

Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

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**Official Report  
of Debates  
(Hansard)**

A-13

**Journal  
des débats  
(Hansard)**

A-13

**Standing Committee on  
Government Agencies**

Intended appointments

1<sup>st</sup> Session  
43<sup>rd</sup> Parliament

Thursday 20 April 2023

**Comité permanent des  
organismes gouvernementaux**

Nominations prévues

1<sup>re</sup> session  
43<sup>e</sup> législature

Jeudi 20 avril 2023

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Chair: Will Bouma  
Clerk: Isaiah Thorning

Président : Will Bouma  
Greffier : Isaiah Thorning

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House Publications and Language Services  
Room 500, West Wing, Legislative Building  
111 Wellesley Street West, Queen's Park  
Toronto ON M7A 1A2  
Telephone 416-325-7400  
Published by the Legislative Assembly of Ontario



Service linguistique et des publications parlementaires  
Salle 500, aile ouest, Édifice du Parlement  
111, rue Wellesley ouest, Queen's Park  
Toronto ON M7A 1A2  
Téléphone, 416-325-7400  
Publié par l'Assemblée législative de l'Ontario

ISSN 1180-4335

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

## STANDING COMMITTEE ON GOVERNMENT AGENCIES

## COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Thursday 20 April 2023

Jeudi 20 avril 2023

*The committee met at 0900 in room 151.*

### SUBCOMMITTEE REPORT

**The Chair (Mr. Will Bouma):** Good morning, everyone. The Standing Committee on Government Agencies will now come to order. We are meeting to conduct a review of intended appointees. We are 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. As always, all comments by members and witnesses should go through the Chair.

The first item of business will be the adoption of a subcommittee report, which was distributed in advance. We have the subcommittee report dated April 13, 2023. Could I please have a motion? Member Coe.

**Mr. Lorne Coe:** I move adoption of the subcommittee report on intended appointments dated Thursday, April 13, 2023, on the order-in-council certificate dated April 6, 2023.

**The Chair (Mr. Will Bouma):** Member Coe has moved the adoption of the subcommittee report. Is there any discussion on the motion? Seeing none, are members ready to vote? All those in favour? Unanimous.

### INTENDED APPOINTMENTS

#### MS. ESTHER JOODA

Review of intended appointment, selected by government party: Esther Jooda, intended appointee as member, Council of the College of Optometrists of Ontario.

**The Chair (Mr. Will Bouma):** We will now conduct our review of the intended appointees. Our first appointee today is Esther Jooda, nominated as member of the Council of the College of Optometrists of Ontario.

Esther, please come forward—if I can call you Esther. Thank you for joining us today. Have a seat. You can make an initial statement at your discretion. Following this, there will be questions from members of the committee. With that questioning, we will start with the government side, followed by the official opposition. There will be 15 minutes allocated to each recognized party. Any time that you may take in your statement will be deducted from the time allotted to the government side.

Go ahead. You have the floor. Thank you again for joining us today.

**Ms. Esther Jooda:** Good morning. All protocols duly observed, my name is Esther Jooda, again, and I am honoured and privileged to be here today to confirm my willingness to serve the public. I'm going to introduce myself. I will do that briefly so I can give you enough time to ask questions.

I have 13 years of experience in HR, across corporate and consulting. Most of my experience has been in consulting. I worked for a couple of private sector companies and also public sector as well. I currently work with TD as a senior manager, HRBP, supporting the wealth management business. I have a master's degree in HR. I have an executive MBA from Ivey school of business. And I'm also a certified HR leader from the HRP Ontario.

A little bit about my personal life: I'm married, and I have two boys. I migrated to Canada in 2018, and it has been an amazing journey so far. After I moved here, I realized that it was hard for people to integrate into the Canadian ecosystem, especially those who come from Africa, so I set up the Nigerian Canadian HR Community to help Nigerians who migrate here integrate into the workplace. Right now, we're over 800 to 900 HR professionals. I help them with résumé review, interview prep and a lot more—capability development as well.

I have a passion for helping disadvantaged kids, and I've been doing that since I was in university. I have a foundation called Omotoke Childcare Foundation. I also support United Way, Covenant House Toronto and a couple of others as well.

