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**Official Report
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(Hansard)**

G-54

**Journal
des débats
(Hansard)**

G-54

**Standing Committee on
General Government**

Supporting Recovery
and Competitiveness Act, 2021

1st Session
42nd Parliament

Wednesday 19 May 2021

**Comité permanent des
affaires gouvernementales**

Loi de 2021
sur le soutien à la relance
et à la compétitivité

1^{re} session
42^e législature

Mercredi 19 mai 2021

Chair: Goldie Ghamari
Clerk: Isaiah Thorning

Présidente : Goldie Ghamari
Greffier : Isaiah Thorning

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CONTENTS

Wednesday 19 May 2021

Supporting Recovery and Competitiveness Act, 2021, Bill 276, Mr. Sarkaria / Loi de 2021 sur le soutien à la relance et à la compétitivité, projet de loi 276, M. Sarkaria.....	G-1381
Mr. Alex Jung; Ontario Confederation of University Faculty Associations	G-1381
Ms. Jenny Ahn	
Ms. Mina Rajabi Paak	

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Wednesday 19 May 2021

Mercredi 19 mai 2021

The committee met at 0900 in committee room 1 and by video conference.

**SUPPORTING RECOVERY
AND COMPETITIVENESS ACT, 2021**

**LOI DE 2021
SUR LE SOUTIEN À LA RELANCE
ET À LA COMPÉTITIVITÉ**

Consideration of the following bill:

Bill 276, An Act to enact and amend various Acts /
Projet de loi 276, Loi édictant et modifiant diverses lois.

The Chair (Ms. Goldie Ghamari): Good morning, everyone. The Standing Committee on General Government will now come to order. We are here for public hearings on Bill 276, An Act to enact and amend various Acts.

We have the following members present in the room: only myself. The following members are participating remotely: MPP Bourgooin, MPP Crawford, MPP Sabawy, MPP Sandhu, MPP Schreiner, MPP Wai, MPP Skelly and MPP West. Have any other members joined us? No.

We are also joined by staff from legislative research, Hansard, and broadcast and recording.

Please speak slowly and clearly, and wait until I recognize you before starting to speak. Please take a brief pause before beginning. As always, all comments should go through the Chair. Are there any questions before we begin?

Our presenters today have been scheduled into groups of three for each one-hour timeslot, with each presenter allotted seven minutes for an opening statement, followed by 39 minutes of questioning for all three witnesses, divided into two rounds of 7.5 minutes for government members, two rounds of 7.5 minutes for the official opposition members and two rounds of 4.5 minutes for the independent members of the committee. Are there any questions?

I will now call upon Alex Jung. Please state your name for Hansard and then you may begin. You will have—oh, sorry, MPP West, my apologies.

Mr. Jamie West: Thank you, Chair. I didn't receive an agenda for the meeting. Could the Clerk send me one by email?

The Chair (Ms. Goldie Ghamari): The Clerk will send you an agenda.

Mr. Jamie West: Thank you.

MR. ALEX JUNG

ONTARIO CONFEDERATION
OF UNIVERSITY FACULTY
ASSOCIATIONS

The Chair (Ms. Goldie Ghamari): So at this point, I will now call upon Alex Jung. Please state your name for Hansard, and then you may begin. You will have seven minutes. Thank you.

Mr. Alex Jung: Thank you, Chair, Vice-Chair, committee members and staff. My name is Alex Jung. I spend a lot of time making digital technology accessible to users, and currently in such a role for the University of Toronto Libraries. I'm also a tenant who has witnessed Landlord and Tenant Board proceedings both in real time and recorded form. The LTB, being a notable tribunal, will be affected by the changes to the Statutory Powers Procedure Act proposed in schedule 27. I wish to address the committee today on issues of digital access in LTB's online hearings and the consequences of the proposal, which are punitive.

In a nutshell, I need to say that the digital divide in Ontario means that the tenants are being discriminated against at the LTB and that punitive consequences as a result of schedule 27 are inappropriate in terms of any needs-informed approach to digital practice. It's incredibly difficult for the tenants who are low-income, underserved and at risk of losing homes during a global pandemic to be having adequate access to procedural justice through the current procedures.

And just some notes here, really quick: The digital divide means a lot of things. First of all, it's not just about having access to the Internet versus not; it's device, Internet connectivity, literacy needed to use something, connection reliability, affordability of bandwidth. So there are a lot of aspects to this, and all of these are important for access to a hearing. We tend to take them for granted, especially if we have regular access to the Internet etc. This is not usually the case for folks who are likely at the LTB because they could not make rent.

Most often, people tend to forego the Internet because they find connection and/or devices cost prohibitive. This impacts access to critical services, including government services, banking, health care, education work and, of course, the hearing where you get evicted if the notice misses you or if you can't get on the call or figure out how to unmute yourself on the phone. As you can imagine, none of these are particularly promising scenarios for

needing to access a video call for LTB proceedings for an undetermined length of time.

