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**Official Report
of Debates
(Hansard)**

A-50

**Journal
des débats
(Hansard)**

A-50

**Standing Committee on
Government Agencies**

Intended appointments

1st Session
42nd Parliament
Tuesday 1 June 2021

**Comité permanent des
organismes gouvernementaux**

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1^{re} session
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Mardi 1^{er} juin 2021

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 1 June 2021

Mardi 1^{er} juin 2021

The committee met at 0900 in committee room 2 and by video conference.

The Vice-Chair (Mr. Aris Babikian): Good morning, everyone. I call this meeting to order.

We have the following members in the room: MPP Smith and MPP Gates. We have the following MPPs joining us via Zoom: MPP Coe, MPP Bailey, MPP Nicholls, MPP Miller, MPP Vanthof and MPP Bouma. Did I miss anyone?

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

To make sure that everyone can understand what is going on, it is important that all participants speak slowly and clearly. Please wait until I recognize you before starting to speak. Since it could take a little time for your audio and video to come up after I recognize you, please take a brief pause before beginning.

As always, all comments by members and witnesses should go through the Chair.

SUBCOMMITTEE REPORTS

The Vice-Chair (Mr. Aris Babikian): Now we will start with the first item on our agenda. We have the subcommittee report dated May 20, 2021. We have all seen the report in advance, so could I please have a motion? MPP Gates.

Mr. Wayne Gates: I move adoption of the subcommittee report on intended appointments dated Thursday, May 20, 2021, on the order-in-council certificate dated May 14, 2021.

The Vice-Chair (Mr. Aris Babikian): MPP Gates moved a motion. Any discussion? Any further discussion? Are the members ready to vote? Yes. All those in favour? All those opposed? I see none. The motion is carried.

We now move to the next subcommittee report dated May 27, 2021. We have seen the report, so could I please have a motion? MPP Gates.

Mr. Wayne Gates: I move adoption of the subcommittee report on intended appointments dated Thursday, May 27, 2021, on the order-in-council certificate dated May 21, 2021.

The Vice-Chair (Mr. Aris Babikian): MPP Gates moved the adoption of the subcommittee report of May 27, 2021. Any discussion? Any further discussion? Are the members ready to vote? Yes. All those in favour? Thank you.

Interjections.

The Vice-Chair (Mr. Aris Babikian): Yes, a historic day. All those opposed? It's the end of the session. The good will is flowing all over the place.

All those opposed? None? The motion is carried.

INTENDED APPOINTMENTS

MR. ROBERT FULLER

Review of intended appointment, selected by official opposition party: Robert Fuller, intended appointee as vice-chair, Agriculture, Food and Rural Affairs Appeal Tribunal.

The Vice-Chair (Mr. Aris Babikian): Now we will move to review the intended appointments. Today, we have Mr. Robert Fuller, nominated as vice-chair of the Agriculture, Food and Rural Affairs Appeal Tribunal.

As you may be aware, Mr. Fuller, 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 allotted to the government.

Mr. Fuller, if you wish to start your statement, the floor is yours.

Mr. Robert Fuller: Thank you, Mr. Chair. Good morning, and good morning to the committee members. My name is Robert Fuller, and I have the honour of being nominated as vice-chair of the OMAFRA appeals tribunal, and I consider it a privilege to appear before you. I would like to spend a couple of minutes discussing my qualifications for this position.

I spent two years practising law at a mid-sized law firm in downtown Toronto before moving to Norfolk county, where I've had a primarily agricultural practice for over 30 years. Living in the beautiful fishing village of Port Dover, where I get to listen to the tugs head out every morning, I have the advantage of living life by the lake while working in nearby Simcoe and Delhi, where I'm a partner for the largest law firm in Norfolk county that has been around for over 70 years, serving the community.

I am the lead author of the definitive legal text on agriculture, entitled *Agriculture Law in Canada*, for both the first and second editions. The most recent edition we published in 2019. This text covers all aspects of law as it relates to agriculture across Canada for all provinces other than Quebec, which has its own unique legislation.

I appeared as co-counsel before the Supreme Court of Canada and we received a unanimous decision in our favour on rural liabilities. The case is *Waldick and Malcolm*. This case is still cited with approval over two decades later and is still a widely quoted precedent. In fact, I looked it up, and it was cited in an Alberta case just a couple of months ago.

I have authored and presented before participants numerous times at the OMAFRA annual farm tax and business seminars across southern Ontario, and I have also presented before the Canadian Association of Farm Advisors and have had the honour of chairing their meetings twice.

I have authored and presented papers at the Ontario Bar Association farm seminar. I've presented for Farm Credit Canada, Fanshawe College, Norfolk county economic development department, Ontario Institute of Agrologists, the Ontario Farm Safety Association and others, and I have contributed to the *Canadian Tax Journal*, the *Ontario Farmer*, the *Ontario Grain Farmer*, *Norfolk Farms*, *Family Farm Succession* and *Farm Credit Canada* papers, just to name a few.

I am in the midst of completing the Ontario Bar Association Foundations in Judicial Competencies program, which is a certificate program, and I expect to finish that—the last one is this week, I believe.

I have personally supervised the management of a ginseng farm, when I was acting as executor for a deceased farmer, and an Angus beef hobby farm, where I was acting as power of attorney, again, for a client who, at the time, was incapacitated.

I have an honours bachelor of science in zoology with a minor in biology from the University of Toronto, and a doctorate of law from Western University with a tax specialist designation, which is awarded to less than 5% of the graduating class.

I have advised clients on pretty much any agricultural crop you can grow in Ontario—for instance, ginseng, poultry, cash crops, tobacco, dairy, cannabis, honey, fruit, wineries—and have advised many agri-businesses and related businesses, such as packing, food production and agricultural transport.