The question is, why am I here today? In 1999, I lost my father due to incompetent health care and health practitioners. I made up my mind that I was going to do all I can to ensure that we have the right people in place to provide health care for citizens. When I saw this opportunity, I was really happy about it, that I could give all I can through the expertise and educational experience that I have.

**The Chair (Mr. Will Bouma):** We will now turn to the government side for questions, with 12 and a half minutes. Member Coe.

**Mr. Lorne Coe:** Thank you, Chair, and through you: Welcome. I'm going to call you Esther, if that's okay.

**Ms. Esther Jooda:** Yes, perfect.

**Mr. Lorne Coe:** Good. Thank you so much for taking the time to be with us. When I look at the credentials that you have—I'm always so impressed, not only this morning but with the other candidates who appear before this committee. And your long-standing commitment to public

service—but I'd like you to talk a little bit more about your human resources experience that you talk a little bit about and how you think that's going to help you, should you be appointed as a board member at the College of Optometrists—how you're going to relate that. Could you just could share that with the committee members, please?

And thanks so much again for being with us this morning.

**Ms. Esther Jooda:** In my day-to-day life as an HR professional, I attract best candidates, interview best candidates. I ensure that we develop the best people, with the outcome of providing a best-in-class experience to our clients. I know that my primary clients are the employees, but if employees are not happy, if they're not developed, if they don't have the right skills, competences and capabilities, then we don't deliver a best-in-class experience to our clients.

I work with TD Bank, and I'm sure that a couple of you have accounts with TD. All that I do every day is to ensure that we're getting the right people—people who have the right licences to provide services to our clients. That's the utmost experience that we're trying to provide. I think that in my role here, as well, I will be doing the same thing: How do we ensure that we have the right practitioners to provide services to the public? I think that's really critical, especially when we talk about optometrist experts. The eye, I believe, is the light of the body, and I'm certain that we need to ensure that we have the right people providing the best experience to the public.

**Mr. Lorne Coe:** Thank you very much for that response. I'm so pleased that you've applied for this position.

Chair, through you: To MPP Jones, please.

**The Chair (Mr. Will Bouma):** Member Jones, go ahead, with 10 and a half minutes.

**Mr. Trevor Jones:** Through you, Chair: Welcome, Esther. I'm MPP Trevor Jones.

You've made considerable investments in your education—particularly your most recent investment in an executive MBA at Ivey school of business, probably one of the most prominent business schools in Canada—and we applaud that.

Can you elaborate on how these investments in your education, particularly your executive MBA, could help contribute to skills that you can apply to the council?

**Ms. Esther Jooda:** A normal HR professional pretty much just thinks about HR. I did my MBA because I wanted to understand businesses. I wanted to understand how businesses make money and how I as an HR professional would align with those priorities of the business—to identify the gaps, to identify the opportunities and strengths and leverage those, as well. I think that has really helped me as I support wealth business. I don't even have background for some of the businesses, and I know whatever business that I support—as long as I have that business understanding of how to make money, how to make them sustainable continuously, I'll be able to apply that to whatever business I support and whatever industry it is as well, whether public or private sector.

**The Chair (Mr. Will Bouma):** Member Pang, go ahead.

**Mr. Billy Pang:** Mr. Chair, through you, to Esther: Thank you again for putting your name forward. Your

career journey is very impressive, and also your volunteer experience.

Can you please walk us through your role as the director of the Nigerian Canadian HR Community? How do you feel this volunteer leadership position prepares you for serving the College of Optometrists?

**Ms. Esther Jooda:** I saw a problem, and I found a way to solve it, to help people. I don't get paid for the work that I do, but I devote my time to doing it because I think all that I can do is to give back and help people, to invest in people, to ensure that people have the opportunity to ease into what environment they have. I think that passion to help people—that's my primary passion. I always love to help people, and I think that can be one of the skills or one of the passions that I'm bringing to this role as well—to help people irrespective of whatever I get from it or what I don't, because it gives me joy when I see that I help people and I see outcomes from the support.

