those awards continued until just a few years ago, and I understand they are seen as the forerunner to the Lieutenant Governor's awards for heritage.

So, as I hope you can understand, given my volunteer and professional background, I would be thrilled to be appointed to the board of the Ontario Heritage Trust. The mandate of the trust is very important in our province, and I look forward to helping it both continue its excellent work and to also have a greater impact in helping to celebrate our heritage and to tell the stories of those who have made our province great.

I look forward to assisting the trust in all of its work to identify, promote and protect Ontario's rich built, cultural and natural heritage.

Mr. Chairman and members of the committee, thank you for your time in allowing me to give these introductory remarks. I look forward to receiving your questions. Thank you.

The Chair (Mr. John Vanthof): Thank you very much for your intro. We would like to go to the official opposition. Mr. Burch.

Mr. Jeff Burch: Welcome, Mr. Ecker.

Mr. John Ecker: Thank you.

Mr. Jeff Burch: I'd like to, first of all—I'm sure you're expecting this. There has been a trend, as my colleague mentioned, of partisan appointments to committees. I did notice that you were a candidate for a Conservative nomination in Whitby at one time. Are you still a member of the party?

Mr. John Ecker: I'm a member of the party, yes.

Mr. Jeff Burch: Okay. Federally and provincially?

Mr. John Ecker: Yes, I am.

Mr. Jeff Burch: How did you come to apply for this position? Were you approached, or did you apply of your own volition?

Mr. John Ecker: I knew that there would be opportunities with the change in government, so I went through the Public Appointments Secretariat process to get a profile created. I had some discussions with my local MPP, Lorne Coe, about various opportunities, and ultimately it led to being contacted by the minister's office about a couple of roles.

Mr. Jeff Burch: Do you have a relationship with the Premier?

Mr. John Ecker: No, I don't. I've met him but I don't know him personally.

Mr. Jeff Burch: Do you have any financial or business relationships with anyone in the Conservative caucus or party?

Mr. John Ecker: No, I don't, sir.

Mr. Jeff Burch: Okay. I see you're a donor, as I think you mentioned, to the Ontario Heritage Trust, and you sat on the Whitby Heritage Advisory Committee. I'd just like to know your opinion on where you believe the public interest meets the private interest in terms of—much of your work has been fundraising, and much heritage in the province has been preserved through fundraising from private individuals. Where does the public responsibility end and the private fundraising responsibility start?

Mr. John Ecker: I think the best emerges when there is a good partnership, where both parties are working together within their areas of responsibility. Clearly, there is legislation in place that protects our heritage. We've got private interests that want to work within heritage properties and heritage buildings. It's important that there be collaboration with both sides, if you will.

Mr. Jeff Burch: That's all I have. I think you're going to make a very strong candidate. I'm very impressed with your credentials.

Mr. John Ecker: Thank you, sir.

The Chair (Mr. John Vanthof): We will now go to the government. Mr. Roberts.

Mr. Jeremy Roberts: Good morning, Mr. Ecker.

Mr. John Ecker: Good morning.

Mr. Jeremy Roberts: I'm not sure—I think we must have crossed paths at some point, because I worked for the late Jim Flaherty for five years. So I'm really pleased to see that you and he were involved in Whitby.

Mr. John Ecker: He was a great man.

Mr. Jeremy Roberts: He really was. He was certainly a great mentor to me.

Also, noticing your passion for heritage, and your work with the archdiocese, I'm sure you join with us in mourning what happened in Paris yesterday. It's awful to see that beautiful structure damaged.

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Mr. John Ecker: It is. I've had the pleasure of being there several times and took each of my children there as well. I'm glad they saw it in its past glory. Hopefully it will be restored.

Mr. Jeremy Roberts: I hope so. I've been three times, and only on the last time did I wait in the lengthy line to go in, and I'm very glad I did.

The question I have for you today: Obviously, this position is an unpaid position; I'm assuming you know that. What is it that drives this passion for heritage for you? What is it that's made you want to put your name forward for this particular role?