Landlords and hired legal professionals, by contrast, tend not to have these issues. We can't forget that 90% of applications made to the LTB are from landlords, and the vast majority, 80-plus per cent of these—and these are all from the LTB's own reports—are for evictions due to rent arrears. According to LTB's own reports, these figures have held remarkably constant since 1998, when the LTB did start receiving landlord-tenant disputes, in replacing the provincial court system.

So the takeaway here is that, in reality, LTB spends most of its time evicting the very tenants who tend to be digitally underserved. It's churning them out. They've called them express blocks. This is not an exaggeration. Hearings have lasted eight minutes on average. This is alarming, given what we know about the distinct demographics getting evicted. And these are not new concerns; they are the same ones consistently raised by tenant organizers as well as legal professionals. In one such report, 46 legal clinics had been alarmed by multiple aspects of LTB operations during COVID-19 and the impact on access to justice, and they have endorsed a report calling for urgent reforms.

So, all in all, a digital-first strategy, as we have seen, can be detrimental, depending on the target users, and this has demonstrably and systematically been the case for the LTB. In empirical reality, these hearings are discriminative, and the digital LTB is effectively a mass eviction machine, and that is not an exaggeration.

The point I'm trying to get to through all of this is that these recordings have been shared online because of the deeply unfair experiences we've had. There is no timely recourse otherwise. As a feature of the system, that's just not possible.

I've also seen a fellow tenant have to communicate to the adjudicator that the tenant is actively trying to make their phone work because they couldn't even figure out how to unmute themselves. It's not self-explanatory, and the consequence is that from the perspective of needs-informed digital practice, what schedule 27 of the tabled bill proposes shoots the messenger.

In past reports, tribunal recordings have revealed things you only see if you are the person rendered invisible by the digital divide. The recordings shared online were and continue to be necessary interventions which generate criticism. They should be invited and welcomed, not suppressed. The recordings have been a procedural good—they already have—and to seek to punish their production and dissemination is oblivious at best and malicious at worst, and that is shameful.

It is shameful that schedule 27 attempts to punish actions which we have seen to be functionally important and which have aligned with Canada's open court principle. It's also absurd in the sense that—what is this attempt to impose an outsized fine on those people who are already burdened?

For comparison, the provincial stay-at-home order currently imposes a minimum \$1,000 fine on those who obstruct an authority or an individual from enforcing not

complying with an order. There's no acceptable reason that the stakes of evidential advocacy should be 25 times the cost of obstruction in public health during a pandemic.

So please do not shoot the messenger. Instead, please work to fix the discriminatory digital practices. Please do prioritize public health and procedural justice over any tribunal backlog.

That's all I have to say. Thank you.

The Chair (Ms. Goldie Ghamari): Thank you very much.

We'll now turn to our next presenter, Ontario Confederation of University Faculty Associations. Please state your names for Hansard, and then you may begin. You will have seven minutes. Thank you.

Ms. Jenny Ahn: Thank you. My name is Jenny Ahn, and I'm the executive director of the Ontario Confederation of University Faculty Associations; for short, OCUFA. With me is Mina Rajabi Paak, who is a policy analyst at OCUFA. OCUFA represents 17,000 full-time and contract faculty and academic librarians at 30 faculty associations right across Ontario.

We're here today to address the committee regarding schedule 16 of Bill 276 pertaining to the Northern Ontario School of Medicine becoming an independent, degree-granting institution. Our written submission has also been shared with you ahead of our presentation.

First and foremost, we would like to note that regrettably the introduction of this sudden change to the status of the university did not follow any consultations with the stakeholders in this sector, including the faculty and staff at the Northern Ontario School of Medicine, Laurentian University or Lakehead University. We believe it's simply irresponsible to make a decision of this magnitude in such a short time with no concrete information on funding commitments and supports and with no consultation, the proper access or advice from experts or the stakeholders.

Since 2005, NOSM, the Northern Ontario School of Medicine, has been providing medical education to support better health outcomes in northern Ontario, especially in remote, rural and Indigenous communities. Working with and granting degrees from both Lakehead and Laurentian Universities, NOSM ensured that students enrolled at either institution could attain a medical education and receive a degree from a highly regarded Ontario university. The partnership between NOSM and the two northern universities has been critical in ensuring credible, research-intensive accreditation for medical students in northern Ontario. Any changes to the status of this important institution requires a careful and consultative approach.

Second, we are very concerned that unlike other public university acts, the proposed NOSM act in schedule 16 does not include clear governance provisions regarding the composition, powers and duties of the university board of governance and senate and leaves the matter to regulations. For NOSM to succeed as an independent, degree-granting university, it is crucial that the institution's autonomy, collegial and bicameral governance, and academic freedom be guaranteed and be enshrined in the act. This is not only essential for the university's accreditation

requirements but also for its long-term academic planning, access to research grants and funds, and national and international recognition as a university.