I would say that about 40% to 50% of the people in the community, in the first three months, get jobs here. I pretty much help them with networking, as well, because I think that's really critical in this environment. I keep getting feedback on how people get jobs, how people are easing into the work environment, some of the concerns and how they're addressed. It gives me joy that I invested into something really critical. I think that investing into this as well, with my time—I see it as something critical to the public.

**Mr. Billy Pang:** Thank you for sharing. It is always good to serve the community.

I would like to pass my next question to MPP Saunderson.

**The Chair (Mr. Will Bouma):** Member Saunderson, go ahead. You have seven minutes.

**Mr. Brian Saunderson:** Thank you for coming in today and for applying for this job. It was interesting to hear your comments, and I'm very sorry to hear about your father. But I'm wondering if there's anything else that motivates you to serve on the board of a regulatory health association that you'd like to share with us.

**0910**

**Ms. Esther Jooda:** Yes, for sure. Aside from my father, I believe everyone has the right to good health. We say, "Health is wealth." I think the most important thing in life is having good health. If you have all the money in the world and you don't have good health, you're not allowed peace. That's pretty much primary to me, that I really want to be a part of something big, something that helps an everyday person live a normal life.

Like I said earlier, service gives me joy. That's my passion, and that's why I was interested in doing this.

**Mr. Brian Saunderson:** Thank you for that.

Back to you, Chair.

**The Chair (Mr. Will Bouma):** Member Sandhu: six minutes.

**Mr. Amarjot Sandhu:** Thank you, Ms. Jooda, for the presentation. From your presentation, it looks like you're a busy person. As you know, the Council of the College of Optometrists of Ontario meets about six times a year, with 12 to 16 additional days spent doing subcommittee work. As I said, you're a busy person with a full-time job and

three additional volunteer roles. Will you have the bandwidth for this job?

**Ms. Esther Jooda:** Well, I just completed my EMBA, and I had kids and I had work. People thought I couldn't do it, but I did. Tell me something is difficult and I do it. I think that once I have the goal and once I think in my heart that I can do something, I will do it. For me, I don't see it as something that would take my time—it could take my time, but I don't feel it as something that will take my time, because I'm giving back. If I could do that in 17 months, with everything that I was doing, and I still did it well, I know I would be able to do this.

**Mr. Amarjot Sandhu:** Awesome. Thanks.

**The Chair (Mr. Will Bouma):** Thank you. Member Sabawy, go ahead. You have just under five minutes.

**Mr. Sheref Sabawy:** I would like to welcome you, and I would like to commend your enthusiasm to get involved and make things better. I know you're from African origins, and me too; I'm from Egyptian origins, so I like to see more of the African community getting integrated in the Canadian environment.

Being a part of a board requires objectivity and the ability to collaborate with other board members and members of the college. How do you see your expertise or your skills and experience will help you in this particular role?

**Ms. Esther Jooda:** Oh, for sure. Collaboration is what I do every day. In consulting, you work with a group of people to deliver services to a particular client, and you have to work together. Otherwise, you have different opinions, different recommendations to the client. I'd say that I've done that all through my career. I don't think anyone can achieve anything alone. You have to achieve with a group of people. As we think about all the methodologies right now, collaboration is really key, and I would say that is one of the skills that I'm known for, to always collaborate, to work with other people, as long as the outcome is unified; that's really critical. Once we are able to define what exactly we're trying to achieve, we all work together as a team to make sure that we achieve that outcome.

**Mr. Sheref Sabawy:** Thank you.

**The Chair (Mr. Will Bouma):** Any further questions from the government?

**Ms. Laura Smith:** Yes.

**The Chair (Mr. Will Bouma):** Member Smith, you have just over three minutes left.

**Ms. Laura Smith:** Thank you, Esther, for being here today. I'm delighted to hear about your passion. My uncle used to say that when you have a busy job or you need help, ask a busy person to help you, because they will get it done. I would add to that and say: Ask a mother who is a busy person, and you've successfully provided that information.

You talked about your valuable skills. What other perspectives do you think you could bring to your engagement with the council and your duties as a council member on top of everything that you've just described?