I was instrumental in the tobacco transition program of 2008.

I've been involved in mediations, both formal and informal, in rural family disputes and estate planning disputes.

I've been on various non-profit boards of directors.

I hold a third-degree black belt in karate, and I like to play piano and travel when I get the chance. And that is me.

The Vice-Chair (Mr. Aris Babikian): Thank you, Mr. Fuller.

Now, we will go for questioning to the government side. You have 10 minutes. MPP Smith, go ahead, please.
0910

Mr. Dave Smith: Mr. Fuller, listening to your background, reading what I have about you, you have so much experience in agricultural law. I know a number of lawyers that have never been before the Supreme Court of Canada

before. Your credentials are impeccable. Why are you interested in serving on this tribunal?

Mr. Robert Fuller: It's been 30 years that I've been serving clients, and I felt that, with the experience that I do have, it was good to give back a little bit to the community that's given me so much. Frankly, after 30 years of practice in law, a new challenge was attractive to me. So I thought this was somewhere I could use my experience and knowledge in a way that was new and interesting to me.

Mr. Dave Smith: Thank you.

The Vice-Chair (Mr. Aris Babikian): MPP Bouma, go ahead.

Mr. Will Bouma: Thank you, Chair, through you: Thank you so much for joining us today, Mr. Fuller. As MPP Smith said already, it seems that your resumé has been tailor-made to be working on this.

I hate to be repetitive, but just to dig into that a little bit more, the Agriculture, Food and Rural Affairs Appeal Tribunal is an independent body set up to hear appeals concerning matters in the agriculture and food industry. Members of the tribunal represent varied geographical areas in Ontario and have diverse backgrounds and expertise in areas related to agriculture, including production, processing, marketing, labour, farm implements and/or drainage matters. I think you've ticked off all those already, but given your background, what skills and assets do you bring that would be most beneficial when leading tribunal hearings?

Mr. Robert Fuller: Thank you for that question. Having spent 30 years honing my legal skills in analyzing and interpreting and applying the law and having spent the same 30 years running into almost always unique situations in rural and agricultural issues—I think, when you combine those two factors together, it gives me insight, it gives me the skills necessary and, together, I think that's a combination that is suited to acting on the tribunal.

Mr. Will Bouma: Thank you. I'll turn it over to MPP Coe, Mr. Chair.

The Vice-Chair (Mr. Aris Babikian): MPP Coe, the floor is yours.

Mr. Lorne Coe: Thank you, Chair, and through you to Mr. Fuller: Mr. Fuller, thank you so much for being with the committee today and sharing details of your vast background. I think when you look at your background—my question lies with the timeliness of decisions coming out of the tribunal. How important is it to you that the hearing process is completed in a timely manner?

Mr. Robert Fuller: I think that timeliness is critical in any judicial and quasi-judicial milieu. It's built into our legal system that a decision be both impartial and timely, and I've certainly read of more than one legal decision in other court proceedings where in fact a decision got thrown out because of the lack of timeliness.

In this judicial competencies course I'm taking, they stress time and again how important timeliness is. I think it's also very important, for the parties themselves, to provide them with validation of their faith in the system, not only for the winning party but also for the losing party

to know and be shown that their position has been properly and promptly considered.

Mr. Lorne Coe: To my colleague MPP Miller, please. Thank you.

The Vice-Chair (Mr. Aris Babikian): MPP Miller, go ahead.

Mr. Norman Miller: Thank you, Mr. Fuller, for putting your name forward for this position. In your introduction you talked about the textbooks you've written, so I'm kind of interested in that. What made you interested in writing about agricultural law in Canada, and how do you think agricultural law has evolved in the past 20 years between the two editions of your book?

Mr. Robert Fuller: The first question is easy. The second question I could spend all day on.

There was no definitive legal text when I was first approached back in the mid-1990s. Being that our firm is so involved in agriculture, at the time Butterworths, now LexisNexis, approached me, and I was honoured to do it. I felt that there was a real gap, because many of the laws had unique aspects when it comes to agriculture, together with the laws that particularly relate to agriculture. For instance, there are special bankruptcy laws just for agriculture and a bunch of bankruptcy laws for the rest of it, so having the opportunity to explain those to not only other lawyers but bankers and accountants—we tried to make the text approachable for them as well.

Changes in law over the 20 years between two editions I couldn't even begin to enumerate, whether its changes in taxation, changes in succession planning, changes in regulatory regimes—wow, I'm going to have be vague on that one.

Mr. Norman Miller: No problem. Thanks for the answer. I'll pass it on to MPP Nicholls.

The Vice-Chair (Mr. Aris Babikian): MPP Nicholls.

Mr. Rick Nicholls: Mr. Fuller, good morning.

Mr. Robert Fuller: Good morning.

Mr. Rick Nicholls: It's great to have you with us this morning. It appears from your background you're a life-long student and so on, and obviously you're well qualified, especially with the—did I hear you say you have a doctorate in law?

Mr. Robert Fuller: Yes.

Mr. Rick Nicholls: I've got a quick question for you, though. Obviously you like to play the piano. How far did you get in the Royal Conservatory of Music, or do you play by ear?

The Vice-Chair (Mr. Aris Babikian): Three minutes left.

Mr. Robert Fuller: I abandoned the Royal Conservatory after about a year. I just didn't like it.

Mr. Rick Nicholls: Smart move.

Mr. Robert Fuller: So I went more to chording, and I just play along with other people and I'm starting to learn how to jam. I left it for 45 years and picked it up again, so I'm a little rusty.

Mr. Rick Nicholls: Well, that's all right. That's all right. I tried the saxophone and then all of a sudden an election

came along and I wasn't able to practise, so I'm like you, a little rusty at times.