0910

Including these governance provisions in the act ensures that any changes to the fundamental governance structures of this public university are subject to debate and scrutiny through its usual legislative processes. Failing to include the basics of the bicameral governance model of the university and the composition and powers of the board of governors as well as the senators in the university act will destabilize the institution right from the start. It will undermine its ability for long-term academic planning and its future as a recognized university locally and internationally.

Third: We are concerned by the expanded list of matters that are subject to regulations in the act, including the university's collective agreements, which are legally binding contracts between NOSM and its employees and cannot be changed by ministerial regulations. Allowing existing collective agreements to be changed or impacted by regulation would trigger the implementation of the Canadian Charter of Rights and Freedoms as well as other statutes.

The language in section 18(h)(iv) and 18(2) of the draft legislation provides the government with regulatory powers that will infringe on freedom of association, as well as violate the charter, and are constitutionally invalid. As such, schedule 16 of the bill should be amended to remove any reference in the permanent act to collective agreements being subject to regulatory powers.

Finally, we would like to reiterate our initial point that the move to turn NOSM into an independent degree-granting institution is an important and complex one, and requires careful planning and community consultation, including with regard to the governance and academic structures of the university. We urge the committee to recommend a comprehensive process facilitated by the government for building a fully supported, functional and independent public institution after proper consultation with the communities, students, faculty and workers who will run NOSM, and then enshrine the culmination of those consultations into the NOSM University Act. This will provide NOSM with the stability afforded to other public institutions in Ontario.

Thank you for allowing us to present our views on how to strengthen Bill 276. We join with the committee in a shared commitment to ensuring an independent, accessible, high-quality and thriving public university sector. It is in that spirit that we offer our suggestions for amending the bill today. Thank you very much.

The Chair (Ms. Goldie Ghamari): Thank you very much. At this point, we do have a cancellation. Our third presenter will not be here today.

Before we go to our first round of questions, MPP Glover, can you please just confirm that you are present and in Ontario?

Mr. Chris Glover: Yes, I am present and in Ontario.

The Chair (Ms. Goldie Ghamari): Thank you very much.

This round of questions will begin with the government side for 7.5 minutes. MPP Skelly, you may begin.

Ms. Donna Skelly: Again, good morning, Chair. My question is to—and I'm hoping I'm pronouncing this correctly; is it Mr. Jung?

Mr. Alex Jung: Yes.

Ms. Donna Skelly: All right. Good morning, Alex.

Section 136 of the Courts of Justice Act currently protects both in-person and virtual court proceedings from disruptions by prohibiting the unauthorized recording of court hearings; however, there is no similar statutory provision that exists for tribunal hearings. If passed, this bill would actually extend similar protections to people who appear before a tribunal that would have been in place if they had appeared in court. Simply put, it would place tribunals on an equal footing with the courts when it comes to virtual hearings. Why do you oppose extending these similar provisions to tribunals when they would actually help protect the privacy of all participants in hearings, most significantly witnesses and litigants?

Mr. Alex Jung: You will have to correct me if I have any part of this wrong, but when we say "protections," it really depends what kind of protections these mean. There is, as clearly specified in the schedule, an up-to-\$25,000 fine associated with what would be called "unauthorized," which is to say that we're drawing boundaries between who is authorized and who is not.

Generally speaking, tenants who are organizing and trying to make sure that the process is fair for their fellow tenants are not—it's an onslaught, honestly. Time is against organizing. Everything about the process, if we're talking—I actually find it ironic, too, that the person who did propose this schedule was on the committee for cutting red tape, because this is to say that there is extra red tape that would go into trying to make something work like this.

Just to bring all of those things back together, I just want to say that regardless of what protections put one agency on equal footing with another, for the tenants on the ground, it really just means that there are now punitive charges associated with doing what is not doing any harm but is bringing procedural good to the eye of the public.

Ms. Donna Skelly: Really, what we're trying to do is align both court proceedings and tribunals. How is this not the case? We need to propose changes that wouldn't prohibit spectators from attending hearings, virtually or in person, or even making notes at a hearing, whether by hand or electronically.

I'm a former journalist. I know the dangers and I understand the restrictions because I spent a lot of time in the courts. I think it is imperative that you have professionals who are going to be broadcasting, if you will, actual facts. This would simply allow tribunals to come in line with our court system. I think that it would actually help protect witnesses and participants. Do you not agree?

Mr. Alex Jung: I do not, because in my experience witnessing these and seeing media discourse play out, it actually takes a lot of actively approaching journalists to raise awareness of these issues. Generally, journalists only

come back to these issues after they have gained a lot of traction over social media, after the videos have gone viral or something.