**Ms. Esther Jooda:** Aside from being a member of the public—and I have expectations of what the health system

should look like—being an HR professional, on a day-to-day basis, I'm trying to ensure that we find the right people to deliver that experience. I try to ensure that once we find someone who isn't delivering that experience, how do we investigate to find what the gaps are? How do we develop the right people? How do we ensure that we have programs or initiatives to make sure that people who don't have the right skills are developed or out-managed? I think that that perspective of being an independent person, thinking through what the expectations are from the public and also thinking through how to develop people, how to ensure that people are in the right place, how to ensure that we have the right set of skills, expertise and competent people to deliver services to the public is really critical, and I bring that experience on board, having done that for a number of years.

**Ms. Laura Smith:** Thank you, Esther.

**The Chair (Mr. Will Bouma):** Back to member Jones with a minute and 20 seconds.

**Mr. Trevor Jones:** Can you please share with us one special or unique lived experience you possess that you feel will position you uniquely to make a different or a special contribution to the council?

**Ms. Esther Jooda:** I'll think about that, because there are a couple, for sure. I probably want to use my father's experience. My father was infused with the wrong blood, because the person was incompetent; he had no idea what he was doing. He died from that experience.

I wanted to study medicine, and I read a lot. I had a medical encyclopedia that I read as a child for a long time, but I didn't get to study medicine. I thought: I'll still do that in HR, because I'm helping people keep their mental space, getting people developed and all of that. I think that's a passion, so what I'm bringing on board is passion.

For every opportunity, I think there are three things that are critical: experience, education and passion. I have all three.

**Mr. Trevor Jones:** Thank you.

**The Chair (Mr. Will Bouma):** I think, with 15 seconds left, we'll leave the government side and turn to the opposition, with member Bourgouin.

**Mr. Guy Bourgouin:** Merci, Esther. Your qualifications are remarkable as HR. What about your experience in HR has made you want to seek this appointment to the Council of the College of Optometrists of Ontario?

**Ms. Esther Jooda:** When I read the job description for this role, it said that it helps to ensure that we have competent practitioners to deliver services. That was one thing, and that's what I do every time, from a strategic point of view, but also from an operational point of view. Talent management and talent reviews ensure that we have the right people. I think that's one thing that made me believe I could do this.

There are a couple of committees on here, as well. I'm not sure what committee I'll be a part of, but one of them is the HR committee, and carrying out investigations is what I do. I worked at Rogers, I worked at other corporate companies, and that's part of the work that I do as well.

**Mr. Guy Bourgouin:** I also want to give you my condolences for your father.

**Ms. Esther Jooda:** Thank you.

**Mr. Guy Bourgouin:** Another question was, what specific qualifications and subject matter expertise do you bring to the three goals set out by the council in the 2023 to 2025 strategic plan: to foster safety and more inclusive patient care; to be relational, accessible and responsive to technological changes and evolving patient expectations; and to demonstrate regulatory leadership through governance excellence?

**Ms. Esther Jooda:** That's a good question. I have my CHRL, and that's for certified HR leader. A lot of the courses I take as part of that are on the safety of employees, and everything that you read right now is part of what I learned in the Ontario province, because that certification is for the entire province. So I would pretty much apply the same that I would apply to employees to patients, because I see them as the same thing—or the same sort of people; apologies, not “thing.”

**Mr. Guy Bourgouin:** There have historically been concerns with the increased privatization of services provided by optometrists. How would you approach concerns like this if raised in your tenure?

**Ms. Esther Jooda:** That's a good question. I've heard about that as well, and one of the things—as a member of the public, I know that it could be expensive, but I'm sure there are also reasons why that is privatized. I go to the emergency sometimes, and I'm there for, like, nine or 10 hours without any care, just waiting, because so many people are there or we don't have enough doctors and all of that. From what I understand, I understand that the only way we can have enough funds is if it's privatized, right? So for me, I think it's basically understanding the pros and cons of some of those reasons, and based on my expertise, based on my education and based on the people that I work with as well, we can pretty well sit together to see what really works.