Let me get on to my question here. In the COVID environment, I'm just curious as to how you've adjusted to taking part in virtual hearings, kind of like this, and whether you think this may become a more common way of conducting hearings in the future. Thank goodness for technology, I suppose.

Mr. Robert Fuller: Certainly the law society has amended their regulations to provide for much more virtual actions. Commission hearings are now allowed virtually; will signings are now allowed virtually. From a practical standpoint, it has been a real blessing, particularly for some of my more vulnerable clients who don't have to expose themselves now.

That being said, we've had some challenges when it comes to some of my more elderly clients and their comfort with technology. I don't know that I'm 100% comfortable with technology. The nice thing about it, I think, in particular for the tribunal, is it provides an accessibility for some of the more remote communities that might otherwise be quite difficult—or you're trying to do a hearing in the winter and you have a snowstorm and you can't do it. So I think it can only improve things.

Mr. Rick Nicholls: Perfect. Well, thank you so much for that fulsome answer, Mr. Fuller. I'd like to turn it over to MPP Bailey.

The Vice-Chair (Mr. Aris Babikian): One minute left.

Mr. Robert Bailey: Thank you, Mr. Fuller, for appearing today. I've only got a minute, and I'll keep it short. I think you've covered all the bases. I was thinking those tae kwon do or karate skills might come in handy at some committee hearings that we have, and maybe you'll be able to use them with your OMAFRA hearings as well, if you're successful.

I guess one thing I wanted to ask today: It looks like you've had a very busy practice in the legal community for over 30 years. How do you plan on managing your time between the tribunal, if you're successful, and your present-day law practice?

0920

Mr. Robert Fuller: Just very briefly, I've got more support staff now than I've ever had in the past 30-plus years of practice. I've got nine other lawyers here. I have passed it by my partners here—

The Vice-Chair (Mr. Aris Babikian): Thank you, Mr. Fuller. Unfortunately, the time allotted to the government side is over.

Now we will move to the opposition. Who wants to start, MPP Gates or MPP Vanthof?

Mr. Wayne Gates: I'm going to see if Mr. Vanthof wants to start. John?

Mr. John Vanthof: Yes.

The Vice-Chair (Mr. Aris Babikian): Okay, go ahead, MPP Vanthof.

Mr. John Vanthof: Thank you very much to Mr. Fuller for appearing before us today. As someone involved in agriculture with a much less strong resumé than you, I truly appreciate you being here. I just have a few questions.

Picking up where the last member left off—the time constraints I understand; you explained that. Do you foresee at any point there being a conflict of interest between having your private practice still and being on the appeals tribunal, and how would you deal with that?

Mr. Robert Fuller: I think that the potential for a conflict of interest is always there. We have a conflict-of-interest check that goes before any matter is accepted by our firm, particularly litigious ones. My thoughts on this—and I have considered this. My thoughts on this are, prior to any hearing—and again, I don’t know from a practical standpoint how the tribunal works yet, but I would presume that I would get notice of the parties that are going to be appearing before me; and prior to that I would circulate a conflict memo, as we always do, which goes not only to our bookkeeper to find out if we’ve ever acted for a client, but also to our other lawyers, who would say, “No, no, there’s a sibling or something that you’ve acted for”; and then I would simply recuse myself prior to the hearing. Or, in circumstances where it escaped that, and I suppose that’s always possible, then I would declare conflict, if such a conflict existed, forthwith.

Mr. John Vanthof: Okay. Thank you very much. Obviously, you have a very in-depth knowledge of agriculture law and, I would say, based on your resumé, of the industry as a whole. Recently, the government of the day has passed legislation to compress several other tribunals into one larger tribunal—not this one; not the agriculture appeals tribunal. Our counter to it is that to be effective, you need specific skills in each tribunal. Would you think that the agriculture appeals tribunal is unique enough that it should always stay an independent tribunal and not be pushed into an overall larger super-tribunal, for lack of a better word?

Mr. Robert Fuller: I really don’t feel that I have the background to say. I’ve certainly reviewed the ambit of the tribunal in a general way, but I don’t begin to have the background to be able to make that call.

Mr. John Vanthof: That’s a fair response.

You brought up a point about how agriculture is very unique, and it is. Something that my colleagues might not know—you might know—is that when you’re a minister in this province, you can’t control your investments. They have to be in a blind trust. The only thing that you can do as a minister is buy farmland.

Mr. Robert Fuller: Is what? I’m sorry.

Mr. John Vanthof: Buy farmland.

Mr. Robert Fuller: Okay.

Mr. John Vanthof: The Integrity Commissioner brought that up and wondered why. He said, “How hard is it to buy farmland?” It used to be that this province was much more agriculturally oriented. That’s why it’s very important to have the appeals tribunal. He asked me, “How?” I said, “Do you know what? The farm next door only comes up for sale once in a lifetime.” So I could understand that exemption when everyone in the province used to be much more agriculturally oriented.

It’s really important that we have the appeals tribunal and that we keep it strong. I think many people—and you wouldn’t; I know that—would underappreciate the complexity of the issues that come forward to the tribunal. I was a councillor in a small agricultural municipality, and the appeals tribunal regarding the Drainage Act was one of the toughest issues that we had to deal with on a continual basis. We need people who are very qualified to appear on these tribunals.

One question we always ask is—and I don’t like asking it, because you are obviously qualified—have you ever been a member of a political party in this province?

Mr. Robert Fuller: Provincially, no, not to the best of my recollection.

Mr. John Vanthof: Okay. We ask it of everyone, but your resumé speaks for itself.

I know you haven’t served on a tribunal yet, but in your capacity in your private practice, if you could, what do you foresee as the biggest issues in a legal context facing agriculture in rural Ontario?