The information process is not that straightforward. What we refer to when we say “witness protection” is—well, it’s protection for the witness, of course, in the sense that there are certain degrees of professionalization associated with that, but the professionalization itself introduces yet another barrier. A point to making a digital process work—and this is really where I’m coming from, because digital needs informed processes—is that transparency and the open court principle are not dependent on people somehow being qualified in one way or another. These are tenants who are also observing hearings. The fact that we are able to then bring to light any breaches in fairness of process is an empowering thing, and this does not run counter to any sort of protection.

The witnesses: If the person did not wish to be identified etc., from everything that I have seen, the tenants have been quite respectful of this. The only real cases are in which adjudicators have demonstrated some conflict of interest or if the adjudicators have been actively seen and on record been shown bullying tenants sometimes, displaying different standards that they apply to tenants versus to landlords. Some of them have had previous associations, in regard to conflict of interest etc. I could really go on. I do not wish to take up too much of the committee’s time. I’m sure that there have been plenty of links circulating, for example, like EvictionsOntario, where a lot of these people have been collating some of this information because it is simply not visible.

Also not to mention that before this, yes, of course, in the physical process, too, it was possible for anybody to go in to attend these hearings. The point is that you can never get a critical mass of people to care about an issue. It’s not like anybody in this room needs to know about how important it is for a critical mass of people to care about an issue. That just does not happen with everybody trying to go to work, take care of kids etc. The whole point is that this makes the process asynchronous, and that’s what works for democracy, in fact.

Ms. Donna Skelly: And I would argue differently, that members of the public and media would still continue to have access to tribunal decisions, other adjudicative records. They still have access to the actual tribunal itself, the proceeding. With all of this access allowed in all of these ways, I don’t understand why you feel that these proposed changes go against the open court principle.

Mr. Alex Jung: With the proposed changes, does it not make a difference whether somebody is able to then take a video and post it on Twitter and therefore make it visible to the public? Do you mean to clarify that there will be no punitive consequences whatsoever for somebody doing this?

Ms. Donna Skelly: No, there would be, because they have to follow the restrictions—

The Chair (Ms. Goldie Ghamari): One minute left.

Ms. Donna Skelly: Sorry; one minute, Madam Chair?

The Chair (Ms. Goldie Ghamari): It’s one minute.

0920

Ms. Donna Skelly: But again, it falls in line with the open court principle. They have been effective, and we rely on accuracy and a process in our open courts that all media and the public are able to attend, with accurate reporting, and the people that do report are also held accountable. Again, I don’t see how this proposed change aligning the two systems goes against that open court principle.

Mr. Alex Jung: My concern isn’t something going against the open court principle in and of itself. It’s always against the open court principle in relation to other things; for example, the point that I brought up about Twitter, to which you responded, “Yes, there would be punitive consequences.” The point is that we’re making access easier for more people to care about the issue. At the point where there are consequences for people—

The Chair (Ms. Goldie Ghamari): Thank you. That’s all the time that we have for this round. We’ll now turn to the official opposition for 7.5 minutes, beginning with MPP West.

MPP West, you’re muted—oh, there we go.

Mr. Jamie West: My apologies. There we go. Thank you, Chair. I should get used to being muted and unmuted.

I want to thank Mr. Jung for his comments. I think my colleague is going to follow up with some questions. I’m going to focus mainly on what’s happening with NOSM and with OCUFA, so I guess I’ll ask Ms. Jenny Ahn the questions, and she can hand off to her colleague if it makes more sense.

The first question I have is: Right off the top, you talked about how there was no consultation with stakeholders. I’m the MPP for Sudbury, and Laurentian is in my backyard—it’s actually in the centre of my riding—and we were completely caught off guard by this. When I asked around, so was everybody else. Why is consultation important?

Ms. Jenny Ahn: Thank you. Consultation is absolutely critical so that we can hear many different perspectives. The government’s role is to hear not just from a particular group of people, but from all those who are affected.

I think it’s also important to hear from those who are in this education sector, who are truly the experts in knowing the types of programs that are needed to ensure that you have a strong university structure; and also those who understand the structure within the universities, which might be somewhat unique compared to other workplaces, other educational settings, when you look at the bicameral governance structure, a senate structure that brings in the faculty who are experts in education to share their thoughts around what kind of programs would be beneficial for the students, for the future generations; as well as, then, bringing in those who are part of the board of governance structure even, the administrators in the university sector, all sharing a part of this.

And having the different universities that are affected by this—so not just with NOSM, for example, but of course those at Laurentian and those also at Lakehead University, who were not consulted around this. I’ll see if my colleague Mina has anything to add on this, as well.