0920

**Mr. Guy Bourgouin:** Are you a person who supports privatization?

**Ms. Esther Jooda:** I really can't comment on that right now because I don't have all the information.

**Mr. Guy Bourgouin:** Well, it's a simple question. You support privatization or you don't.

**Ms. Esther Jooda:** I really can't comment on that right now.

**Mr. Guy Bourgouin:** Want to go and take a shot at that one?

**The Chair (Mr. Will Bouma):** Member Tabuns, go ahead. You have 11 minutes.

**Mr. Peter Tabuns:** Yes. I am a bit taken aback by your response.

One of the ways that we have seen a reduction in services to the public, something that former Premier Dalton McGuinty did soon after he was elected in 2003, was delist services for Ontarians. Do you support further delisting of OHIP services for people who need eye examinations etc.?

**Ms. Esther Jooda:** As a member of the public, I wouldn't want privatization. The reason why I say that is because it would probably cost me more money, and if I don't have

that money, then I don't get the care, as a member of the public.

Like I said earlier, it would be great to have more information, because sometimes we don't have all the information as to why the government would want to privatize or not. So that's why I said I couldn't comment on it, because I don't have all the information. But as a member of the public, I wouldn't want that to happen because it's going to cost me more, and if I don't have the money, then I don't get the care.

**Mr. Peter Tabuns:** Well, going beyond you as a member of a public not being able to afford it, I deal with seniors in my riding who were recently very upset about the reduction of services for eye exams for those seniors. They were distraught. They need regular checkups. They are living on OAS, CPP, guaranteed income supplement. Their incomes are very low and they are being deprived.

So would you, as a member of this college, be supporting further delisting and privatization of services?

**Ms. Esther Jooda:** Delisting, no.

**Mr. Peter Tabuns:** Pardon?

**Ms. Esther Jooda:** Delisting, no, for that reason.

**Mr. Peter Tabuns:** Okay, so you have enough information on that. Would you be supporting further privatization of eye examination services?

**Ms. Esther Jooda:** Like I said, as a member of the public, no. But I would like to get—

**Mr. Peter Tabuns:** But as a member of the college, you are being given substantial power and authority here.

**Ms. Esther Jooda:** Yes, as a member of the college, I would need a lot more information as to why and why not. One of the reasons you gave right now about delisting and how it impacts seniors and impacts the public—my answer to that was no because I have a little bit more information. But I would also want to get information about why the government would want to privatize, what reasons they have for now and what they also foresee for the future as well.

**Mr. Peter Tabuns:** I don't have further questions on this. I think I understand the position of the candidate.

**The Chair (Mr. Will Bouma):** Back to member Bourgouin, with just over eight minutes left.

**Mr. Guy Bourgouin:** I'm going to ask you some quick, uncomfortable, but necessary questions. Have you ever been a member of the Progressive Conservative Party, provincially?

**Ms. Esther Jooda:** Yes.

**Mr. Guy Bourgouin:** How long—are you a current member?

**Ms. Esther Jooda:** I would say about six months, I guess—yes, this is six months.

**Mr. Guy Bourgouin:** Have you ever been a member of the Conservative Party federally?

**Ms. Esther Jooda:** No.

**Mr. Guy Bourgouin:** Have you donated to the Progressive Conservative Party?

**Ms. Esther Jooda:** I'm not sure. Probably, I think, like \$10—but no. I would say no. Yes, membership, that's it.



**Mr. Guy Bourgouin:** Have you ever worked on a Conservative election campaign?

**Ms. Esther Jooda:** No.

**Mr. Guy Bourgouin:** Did anyone ask you to submit an application for this position?

**Ms. Esther Jooda:** No.

**Mr. Guy Bourgouin:** Okay. I'll pass it over.

**The Chair (Mr. Will Bouma):** Member Fraser for seven minutes.

**Mr. John Fraser:** Great. Thank you very much for being here today. You've got a great résumé—not just your job, but the stuff you do outside.

I have a question: Did you specifically pick the College of Optometrists? Did you apply to all of the health regulatory colleges, or did you just apply to this one?

**Ms. Esther Jooda:** That's a good question. I was looking for health colleges and this was available at that time. I thought I could start from somewhere and give all that I can.

**Mr. John Fraser:** Good. That's good to know.

Because there is a discipline element to this college—it's not the only thing that you have to do—I take it you understand the principles of administrative justice because of your HR background in terms of fairness and transparency around the decisions that are made?