Mr. Robert Fuller: I would say that there are two that come to mind, most importantly, from what I’ve seen: one that I’ve seen a lot of and one that I expect to see a fair bit of. The one that I see a lot of—and we’ve been harping on it as lawyers and as advisers for a long time—is the problem of farm succession. That’s something that I’ve done a lot of work on both lecture-wise and with clients, and it’s endlessly challenging. That’s the number one issue that I think is facing agriculture.

The other issue that I think is going to become a big issue is cannabis. When you bring in any new industry, it can go in a lot of ways that people aren’t expecting. With such a new industry, especially an industry that’s obviously, by its nature, going to be carefully regulated, I think that we’re going to come up with a number of surprises that none of us have thought of, over time, but that’s part of the challenge, I think.

Mr. John Vanthof: Okay. I appreciate your context. I was wondering if perhaps—from my perspective and as someone who grew up in agriculture, agriculture itself has changed dramatically, as well, from mom-and-pop farming on family farms to mom-and-pop family farms with 50 employees or 100 employees, right? There are some truly corporate farms, but most farms are multi-generational families. But they have gotten a lot bigger.

I would see that—and this probably doesn’t fall under the agriculture appeals tribunal. A lot of farmers talk to me about labour laws and about regulatory burden. But in some cases, farms have gotten to be of the size where they should be governed by stricter labour laws. I’m just using it as an example. I think we need to come to grips as an industry with how we’ve changed as well. We like to portray ourselves as one thing, and we’re not necessarily that all the time. And when people see that we aren’t necessarily that, we lose public confidence. That’s not something for the tribunal, but I think it’s something that I’d like to get on the record. We have a great industry in this province, but we need to portray it accurately.

I really appreciated your comment that a ruling has to be justifiable to the winners or the losers. I don't even like the term "winners and losers." But I know you have to—there is a winner and a loser. Often, conflicts are differences of opinion, but often, they're both valid, and one has precedence over the other.

Could you expand on what the tribunal needs to do to make sure that everyone has confidence in the process?

0930

Mr. Robert Fuller: I think there are a couple of ways to do it. Firstly, and most importantly, every party has to be treated with respect and has to have the opportunity to be listened to. I think that's critical. I also am a big fan of trying to make decisions accessible. Lawyers and judges have a tendency to legalese a lot of things and use a lot of fancy terms. I've spent my career trying to tell my clients that they're the boss, and if they don't understand it, then I haven't done my job. I think the same thing is true here, that a lot of faith in the tribunal comes from a feeling of participation and a feeling of being heard, and that's, to me, very important.

Mr. John Vanthof: Thank you. If there is any time left, I would like to give it to my colleague, if he has any questions.

The Vice-Chair (Mr. Aris Babikian): Now we will move to MPP Gates. MPP Gates, the floor is yours.

Mr. Wayne Gates: Thank you very much. My colleague did touch a little bit on this, but I'm going to clarify it a little better. Have you ever donated to the Conservative Party?

Mr. Robert Fuller: I've donated to the federal Conservative Party and the federal Liberal Party.

Mr. Wayne Gates: You've never donated provincially?

Mr. Robert Fuller: Not as far as I can recall, no.

Mr. Wayne Gates: Okay. I've got a question I think is very, very important. I'm not going to harp on how connected you are to the PC Party, because we see it here every week. I'd like to ask you some questions regarding agriculture. Ontario is facing a rapid loss of farmland, which I'm sure with your experience, you know that. But we're losing roughly 175 acres every day to development. Do you believe this is something that policy-makers should be concerned about?

Mr. Robert Fuller: I don't think that I'm qualified, nor have the background, to comment on policy. To me, with respect, the tribunal is—I don't think that's within the ambit. Part of my participation in the tribunal is to take the laws as given, interpret them; take the facts as given and apply them. I don't think that it's proper for me to make judgements—

The Vice-Chair (Mr. Aris Babikian): Three minutes

Mr. Robert Fuller: —on policy. I'm here to apply the law. I'd be happy to go outside—if I'm done with the tribunal, if I'm put on it, and I'm done and then somebody wants to put me on a committee to make recommendations, then I'm happy to do so. But I don't think I'm there yet—maybe in retirement.

Mr. Wayne Gates: I appreciate that answer, but I guess I'll rephrase it, because you have been involved as a lawyer in farming very extensively. So I'll rephrase it: Do you believe that we should be protecting our farmland when we're losing 175 acres every day, the equivalent of five farms? I'm a firm believer—not saying I'm right, because I'm certainly not always right; I certainly don't have the qualification you do around farming—that if we become a province or a country that can't feed itself, we're going to be in a lot of trouble. I think we saw that through COVID-19 when we didn't have PPE, we didn't have vaccines. Just yourself, do you think it's important to protect our farms?

Mr. Robert Fuller: I think farming is a critical part of this country and always has been and, I'm presuming, always will be. How to go about balancing agriculture and policy towards agriculture versus other competing interests is way beyond my pay grade.

The Vice-Chair (Mr. Aris Babikian): One minute.

Mr. Wayne Gates: I'll do this question quick, then. I understand that, in 2020, the province created a new appeal process on the Farm Business Registration Program. The process will allow people who are denied a farm business registration number to appeal the decision to the tribunal. Do you believe this is an appropriate venue for this appeal?

Mr. Robert Fuller: I have not investigated that legislation. So without looking into that legislation and analyzing it, I can't comment on that. I'm sorry.

Mr. Wayne Gates: Okay. I'll go real quick: Tell me how important bees are.

Mr. Robert Fuller: Beans?

Mr. Wayne Gates: Yes.

Mr. Robert Fuller: Soybeans? Oh, critical.

Mr. Wayne Gates: Why?