Ms. Mina Rajabi Paak: I think you captured it, Jenny. I'll just add that we represent faculty at all three institutions, so we represent faculty at NOSM, at Lakehead and at Laurentian University, as well as non-academic staff at NOSM. We also work very closely with other organizations in the sector, and we have had a number of conversations with all these different organizations. No one was approached by the government or consulted in any way, shape or form about this change. From our understanding, even some of the administration and senior leadership of the institutions impacted were not notified or consulted on this change.

It's just that the creation of a new public university is a very complex matter, especially for an institution like NOSM, which has had such long-term partnerships with two public institutions in the north and relies on those two universities for a lot of its infrastructure, planning, accreditation and registration. It does require a lot of planning, a lot of consultation and a lot of thinking through different supports and processes needed for NOSM not just to become a public university, but to actually become a sustainable and successful public university. That's why we really emphasize the need for consultation.

Mr. Jamie West: Okay. I think that's important as well, because there has been a history of "ready, fire, aim" through this government, where we get things wrong and we have to pay later on to fix the mess that was created.

Another thing that caught my eye was that academic freedom seems to be limited in this bill. Why is it important that academic freedom be enshrined in the act, and is that standard for most universities to have academic freedom?

Ms. Jenny Ahn: Academic freedom is a very crucial part of university learning—an ability for a faculty member or professor to be able to speak and teach freely, free of whatever government of the day might be in power, whatever different views that may be out there. One of the things that we know, through our polling very recently, even as early as March of this year, is that citizens—including those who identify as Conservative voters, but all folks in different political spectrums—value the type of research that comes out of universities, value the critical thinking that universities develop for the students. All of that is founded through having the academic freedom to be able to teach freely on many different perspectives and create many generations of critical thinkers, those who can analyze from different perspectives and, again, not being beholden to any one point of view or one particular political party's point of view, as well; and really just having the wide breadth of sharing of knowledge that is very important, and not being caught to whatever the political whims, I might say, of whoever may be in government. This is not an attack on the current government; it's just that right across the board, universities have to be a setting of learning, of having that academic freedom to be able to have that deeper critical thinking. And it is important to still have that part of the university structure.

Again, I'll see if my colleague wants to add anything further.

Ms. Mina Rajabi Paak: I think that you captured everything.

Mr. Jamie West: Okay. The next part, I think, is really important. You talked about the Canadian Charter of Rights and Freedoms. The Liberal government, with Bill 115, violated the Canadian Charter of Rights and Freedoms. That was overturned and cost the province a huge amount of money.

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. Jamie West: As well, before that strike, the Premier spoke out about the power workers' strike. He potentially violated the Canadian Charter of Rights and Freedoms by saying that he would legislate the workers back to work before they had a strike vote. Can you remind the government members about the importance of the Canadian Charter of Rights and Freedoms and why this legislation is a violation of the charter?

Ms. Jenny Ahn: I'm going to turn it over to my colleague Mina for that question.

Ms. Mina Rajabi Paak: What we are concerned about with some of the language that has been included in the draft NOSM University Act in Bill 276 is that there is quite an expansive list of items that are included under regulatory powers for the government, and that includes a number of references to collective agreements potentially being subject to ministerial powers and regulatory powers. You, of course, know that collective agreements are legally binding contracts between—

The Chair (Ms. Goldie Ghamari): Thank you. That concludes the time we have for this round.

We'll now turn to the independent Green Party member. MPP Schreiner, you have 4.5 minutes.

Mr. Mike Schreiner: Thanks to both groups of presenters for coming in today. It's much appreciated. I think I'm going to direct my first two questions to OCUFA, just building on the previous line of questioning. I have had faculty from NOSM reach out to me individually, expressing concerns that if the government proceeds with this divorce, so to speak, it could jeopardize the ability to attract and retain faculty at NOSM, because of the advantages that people see of having the medical school associated with a university. Could you maybe comment on that from a broader faculty perspective?

Ms. Jenny Ahn: Thank you for your question. From what we understand, in the many positive, successful years NOSM has had with both Laurentian and Lakehead, students value going to NOSM, but the key part was having a degree that came from the university. I think what we see now in northern Ontario, unfortunately, with the recent news of Laurentian University filing for CCAA, is that students are now wondering if that is a viable option. Now they're hearing yet another northern institution where, as you say, there is this potential divorce. I think also it may deter the students who think coming to a northern Ontario university or a medical school is the right choice for them.

0930

I think we need to have some stability in the university sector. We need to have stability in northern Ontario. We

need to continue to attract students who choose and want to come to northern Ontario for the reputable institutions that NOSM has been associated with but also to feel that there is stability and a bright future if they were to choose to still come to a NOSM that's part of a university. I think this is really key, of course. There's enough instability that has happened through this pandemic, and the uncertainty of that layered on with additional instability is not what we want to see.