**Ms. Esther Jooda:** Yes.

**Mr. John Fraser:** Okay. I just wanted to double-check that. I figured that, with your experience. It is really critical that when decisions are made, as you know as an HR person, on people's careers, that not only is it fair but that it appears to be fair as well.

The college also would be advocating for things like scope of practice, which would be expanding what optometrists can do—different things like medications. I think you would be, but I just want to ask you this question: Do you feel competent making those decisions? You'd be able to inform yourself and make decisions that are based on whether it's okay to expand the scope of an optometrist, the things that they do, with regard to patient safety.

**Ms. Esther Jooda:** Yes, for sure.

Two things: One thing I've found is that there is going to be an expert on there as well, and I will do my research and do my reading to try to understand. That's what I do on a day-to-day basis. That's one of the reasons why I did my MBA, that irrespective of the industry, as long as I have the foundational knowledge and I can study and read about it, yes, for sure, I can make recommendations.

**Mr. John Fraser:** Sometimes it's just good to be able to ask the right questions.

**Ms. Esther Jooda:** Yes.

**Mr. John Fraser:** You don't have to know everything, right?

**Ms. Esther Jooda:** Oh yes; for sure. I ask questions a lot.

**Mr. John Fraser:** Good. Thank you very much for being here.

**Ms. Esther Jooda:** Thank you.

**The Chair (Mr. Will Bouma):** Thank you very much, Esther. We'll stop it there. We really appreciate you coming today and your willingness to serve. On behalf of all of the

government of Ontario, the opposition and all of my colleagues on both sides, we really appreciate you coming forward and being here today. Thank you very much.

**Ms. Esther Jooda:** Thank you.

**The Chair (Mr. Will Bouma):** You are free from the committee. You can stay and watch or you can leave and have a look around the building, too, if you would like. But thank you very much for joining us today. We will stop there.

#### MR. SABNAVIS GOPIKRISHNA

Review of intended appointment, selected by government party: Sabnavis Gopikrishna, intended appointee as member, Ontario Land Tribunal.

**The Chair (Mr. Will Bouma):** Our second appointee today is Sabnavis Gopikrishna, nominated as member of the Ontario Land Tribunal. Mr. Gopikrishna, please come forward.

You may make an initial statement at your discretion. 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 that you take in your statement will be deducted from the time allotted to the government. You can go ahead. Again, thank you very much for joining us today. We really appreciate your time.

**Mr. Sabnavis Gopikrishna:** Thank you very much, Mr. Chair. I hope I'm audible and comprehensible—thank you, good.

Dear members of the Standing Committee on Government Agencies, my name is Sabnavis Gopikrishna and I am here before you as a candidate for a part-time position on the Ontario Land Tribunal. Before providing other details, I would like to indicate how grateful I am to this committee and to the province of Ontario for this opportunity to discuss my candidature. I would like to briefly discuss my education followed by some highlights of my work history, with a focus on my experience with various tribunals.

My background is engineering. I have an undergraduate degree in materials engineering and a graduate degree in industrial engineering. I came to Canada in the year 2000, hoping to work as an engineer. Unfortunately, shortly after coming to Toronto, I was diagnosed with a stress-related medical condition that prevented me from practising as an engineer.

In the process of reaching out to non-profits for assistance with my medical condition, as I had it back then, I developed a lot of respect for the non-profit sector because I personally experienced the impact of that work. As a result, I started volunteering for various non-profits and ended up with a job offer from South Asian Family Support Services, which is SAFSS, which is a non-profit organization that helps newcomers to Canada to settle in the greater Toronto area. At SAFSS, I was exposed to the challenges faced by refugee claimants who had applied to be recognized as refugees in Canada.

The main challenge at that point in time was the paucity of resources to assist them in putting forward a credible

refugee claim. So I developed a program that helped refugee claimants put forward background information about their country of origin which resulted in their having to flee the country of origin in the first place. This information would then be presented before the Immigration and Refugee Board as background information. The Immigration and Refugee Board is the federal tribunal that adjudicates refugee claims. This was my very first exposure to the work of tribunals in a Canadian setting.