Mr. John Ecker: I think it's important that people who have something to contribute to these agencies step forward, and it's just out of an honest, straightforward desire to make a contribution where I can. As I said in my remarks, it was instilled in me by my parents and it's something that I've always tried to live up to.

Mr. Jeremy Roberts: Excellent. I appreciate that. I couldn't agree with my colleague Mr. Burch any more; I think you'll make a wonderful candidate.

Mr. John Ecker: Thank you, sir.

The Chair (Mr. John Vanthof): Mr. Cuzzetto.

Mr. Rudy Cuzzetto: Thank you for being here, Mr. Ecker. Heritage is very important to me. I come from the riding of Mississauga–Lakeshore, where Port Credit and the Credit River are and where my family home is known as a heritage home. It's still known as the Cuzzetto home today, so it's very close to my heart.

The question I would like to ask you: It's my understanding that you were previously employed by the Ontario Heritage Trust. Is there any particular project that you worked on that you could elaborate on for the members here?

Mr. John Ecker: I really enjoyed working on the first fundraising study that was beyond a property. The foundation had always done a very good job in fundraising for specific properties, but we wanted to look at whether there was a more broad-based opportunity to solicit Ontarians to contribute to heritage conservation beyond a specific property. We explored whether we would have a membership program, to develop a broad-based membership program that people who are interested in heritage would be able to participate in.

In some ways, it gets back to Mr. Burch's question about the intersection between public and private. Ultimately at the foundation we felt that such a membership program might in fact detract from the good work of other organizations that are membership-based. We didn't want to compete with others that are doing such great work in the province.

The other program I was particularly proud of was the heritage community recognition program. It was a great way to animate interest in local municipalities right across the province, where each individual council was asked to nominate the person in their community who best exemplified heritage conservation. It was terrific to be able to hear and receive all those stories and then to give a major platform to share those stories with all Ontarians. One of the things I was able to do was to get our posters, for instance, into LCBOs across the province so that we could share those stories of the wonderful work of various people.

Mr. Rudy Cuzzetto: Thank you, Mr. Ecker.

The Chair (Mr. John Vanthof): Mr. Nicholls.

Mr. Rick Nicholls: Welcome. Good morning, Mr. Ecker. Good to see you again.

Mr. John Ecker: Good morning. Nice to see you, sir.

Mr. Rick Nicholls: Thank you, sir. It's good to be seen rather than viewed.

Mr. Ecker, while at the Ontario Heritage Trust, you're going to be busy with a lot of files that will require a lot of fine attention to detail. I'm just wondering: Why do you feel qualified to be appointed to this position? I know you're a detail-oriented kind of person, but maybe you could elaborate on that for us a bit.

Mr. John Ecker: Good question. I am known as a very detailed person. I'm seen as a bit of a quick study as well. When I look at my various career roles, I think that I'm going to bring a lot back to the trust, having been away from it for so long. Areas like fundraising, branding and PR will help enhance what they're already doing—which, by the way, is very good still.

Mr. Rick Nicholls: Perfect. Thank you very much. I appreciate the response.

Mr. John Vanthof: Mr. Ke.

Mr. Vincent Ke: Good morning, Mr. Ecker.

Mr. John Ecker: Good morning.

Mr. Vincent Ke: Thank you for being here today. My question is, what do you hope to accomplish during your term at the Ontario Heritage Trust?

Mr. John Ecker: I hope to be able to help it in its other fundraising activities, beyond its government funding. I'm very interested in their specific project, which has been under way now for just about 10 years, with respect to the recognition of all the former Premiers of Ontario, to ensure that all of their gravesites are marked with a flag. I think it's a noble effort, but I'm not sure that it has been fully done yet, so I'd like to lend my help to that effort.

The Chair (Mr. John Vanthof): No further questions from the government side?

There is time remaining on the clock. Would you like some questions, Madame Lalonde?

Mrs. Marie-France Lalonde: I'm just going to say I think you're highly qualified, and I think you'll be an excellent member on the board.

Mr. John Ecker: Thank you very much.

The Chair (Mr. John Vanthof): The questions have concluded, Mr. Ecker. You may step down.

Mr. John Ecker: I appreciate your time. Have a good day.