We want to see if in the end this divorce continues with NOSM that the structures are in place to ensure that it is created with that careful consideration, with the careful consultation with the stakeholders, with the experts. We want to ensure that it's done understanding the structure that's happening, understanding the structures within the university sector of the bicameral government structure, having good labour relations, respecting the collective agreement—all these things that are part and parcel of having a successful institution, which hopefully will then continue to have the attraction to the students to come.

The Chair (Ms. Goldie Ghamari): One minute.

Mr. Mike Schreiner: It's my understanding that every medical school in Canada is affiliated with a university, so if this proceeded, it would be the first that was not. I guess, from the perspective of faculty, what are the advantages of having a medical school affiliated with a broader research university?

Ms. Jenny Ahn: I'll turn it over to Mina to answer that, please.

Ms. Mina Rajabi Paak: Both faculty and students at NOSM have, of course, benefited from being partnered with two well-established public universities in Lakehead and Laurentian in the north. And you're right: This is not just a model in Canada; the North American model overall for medical schools is that usually faculties of medicine are at research-intensive universities, because there are a lot of—

The Chair (Ms. Goldie Ghamari): Thank you. That concludes the time that we have for this round.

We'll now turn to the government for the next set of questions. MPP Wai, you may begin.

Mrs. Daisy Wai: Thank you to our presenters for coming to us this morning and presenting us with your areas of concern, bringing them to our attention.

I'd like to point us back to this bill, the Supporting Recovery and Competitiveness Act. It's expected to save businesses time and costs in regulations and policies. I just want to point it back to this act, which consists of different kinds of things to accelerate business growth, to attract investment and to create jobs. It also is to cut the red tape and reduce the unnecessary burdens—and also the different digitized processes and help people and business to recover in especially this time, with the economic impact from COVID-19.

I just want to get some feedback from both of our presenters. Are you against the government helping businesses, reducing regulatory burdens and making it easier for businesses to create jobs in Ontario?

The Chair (Ms. Goldie Ghamari): MPP Wai, who is that question directed to?

Mrs. Daisy Wai: To both presenters, for Alex as well as to Jenny. I understand that you're coming in to bring to our attention your specific areas; however, I'd still like to point us back to this bill. How do you see that when we do this modernization, cutting red tape, it is going to impact businesses and it will end up creating jobs in Ontario? How do you see this bill doing for Ontario as a whole?

Ms. Jenny Ahn: Maybe I'll just jump in. I think that if the government were to hold these consultations, you would hear from the various stakeholders, you would hear from the community and from the students to know if they feel that this is the right course of action to proceed with this act. Ultimately, if you don't get the students coming in and the enrolment increasing, for example, knowing that the structure within NOSM will continue as at all universities, having the academic freedom, having a senate with the experts who are creating the programs that students would want and attracting them in those matters, then you're not going to have students graduating and having that university degree to ultimately have, hopefully, some good, well-paying jobs in the future.

In terms of cutting the red tape, I don't believe that—creating this act without the proper structures that have always made universities thrive and succeed is actually creating, potentially, more red tape. I would just be cautious around—at least, we need to hear from more that are affected, more that are part of this community, those that live in the various communities that are affected, but those that are from this particular sector as well. I think that would be a really important piece to ensure that NOSM will thrive and it will succeed as an independent constitution, if that's the will of what happens here, that we have the clear provisions for the composition and powers for the senate and for the collective agreements.

Mrs. Daisy Wai: Before Alex jumps in, I'd like to just quickly respond to Jenny. From what I understand, the ministry has been doing very, very wide consultation, and a lot of round tables have been held. Perhaps you, while wishing we will—I am happy that you're coming in today and letting us know your point of view. This is part of the points of view that we have been gathering, and we will take those into consideration as well. But I just want you to realize that this act, this bill is really to introduce, to modernize and support what we're having and cut red tape. We have had a lot of round tables already, but your input and information will be considered. Thank you very much for coming in today.

Can I pass the time to Alex, then?

Mr. Alex Jung: As an extension of the logic of cutting red tape, as I have clarified previously to MPP Donna Skelly, schedule 27 will only add reliance on red tape: as she has mentioned, professionalization, the need to credential simply for something that is in fact good for our procedural transparency. Procedural transparency is even better, in fact, because it helps for somebody not to be discriminated against and therefore multiply evicted. If they are then able to just not be discriminated against and stay in place and perhaps develop the skills to contribute to businesses and contribute to the economy—I would

actually say, for all of the things that you say that you care about, which I fully agree with, it would make sense to strike schedule 27. Schedule 27 is to the detriment of all the values that you spoke to.

Mrs. Daisy Wai: Thank you very much for agreeing with what we have presented in this bill. Thank you very much, Alex. We hear you, and I just want to re-emphasize that we will not show discrimination to any Ontarians, because your opinion—and that’s why we’re holding things like this today: just to hear from Ontarians and just hear things that are going to support you and help all Ontarians, whether it’s creating jobs, whether it’s making it easier for businesses. Your ideas and opinions are heard. Thank you very much for both of you appearing today.