**0930**

Subsequently, there was a unionization process in the same workplace, and that resulted in an appeal being filed before the Ontario Labour Relations Board, the OLRB. One of the issues there before the OLRB was a disagreement between the union and management about whose side I was to be on, given the nature of my duties. Then I had to appear before the labour relations board, give evidence of my position and face questioning from both sides, both management and the union, before a finding could be made. The process was a first-hand experience of what it means to be a witness in a legal proceeding.

In 2006, I moved to my present position as the executive director of the Housing Help Centre, which is a non-profit mandated to assist low-income populations access rental housing. The nature of my present work familiarizes me with the function of the Landlord and Tenant Board and its focus on mediation to help landlords and tenants reach mutually agreeable settlements. In addition, my work at the Housing Help Centre also made me aware of the need for the creation of habitable rental units for tenants looking to rent across the GTA.

So many homeowners look to build bigger homes than what is allowed under the city's bylaws because that way they can rent portions of their house to tenants. Given that variances to build all these houses—the bigger houses almost always require variances and relief from the bylaws, and these variances are usually approved by the committee of adjustment, the COA. Given all this background information, I thought it would be a good idea for me to join the committee of adjustment and better understand the process through which these applications are approved. So between 2007 and 2015, I was a member of the committee of adjustment for the city of Toronto. I found the experience very educational because through participating in decision-making on more than 4,000 applications over an eight-year period, I became well informed about how planning principles are applied to approve variances.

In 2016, when the city of Toronto set up the Toronto local appeal body, which is the Toronto equivalent of the OLT, I was chosen as one of the original group of 70 adjudicators to hear appeals and make decisions. The process of adjudicating appeals before the TLAB has been positively enlightening, because I think I now have the skills to ensure that there's a balance of the efficiency of the hearing process on one side and a sufficiency of evidence needed to make a supportable decision. I have learned how to identify important questions on which findings need to be made, sift through the evidence to answer those questions and then set out my reasoning in as crystal clear a fashion as possible in the decision.

I am grateful to the TLAB for giving me opportunities to complete basic and advanced courses in adjudication and decision-writing offered by SOAR, which is the Society of Ontario Adjudicators and Regulators.

Over the six years of my membership in the TLAB, I have presided over hundreds of hearings in an individual capacity and have written decisions on all of them—and multiple decisions on some of them because we had specific motions put forward by the parties which had to be addressed before the hearing could start or we could proceed with the hearing.

Again, I would like to thank all of you for this opportunity, and I am ready to provide any other information that you're looking for.

**The Chair (Mr. Will Bouma):** Thank you very much. We will turn to the government side first. You have nine minutes and 15 seconds. Member Coe, go ahead.

**Mr. Lorne Coe:** Welcome, sir, to the committee. I think it's apparent to all of the committee members that, with your presentation, supplemented with the reading that we have done about your background, you have a really busy schedule at the present time. You alluded in your statement to the work that you're doing with the Housing Help Centre. You also have appointments with the city of Toronto and the Ontario Ministry of Health. Can you share with the committee members, please, which of these activities you would continue with should you be appointed to the Ontario Land Tribunal?

Thank you very much, sir, and again, we're very impressed with your credentials. Thank you for being with us.

**Mr. Sabnavis Gopikrishna:** Thank you very much, sir. If appointed to the Ontario Land Tribunal, it is certainly my intention to resign from the Toronto local appeal body, because that would be a conflict of interest.

As far as my regular job at the Housing Help Centre is concerned, this is something I do on a part-time basis, and I have the ability to—how shall I say it?—pick up more hours or reduce them as and when necessary. I do not think there's a conflict of interest between this position and the Consent and Capacity Board, of which I'm a member, and that is also a part-time position. Effectively, what happens is, I get to choose my hours, pick up more cases or less cases as the case may be.

**Mr. Lorne Coe:** Thank you very much, sir, for that response.

Chair, through you to MPP Sandhu, please.

**The Chair (Mr. Will Bouma):** Member Sandhu, you have the floor. Seven minutes and 40 seconds.

**Mr. Amarjot Sandhu:** Thank you, Mr. Gopikrishna, for your presentation.

What motivated you to apply for this position, and was this the only position that you applied to?