Mr. Robert Fuller: Because they're a great crop. A lot of farmers depend on them. You know, corn and beans: That's cash-cropping.

Mr. Wayne Gates: I appreciate that, because you raise bees as well, and I have—

Mr. Robert Fuller: Oh, I'm sorry; I thought you said "beans."

Mr. Wayne Gates: No, bees, B-E-E-S. I need another 30 seconds to get that answer.

The Vice-Chair (Mr. Aris Babikian): Thank you very much. Unfortunately, Mr. Fuller, that concludes our time for your testimony and input. You enlightened the members of the committee.

MR. JAMES HOOK

Review of intended appointment, selected by official opposition party: James Hook, intended appointee as member, Northern Ontario Heritage Fund Corp.

The Vice-Chair (Mr. Aris Babikian): Now we will move to our next witness. We have with us Mr. E. James T. Hook, nominated as member of the Northern Ontario Heritage Fund Corp.

As you may be aware, Mr. Hook, 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 allotted to the government.

Now the floor is yours, Mr. Hook, if you wish to start your statement. Thank you.

Mr. James Hook: I'll make a very brief opening statement. I had the privilege of serving on the Northern Ontario Heritage Fund board from approximately 1996 to 2002-03. I also chaired a subcommittee during that period. I found it a very rewarding task to participate in the Northern Ontario Heritage Fund Corp.

I recently retired from the practice of law and found I had a good deal of time available. I put my name forward and offered to serve on the Northern Ontario Heritage Fund board once again, and that led to today. That's my statement.

The Vice-Chair (Mr. Aris Babikian): Thank you, Mr. Hook.

Now we will move to the opposition side. Is MPP Vanthof available to start the questioning? Go ahead, MPP Vanthof. The floor is yours.

Mr. John Vanthof: Thank you, Chair, and welcome to the committee, Mr. Hook. Thank you for taking the time. Thank you for your previous service on the NOHFC. What do you think are the biggest challenges facing the north right now that [*inaudible*]?

Mr. James Hook: COVID-19, without any question whatsoever, has shut down a huge number of small businesses across northern Ontario. I live in the northwest portion of the province, in the Kenora area. I know it has hurt our economy up in this part of northern Ontario quite severely, and getting small business back on its feet is going to be a major challenge for the heritage fund board over the coming year or two.

Mr. John Vanthof: Okay. I'll back up a second. Pre-pandemic, what were the biggest challenges? You obviously have extensive experience in the north; I'm from the northeast/northwest. But what are the systemic long-term challenges that have plagued northern Ontario for many years, in your opinion?

Mr. James Hook: The challenges are pretty much all economic. The smaller population and the greater distances between communities all play a role in making it more difficult for business to thrive, because there just aren't the markets here and we are further from the supply markets throughout the province, which are largely concentrated in southern Ontario. So there are delays in almost everything we do if we have to rely on southern Ontario to provide supplies. It's the challenges of distance.

0940

In my previous experience on the heritage fund board, a great deal of the assistance the heritage fund board was

able to provide was in the area of transportation and reducing red tape and other delaying factors to allow better and quicker access for small business.

Mr. John Vanthof: I don't think it is, actually, but I should have maybe declared a conflict of interest, because I have been a beneficiary of the heritage fund program. It's not really a conflict.

One thing that I think the heritage fund board and the heritage fund have done well in recent years is that instead of saying, "Industry shall do this," or "You shall do that," they have—I'll give an example in agriculture. There was a program where if you could increase your output, your gross production, and you could show that investments were going to help, with scrutiny, the farmer themselves got to decide where the money was best directed. In my case, when I was a dairy farmer, I switched from a tie-stall barn to a free-stall barn, which we used for 25 years after. I thought that that was very good, to allow the projects to have some latitude, as opposed to saying, "The best thing that we decide for you to do is this." I know it's a hard thing to quantify.

I'm going to switch gears a little, and I'm sure my colleague will go further on this than I will. We ask this of everyone. Have you been involved in politics provincially—as have I—in your career?

Mr. James Hook: Yes, I've been involved both federally and provincially—largely, provincially, with the Progressive Conservative Party, and federally now with the federal Conservative Party.

Mr. John Vanthof: Okay. And have you donated to either in the past?

Mr. James Hook: I've donated to both in the past.

Mr. John Vanthof: Okay. So is it important—and I'm asking this because of your previous experience on the board—that there is representation from all across the north on the board?

Mr. James Hook: I think it's critical. As I mentioned, I'm from Kenora, in the far northwest corner of Ontario. In my first term with the heritage fund board, I got to see virtually every part of northern Ontario. I was in Moosonee, Timiskaming, Manitoulin Island, Thunder Bay—basically all across the north—North Bay, Sudbury. Getting familiar with all of the different regions of northern Ontario, you get a view that's far more varied than you can if you have experience only in one part of the north. There's a similarity in the problems but they're not identical, and there are nuances that it takes a while to get familiar with. I would expect that if I'm back on the heritage fund board, it will take me a while to get up to date in the issues that are confronting northeastern Ontario and north-central Ontario because I've been away from the board for 15 years or so. But it will come a lot more quickly, I suspect, for me because of my previous experience.

Mr. John Vanthof: I would agree with your sentiment. At one point, I was the representative for Dairy Farmers of Ontario for northern Ontario, so I travelled also extensively. You think you know it all—I live in Timiskaming, but there are many differences and many nuances, which,

unless you've spent time in all parts of the province, you don't really appreciate.

I don't know if you had the opportunity to listen to the previous presentation or all of it; one thing that is becoming more important in northern Ontario is agriculture, and the heritage fund has supported agricultural programs in the past. Agriculture is one of our four main pillar industries. Do you feel that agriculture should continue to be supported in the future?