The Chair (Ms. Goldie Ghamari): One minute.

Mrs. Daisy Wai: Thank you. Unless you have any other thing to add, unless Mina has anything else to add, I think we’re fine, and I thank you for supporting this act.

0940

Ms. Mina Rajabi Paak: If I may, I’ll just add very quickly—because you spoke about businesses and the importance of cutting red tape. I’ll just say that, of course, universities are not businesses, and I think one of our main issues is that, sometimes, universities are thought about as businesses, whereas they’re actually public institutions that are there to serve the public good. One of the things that makes universities what they are is the way they’re governed, through collegial governance and by faculty and community members, and that’s why we are emphasizing that it’s so important for the NOSM act to recognize that and to include proper governance language in the act, because the university cannot be governed the way a business is governed.

The Chair (Ms. Goldie Ghamari): Thank you. That concludes our time for this round.

We’ll now turn to the official opposition for 7.5 minutes. Who would like to begin? MPP Glover, you may begin.

Mr. Chris Glover: Thank you very much. I want to thank the presenters for being here. I’ve got a number of questions.

First of all, Alex, I just want to congratulate you. You made an excellent presentation. You were asked some very difficult questions by some of the government MPPs and you answered them thoroughly. What you were talking about—and I just want to go back to a couple of the comments that were made in that last round of questioning. There was a comment: “I want to thank you for supporting what we are doing here today”—what the government is doing here today.” Do you support the legislation that is before this committee today?

Mr. Alex Jung: I am only able to speak [*inaudible*].

Mr. Chris Glover: Okay. Do you support schedule 27?

Mr. Alex Jung: Do I support schedule 27? I do not support schedule 27—

Mr. Chris Glover: Okay. Right, I just wanted to get that on the record. You also have argued that this schedule, by banning the reporting of tribunal hearings, discriminates against low-income Ontarians, particularly those with

language barriers, who are racialized, BIPOC, and people who are facing eviction. So you were told that this government would not show discrimination against any Ontarians. Do you feel that this schedule does, in fact, discriminate against low-income and racialized, BIPOC Ontarians?

Mr. Alex Jung: [*inaudible*] the discrimination is already happening, so it doesn’t matter what is done. What schedule 27 does do is that it makes it a lot more difficult for the process to be fixed.

Mr. Chris Glover: Okay. Thank you very much.

I’ll just ask Jenny a couple of questions. I’ve been sitting in this committee for days and listening to deputations. The same concerns about academic freedom and also about the breach of the Charter of Rights for collective bargaining have come up again and again. The director of Lakehead University was here yesterday, and she’s also very concerned about the impact separating NOSM from Lakehead and Laurentian will have on the ability to attract students to those institutions.

Have you had any conversations with NOSM about this, and did they know? We haven’t heard directly from them, and I haven’t had a chance to ask them this question. Did they know that when they were going to be made independent, or separated from Lakehead and Laurentian, they would not have the regular rights, independence and academic freedom of other universities? Did they know that this bill that created them would be used by this government as an opportunity to infringe or take another stab at infringing on the collective bargaining rights of the staff who are working there?

Ms. Jenny Ahn: Thank you for your question. We haven’t talked directly to NOSM. We, of course, have been working with our member organizations, which is the faculty and staff who work at NOSM. We also have been consulting with our other faculty associations, both at Laurentian and at Lakehead University as well. So I’m not clear exactly what the conversations might have been with the government, with NOSM university.

This goes back to what we’ve been saying. Although the previous question did talk about ministry-wide consultations or round tables, what we understand is that there weren’t actually consultations on this particular piece here with the stakeholders in the sector, no consultations with the faculty itself at Northern Ontario School of Medicine, nor with the faculty or staff at Laurentian or at Lakehead either, unfortunately.

Mr. Chris Glover: Thank you. I’ll pass it over to one of my colleagues.

The Chair (Ms. Goldie Ghamari): MPP West?

Mr. Jamie West: Thank you. I was unmuted, so I just wanted to make sure.

To Jenny from OCUFA: Do you support this legislation when comes to what’s happening with NOSM? So we can have that on the record, please.

Ms. Jenny Ahn: Sorry. I’m not clear. Was that question to me?

The Chair (Ms. Goldie Ghamari): MPP West, can you please clarify who that question was directed to?

Mr. Jamie West: It was directed to Ms. Jenny Ahn. Following up on the previous round of government questioning, where it was implied that they supported the legislation, I would like to know from OCUFA: Do they support the legislation in regard to NOSM as it currently stands?

Ms. Jenny Ahn: Sorry. So you're asking OCUFA's position on this?

Mr. Jamie West: Yes.