SUBCOMMITTEE REPORT

The Chair (Mr. John Vanthof): We have the subcommittee report dated April 11, 2019. We have all seen the report in advance, so could I please have a motion? Mr. Burch.

Mr. Jeff Burch: I move adoption of the subcommittee report on intended appointments dated Thursday, April 11, 2019, on the order-in-council certificate dated April 5, 2019.

The Chair (Mr. John Vanthof): Mr. Burch has moved adoption of the report. Any discussion? Seeing none, I'd like to call a vote.

All those in favour? Opposed? The motion is carried.

INTENDED APPOINTMENTS

The Chair (Mr. John Vanthof): We will now consider the intended appointment of Mr. Ray Kindiak as member for the Ontario Securities Commission. Ms. Fee.

Mrs. Amy Fee: I move concurrence in the intended appointment of Ray Kindiak, nominated as member for the Ontario Securities Commission.

The Chair (Mr. John Vanthof): Concurrence in the appointment has been moved by Ms. Fee. Is there any further discussion? Seeing none, I'd like to call the vote. All those in favour? Opposed? Concurrence is carried.

We will now consider the intended appointment of Mr. John Ecker, member for the Ontario Heritage Trust. Ms. Fee.

Mrs. Amy Fee: I move concurrence in the intended appointment of John Ecker, nominated as member for the Ontario Heritage Trust.

The Chair (Mr. John Vanthof): Concurrence in the appointment has been moved by Ms. Fee. Is there any further discussion? Seeing none, I'd like to call a vote. All those in favour? Opposed? It's carried.

The deadline to review the intended appointment of Gladys Larbie, selected from the March 22, 2019, certificate, is April 21, 2019. Do we have unanimous agreement to extend the deadline to consider the intended appointment of Gladys Larbie to May 21, 2019? We don't have unanimous consent.

The deadline to review the intended appointment of Lawrence Malloy, selected from the March 22, 2019, certificate, is April 21, 2019. Do we have unanimous agreement to extend the deadline to consider the intended appointment of Lawrence Malloy to May 21, 2019? I heard a no. No unanimous consent.

The deadline to review the intended appointment of Leslyn Lewis, selected from the March 22, 2019, certificate, is April 21, 2019. Do we have unanimous agreement to extend the deadline to consider the intended appointment of Leslyn Lewis to May 21, 2019? There was a no. No unanimous consent.

Interjections.

The Chair (Mr. John Vanthof): Order, please.

The deadline to review the intended appointment of John Cyr, selected from the March 22, 2019, certificate, is April 21, 2019. Do we have unanimous agreement to extend the deadline to consider the intended appointment of John Cyr to May 21, 2019? No unanimous consent.

The deadline to review the intended appointment of Les Kariunas, selected from the March 29, 2019, certificate, is April 28, 2019. Do we have unanimous agreement to extend the deadline to consider the intended appointment of Les Kariunas to June 4, 2019? I heard a no.

The deadline to review the intended appointment of John Snoei, selected from the March 29, 2019, certificate, is April 28, 2019. Do we have unanimous agreement to extend the deadline to consider the intended appointment of John Snoei to June 4, 2019? I heard a no. No unanimous consent.

The deadline to review the intended appointment of Cheryl Knott, selected from the March 29, 2019, certificate, is April 28, 2019. Do we have unanimous agreement to extend the deadline to consider the intended appointment of Cheryl Knott to June 4, 2019? I heard a no. No unanimous consent.

The deadline to review the intended appointment of Maureen Comuzzi, selected from the March 29, 2019, certificate, is April 28, 2019. Do we have unanimous agreement to extend the deadline to consider the intended appointment of Maureen Comuzzi to June 4, 2019? I heard a no. No unanimous consent.

The deadline to review the intended appointment of Alan Boughton, selected from the March 29, 2019, certificate, is April 28, 2019. Do we have unanimous agreement to extend the deadline to consider the intended appointment of Alan Boughton to June 4, 2019? I heard a no. No unanimous consent.

That would conclude the meeting of this morning. It is adjourned.

The committee adjourned at 0950.

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