Mr. James Hook: When I was previously on the heritage fund board, we had a subcommittee dealing exclusively with agriculture, and we had some farmers as members of the board who sat on that committee and learned a considerable amount about the agricultural problems in the north, shorter seasons being the main problem. Actually, because Kenora is so close to Manitoba—we're just 35 miles from the Ontario-Manitoba border—we get a lot of news out of Winnipeg in Manitoba, so it was an issue that I had some familiarity concerning and hopefully was able to contribute a bit to the discussions on the agricultural proposals.

Mr. John Vanthof: As you just said, shorter seasons. A lot of farmers who are now in my part of the world and I think in northwestern Ontario are also replanting their crops after we had a big frost. A lot of people are realizing that there is a significant difference in seasons, a lot of people that have moved in the last little while.

Mr. James Hook: My wife is a gardener and she had to replant as well.

Mr. John Vanthof: My neighbour is busy replanting about 1,500 acres, but I appreciate gardeners as well.

The one thing I would like to put on the record—from our previous—my colleague brought up the 175 acres a day of prime farmland that we are losing. I would like to put on the record, I'm a farmer in northern Ontario, but simply replacing 175 acres with clearing land in northern Ontario is not actually a replacement because the productive capacity is not the same. The variety of crops we can grow in northern Ontario is not the same. We are very productive, but simply trying to move farmland north is not the solution to our problem. That is not much to do with the heritage fund, but it is an issue.

If my colleague would like to take the rest of the time, I would be happy to give it to him.

Mr. Wayne Gates: How much time have we got?

The Vice-Chair (Mr. Aris Babikian): Four minutes.

Mr. Wayne Gates: Okay. I'm going to do a couple of these questions really quick.

Were you approached by anybody to apply for this position?

Mr. James Hook: No. Actually, I made the approach because of my retirement from the practice of law and having time available, and having previously been on the board of the Northern Ontario Heritage Fund Corp. and the sense of satisfaction I got from serving in that capacity.

Mr. Wayne Gates: Well, congratulations on your retirement—sort of. Now you're getting back into something else.

Can you confirm that you made a contribution close to \$3,000 to the PC Party in 2014?

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Mr. James Hook: I don't recall, quite frankly. I attended—I don't recall making a donation anywhere near that amount, but 2014 was a while ago, and I frankly just don't recall.

Mr. Wayne Gates: I appreciate that. Can you confirm you personally donated to Greg Rickford, his campaign?

Mr. James Hook: Yes, I did. Greg practised law here in Kenora and is a personal friend as well.

Mr. Wayne Gates: This may be a little tough for you to remember as well, but can you confirm that you've contributed \$4,000 to the PC Party in total?

Mr. James Hook: Well, I suspect it's more than that over the years because my support goes back 30-some years.

Mr. Wayne Gates: I didn't have records that go back 30-some years, so I might not have them all, but I guess it's fair to say that the \$4,000 would be relatively accurate, that you've done at least that.

The Vice-Chair (Mr. Aris Babikian): Two minutes.

Mr. James Hook: I would say that's—

Mr. Wayne Gates: Are you currently a member of the PC Party?

Mr. James Hook: Yes, I am.

Mr. Wayne Gates: Are you on a riding association?

Mr. James Hook: Yes, I am.

Mr. Wayne Gates: Have you ever knocked on doors?

Mr. James Hook: No, I haven't.

Mr. Wayne Gates: You should try that. It's probably fun. It's probably the best part of campaigning, knocking on doors. It might be something you might enjoy.

In early February 2021, the NOHFC launched its renewal funding programs. One point was to attract and strengthen northern Ontario's workforce by targeting new entrants into the workforce, those transitioning to a new career, the unemployed and underemployed. How would your role on the NOHFC help to achieve that?

Mr. James Hook: I'm not specifically familiar with the current programs of the NOHFC, but I've had extensive experience in business. I grew up in the tourist business specifically, and in my teen years, my father passed away and my brother and I helped my mother continue on with the tourist resort for a number of years, until it was eventually sold, and—

Mr. Wayne Gates: I don't mean to cut you off, but I want to ask you one more question, because you did touch on it a bit. Are you familiar with the challenges posed by the COVID-19 pandemic for northern Ontario businesses, and are you familiar with the NOHFC's role in the present situation?

Mr. James Hook: Again, I'm not specifically familiar with current policies of the NOHFC. I just renewed my interest in the NOHFC—

The Vice-Chair (Mr. Aris Babikian): Thank you, Mr. Hook.

Mr. James Hook: —in the past month or two.

The Vice-Chair (Mr. Aris Babikian): The time allotted to the opposition is over. Now we will move to the government side. The government side has 14 minutes. We will start with MPP Smith.

Mr. Dave Smith: Thank you, Mr. Hook, for coming. Is it James or Jim?

Mr. James Hook: Jim is what I normally prefer.

Mr. Dave Smith: Do you mind if I refer to you as Jim rather than Mr. Hook?

Mr. James Hook: Not at all.

Mr. Dave Smith: Thank you. In the questioning from the NDP, you touched on the learning curve that's involved, and you said that you thought it would be shorter for you because of your previous experience. Could you expand a little bit about your previous experience with NOHFC and why you think that will help you start contributing quicker than someone else?

Mr. James Hook: Yes. Getting to understand how projects are handled and how to work with other committee members to advance projects is an acquired art. I was able to deal with that very effectively during my first term with the heritage fund board. I think, if anything, with the experience in the years since, I would pick that up fairly quickly and be fairly productive in moving projects along. Time is a critical factor in dealing with projects of this nature, the applications. And particularly coming out of the COVID shutdowns and so forth, time will be of the essence. So I'm hoping and I believe that my past experience would be of considerable assistance in adapting and getting things moving along at a good pace.