Ms. Jenny Ahn: Okay. As we noted in our presentation, we believe that this decision over the creation of a new and independent university really needs to be done with very careful consideration, again, with consultations with the stakeholders, with the experts and those who are being affected—which needs to include faculty, which should also include the administration of the university, the various staff and, of course, the community that's also involved and the students who are also impacted—those who are current students, potential students who are in these regional communities as well, and just students overall to be allowed to be part of putting and sharing some of their thoughts on it.

The Chair (Ms. Goldie Ghamari): One minute.

Ms. Jenny Ahn: Also, for NOSM to thrive and succeed as an independent institution, if that is what ends up taking place, it really needs to have a strong university act that has very clear provisions for the composition, the powers of its board, the powers and composition of the senate—concrete commitments from the government with regard to funding, which we haven't heard much about: the funding aspect if this is going to go through. So ensuring that there is that part so that there is infrastructure planning, the funding and all the necessary supports—and we haven't heard those things.

Those are all the things that we are concerned about, knowing if these things would take place if it was to go forward.

Mr. Jamie West: Okay. So, it sounds like there are concerns.

Do you believe that not having full consultations, violating the Charter of Rights and Freedoms or not having academic freedom enshrined into it—all of those concerns that you raised earlier, do you see that as just cutting red tape?

The Chair (Ms. Goldie Ghamari): Thank you. That's all the time that we have for this round.

We'll now turn to the independent member for 4.5 minutes. MPP Schreiner, you may begin.

Mr. Mike Schreiner: I think I'm going to direct my next line of questioning to OCUFA and pick up on a response that Mina was making regarding the difference between the governance structure of a university and a business, but I think I'd preface that by just saying that one of the challenges with this bill is that there are so many unrelated items jammed into the same bill. We're seeing that even with the presentation today being asked about reducing red tape. Somebody is here talking about universities, somebody else was talking about access to justice and the digital divide at the Landlord and Tenant

Board, so it becomes very challenging to have a coherent conversation about any of this.

Anyway, Mina, is there any university in Ontario that is governed in the way that's being proposed in this bill without a special act that clarifies the governing structure, the senate etc.?

Ms. Mina Rajabi Paak: The short answer is no. I would just add that the two most recent examples are the examples of the Algoma University Act and the university act for the French-language university in Ontario, both of which have more extensive acts that include very clear language on the powers and duties of the university senate and the board of governors as well as the composition of each body.

That's really a requirement, if I may add, because we do believe that universities need to be independent and autonomous bodies. A fundamental aspect of university autonomy is its bicameral governance model, which is a very unique governance model and, as I noted before, does not compare, really, to the way businesses are governed or that governance happens in the private sector. So, for the university autonomy to really be protected and for a university to be recognized as a university, it is fundamental that those powers and duties and the composition of its main governing bodies are enshrined in the act.

This is the only time we're seeing that a university act is being proposed where all of those details are left to regulatory powers and regulations as opposed to enshrined in the act and there are a number of reasons why it's important for those details to be in the act, including—and this is really important for a medical school—their access to accreditation. It's a requirement for medical accreditation that the academic governance of the university be seen as independent and as governed by a faculty. So we are really concerned, if this goes through, for the university's accreditation process.

Also, for a public university's fundamental governance structure to ever be subject to change, that needs to go to a legislative process. That's why it's important for these details to be enshrined in the act. Because any time a major change to the way a university is governed is speculated, that needs to go to a legislative process where there is scrutiny, there is public debate and there are processes like today's hearing, as opposed to a very time-limited regulatory process.

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. Mike Schreiner: I appreciate that.

So, Alex, I only have one minute. I want to be very quick and just ask you your thoughts about how to provide access to justice through the Landlord and Tenant Board right now, given the current digital divide. You probably have about 40 seconds, but I want to give you that opportunity.

Mr. Alex Jung: In light of the pandemic and the sheer, frankly, incompetence that we've seen from the LTB, as well as resistance to making the process fair and the time that it takes to do so, evictions should just be banned. This would be the answer.

Mr. Mike Schreiner: And would you say banned until the pandemic is over?

Mr. Alex Jung: Well, I think that there are lots of conversations to be had there. At least until the pandemic is over.

Mr. Mike Schreiner: Great. I appreciate that. Thank you for being so succinct.

I appreciate all organizations for coming in today. Thank you, Chair.

The Chair (Ms. Goldie Ghamari): Thank you very much. That concludes this round of questions. I'd like to

thank our presenters for joining us this morning. You are now released.

As a final reminder, the deadline for written submissions is 7 p.m. today, Wednesday, May 19, 2021, and the deadline for filing amendments to Bill 276 is 5 p.m. on Wednesday, May 26, 2021.

The committee is now adjourned until 9 a.m. on Friday, May 28, 2021. Thank you, everyone. Be well.

The committee adjourned at 0953.

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