Mr. Dave Smith: Thank you very much for that.

I'm going to turn it over, I believe, to MPP Miller.

The Vice-Chair (Mr. Aris Babikian): MPP Miller, go ahead.

Mr. Norman Miller: Thank you, Mr. Hook, Jim, for coming before the committee and for putting your name forward. We share something in common in that we both grew up at a lodge resort. I know in your neck of the woods that camps, lodges and resorts are sure suffering as a result of COVID and the reliance on the US business.

My question is—I know you've been a lawyer in the past, so I'm wondering how your legal expertise in northern Ontario will add value to the NOHFC board?

Mr. James Hook: Well, certainly, in my previous term I was able to put a different focus on issues and point out some potential pitfalls as the board discussed matters so that they could be dealt with promptly rather than showing up as obstructions further down the road. So we were able to anticipate problems and focus on dealing with them as the project went forward rather than allowing them to later hold up the implementation of projects.

Mr. Norman Miller: Thank you, and I'll pass it on to MPP Bouma.

The Vice-Chair (Mr. Aris Babikian): MPP Bouma, go ahead.

Mr. Will Bouma: Thank you, Chair, and through you: Jim, thank you so much for joining us today. I'll tell you, we've had a good day today, excellent candidates, and

you're one of them. I really appreciate hearing about your previous experience on the NOHFC, and I was wondering with your insight, even though you've been away for a little while, what do you think are key priorities to see it grow over the next few years? What would you like to accomplish there?

Mr. James Hook: I think job one will be working on assisting the tourist industry to get back on its feet for this part of Ontario and probably across the north, because tourism is a major factor. Here it tends to be the fishing and hunting industry, which is going to be in serious need of assistance to get back on its feet because it's such a short season. They've now been shut down for one complete season and it's looking like this coming summer, if there's any season at all, it's going to be extremely short. My expectation is they'll have exhausted all of their capital resources just in surviving.

The border is still closed with the US, and at least in this part of Ontario, a major part of the tourism business comes from south of the border. So there's going to be a lot of promotion required to let Americans know that the border is open again once it does open and encourage them to come back and enjoy our natural resources which, as you're all aware, are renewable resources.

Mr. Will Bouma: Absolutely. A very, very good answer. I appreciate hearing that. I will turn it over, Mr. Chair, to MPP Nicholls.

Mr. Rick Nicholls: Thank you very much, Will, and good morning, Chair.

Good morning, Jim. How are you?

Mr. James Hook: Very well. Thank you.

Mr. Rick Nicholls: You're looking dapper today. It's good to see you. Listen, I've got just a quick question for you. What should be kept top of mind in order to create an NOHFC that serves the most amount of businesses and gains the best returns on investment? Your experience, sir, speaks loud and clear. You and I are like old Beach Boys: Round, round, get around, we've been around. As a result of that—Mr. Coe can appreciate that comment probably.

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Can you perhaps give us again: What serves the most amount of businesses and gains the best returns on investment from your years of experience, especially in the manner in which you've served on committees before?

Mr. James Hook: In my experience, the solutions will come from the various industries in the north. What they lack, in large measure, is size and capital. That's where they're going to need the assistance, financial assistance. When somebody comes up with a really good idea but then can't raise the capital through banks and credit unions and so forth, which is all too common a problem—the north is a backwater for the banks; they've got bigger fish they're happy to fry. The amount that's invested in the north through traditional channels such as banks is a problem, and the solution is making funds available when entrepreneurs present good, sound ideas and need only some financial assistance to turn them into productive projects.

Mr. Rick Nicholls: I agree with that. You can bet your bottom nickel, Jim, that we wouldn't leave them on the hook, that's for sure, in that regard. Having said that, I'm glad to turn it over to MPP Coe for his question to you.

The Vice-Chair (Mr. Aris Babikian): MPP Coe, go ahead.

Mr. Lorne Coe: Welcome, Mr. Hook, to the committee. What a background you have: a distinguished legal career and having served on this particular corporation previously. Would you mind just talking about how you anticipate leveraging that wealth of experience in this particular new opportunity for you with the Northern Ontario Heritage Fund Corp., please?

Mr. James Hook: In my previous experience on the heritage fund board, the ideas were pretty much produced by the applicants. Where my experience would come in handy is having seen the good, the bad and the ugly over the years; being able to sort through applications and focus on those with the best opportunity of success. Some of them can be a real source of surprise. There are a lot of things I've never thought of that some small business operator has conceived of in the middle of the night and brings forward and puts out and creates something new and innovative. If there's some assistance there to help get the idea off the ground, I'd like to be a part of that.

Mr. Lorne Coe: Well, thank you, Mr. Hook. We're very fortunate that you've stepped up once again in an opportunity for you to apply this vast experience.

Chair, through you, to MPP Bob Bailey, please.

The Vice-Chair (Mr. Aris Babikian): Three minutes left. MPP Bailey, go ahead.

Mr. Robert Bailey: Thank you to Mr. Hook for appearing today. With the time I have left, I'd like you to expand a little more on—I really enjoyed it, and this is where I was going to go anyway, but I'll give you some time to expand upon the problems and the greatest barriers for businesses succeeding in northern Ontario. I think you touched on the banking, but I'm sure that's not the only thing. If you'd like to further expand on the issues of credit and banking, or other aspects of the north, whether it's the short growing season—I don't know. But anyway, go ahead and please expand upon that in the time left. That would be my only question to you.

Mr. James Hook: Well, the other impediment to getting businesses going in northern Ontario is distance. I was relieved to see, when Greyhound eliminated its service across northern Ontario, that some small private bus lines initially offered service to provide transportation between communities. But unfortunately, the cost of the distances proved to be too much, and Ontario Northland, I guess, has now stepped in and is providing bus transportation, which, for people throughout northern Ontario, is critical to travel between communities.

Rail transport used to be a big factor, but the railways seem to be interested mainly in delivering freight these days. I suppose that's where the money is for them. So personal transportation is another big factor for people, for something as simple as medical appointments.

The Vice-Chair (Mr. Aris Babikian): Thirty seconds.

Mr. James Hook: People from Kenora will, for a medical treatment, if they're seeing a specialist, have to travel to Thunder Bay or Winnipeg, and if there's no public transportation available, it becomes a serious impediment to getting health care. Businesses face similar types of difficulties, and transportation is critical to moving people around and allowing people to go between communities and from communities to businesses. So that's another major impediment in the north that needs to be addressed.

The Vice-Chair (Mr. Aris Babikian): Thank you, Mr. Hook. The time allotted to the government side is expired. Thank you very much for coming and sharing your thoughts with us.

Now we are going to move to the concurrences. We will now consider the intended appointment of Robert Fuller, nominated as vice-chair of the Agriculture, Food and Rural Affairs Appeal Tribunal. I see MPP Smith would like to move the concurrence. Go ahead.

Mr. Dave Smith: I move concurrence in the intended appointment of Robert Fuller, nominated as vice-chair of the Agriculture, Food and Rural Affairs Appeal Tribunal.

The Vice-Chair (Mr. Aris Babikian): MPP Smith has moved concurrence for Mr. Fuller. MPP Nicholls, you have a point of order?

Mr. Rick Nicholls: Yes I do, Chair. I'd like a recorded vote, please.

The Vice-Chair (Mr. Aris Babikian): A recorded vote? Okay.

The concurrence has been tabled by MPP Smith. Any further discussion? Are the members ready to vote? Yes? Okay. The Clerk is going to read the names and she will confirm your voting pattern.

Ayes

Bailey, Bouma, Coe, Norman Miller, Nicholls, Dave Smith.

The Vice-Chair (Mr. Aris Babikian): All those opposed? Seeing none, the concurrence is carried.

Now we will move to consider the intended appointment of Mr. E. James T. Hook, nominated as member of the Northern Ontario Heritage Fund Corp. MPP Smith, go ahead.

Mr. Dave Smith: I move concurrence in the intended appointment of E. James T. Hook, nominated as member of the Northern Ontario Heritage Fund Corp.

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The Vice-Chair (Mr. Aris Babikian): Thank you. Again, I see MPP Nicholls. A point of order? Go ahead, MPP Nicholls.

Mr. Rick Nicholls: I would like a recorded vote for this particular appointment as well, please, sir.

The Vice-Chair (Mr. Aris Babikian): Okay, thank you. We shall do that. Any further discussion? Any discussion? Okay, we will move to the vote.

Ayes

Bailey, Bouma, Coe, Norman Miller, Nicholls, Dave Smith.

Nays

Gates.

The Vice-Chair (Mr. Aris Babikian): The vote is carried. Thank you very much.

We still have time. We have extensions. The deadline to review the intended appointment of Joe Farag, selected from the May 7, 2021, certificate, is June 6, 2021. Do we have unanimous agreement to extend the deadline to consider the intended appointment of Joe Farag to July 6, 2021? I see no. Okay.

Interjection.

The Vice-Chair (Mr. Aris Babikian): We lost—the deadline. We have another extension. The deadline to review the intended appointment of Ernie Hughes, selected from the May 7, 2021, certificate, is June 6, 2021. Do we have unanimous agreement to extend the deadline to consider the intended appointment of Ernie Hughes to July 6, 2021? I see no. There is no unanimous agreement. We will move to the next item.

The deadline to review the intended appointment of Robert Taylor, selected from the May 7, 2021, certificate, is June 6, 2021. Do we have unanimous agreement to extend the deadline to consider the intended appointment of Robert Taylor to July 6, 2021? No unanimous agreement.

The deadline to review the intended appointment of David Lindsay, selected from the May 7, 2021, certificate, is June 6, 2021. Do we have unanimous agreement to extend the deadline to consider the intended appointment of David Lindsay to July 6, 2021? No unanimous agreement.

Next item: The deadline to review the intended appointment of Barbara Collins, selected from the May 7, 2021, certificate, is June 6, 2021. Do we have unanimous agreement to extend the deadline to consider the intended appointment of Barbara Collins to July 6, 2021? No? There is no unanimous agreement.

Next item: The deadline to review the intended appointment of Jasmit Singh, selected from the May 14, 2021, certificate, is June 13, 2021. Do we have unanimous agreement to extend the deadline to consider the intended appointment of Jasmit Singh to July 13, 2021? No, there's no unanimous agreement.

The deadline to review the intended appointment of Mark Borer, selected from the May 14, 2021, certificate, is June 13, 2021. Do we have unanimous agreement to extend the deadline to consider the intended appointment of Mark Borer to July 13, 2021? No unanimous agreement.

The deadline to review the intended appointment of Peter Nicholson, selected from the May 14, 2021, certificate, is June 13, 2021. Do we have unanimous agreement to extend the deadline to consider the intended appointment of Peter Nicholson to July 13, 2021? No unanimous agreement.

Colleagues, we're getting close to 10:15, which is the time allowed for us to continue this meeting. Before I adjourn the meeting, I would like to extend my heartfelt appreciation to all my colleagues, who were instrumental in making my job easy. It was a pleasure and honour to chair this meeting during the winter session.

Since I believe this will be our last meeting, I wish everyone a happy, safe and healthy summer, to all of you. Thank you very much, and the meeting is adjourned.

The committee adjourned at 1015.

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