**Mr. Sabnavis Gopikrishna:** Yes, this was the only position I applied for—the Ontario Land Tribunal. The reason is, you see, I saw this as the next step in a process that I've been essentially on for the last 15 years. I started off with the committee of adjustment, then I came to the Toronto local appeal body. It only seemed natural that I come to the Ontario Land Tribunal when I applied for the

position, because I get to use all the skills I already have as well as do things I couldn't do before at the TLAB because of the jurisdiction. For example, an OPA, which is an official plan amendment, or a zoning bylaw amendment is something that is now outside the jurisdiction of the TLAB. So it seemed the logical next step in my journey of adjudication of planning-related issues.

**The Chair (Mr. Will Bouma):** Member Sabawy, six minutes and 30 seconds.

**Mr. Sheref Sabawy:** Thank you, Mr. Chair, and through you: Thank you very much for taking the initiative to come and put your effort to progress the system.

As you know, this position in Tribunals Ontario is a competitive, merit-based recruitment process. What was your impression of the process, and why do you think you were the best candidate for this role?

**Mr. Sabnavis Gopikrishna:** Well, it's really flattering to be told that I was the best candidate, so thank you very much for that.

Yes, I certainly found I was very satisfied with the process. I found it to be fulsome. It did test all skills that are needed to do a good decision. For example, we had to go through a writing test. We were given a fact base, and then they said, "How are you going to make a ruling on this?" It had to be done on three pages, so it was really difficult. It's actually easy to write a 10-page decision, but it's difficult to do a three-page decision, and it tested my skills, so that was very helpful. Then we were given feedback at the interview about how we had done, so that was very helpful. Then, the interview tested all the skills that we need in order to be able to adjudicate, and so that was very helpful. Then there was a fairly thorough discussion in terms of possible conflicts of interest and what I would do to ensure that I would recuse myself from a hearing. That discussion was very helpful. So I found it to be very fulsome.

**The Chair (Mr. Will Bouma):** Member Jones, five minutes.

**Mr. Trevor Jones:** Through you, Chair: Thank you for sharing some of your personal life, as well, and certainly your broad range of extensive experience in your professional life. I, too, was a member of the committee of adjustment of my municipality, and it does make an impact, and it's very interesting work.

Could you share a specific professional or lived experience that you've had and that you feel best prepares you for this potential appointment?

**Mr. Sabnavis Gopikrishna:** One of the things that I've learned and, in fact, one of the experiences that I learned on the tribunals before I came to the TLAB was the whole idea of neutrality and being guided by the facts and the evidence as opposed to background information. That is actually a skill. That is one of those things that's difficult to do in the beginning, but we kind of improve as we go along. For example, you'll have somebody who will come and they'll have this very compelling story about why they need an extra room in the house, because they've got a growing family. But you see, the law is clear on this: It says need—and you see this under section 45(1) of the Planning Act, which guides the work of the committee of

adjustment. There are four tests. There are lawyers who will actually stand and say, when they hear this kind of a story, "The fact of the matter is that need is not the fifth test." That's the law. As much as we kind of feel sympathetic, we have to essentially take a role of neutrality and say, "I'm going to be guided by the law, by precedents, by authorities, and then I'm going to make a decision on that." So the idea of being guided by information and evidence is something that I've actually learned through the various tribunal work I've done.

**The Chair (Mr. Will Bouma):** Member Smith. You have about three minutes.

**Ms. Laura Smith:** Through you, Mr. Chair: Thank you so much for being here. We really appreciate your submissions.

I was particularly impressed when you were discussing being impartial, and I understand the difficulties in condensing. Having a seven-page reason for a decision and making it three pages can be a difficult process, and having to recuse yourself from certain situations as well because you understand being fair and impartial when you're put in that position of power. You've talked a bit about that, but if you could just extend more information on how your previous work experience will assist you in being fair and impartial as an adjudicator?

**0940**

**Mr. Sabnavis Gopikrishna:** Yes. One of the very important things that I've learned through all my work with various tribunals as well as the job that I do at the Housing Help Centre is that it helps to be thorough in terms of reading the file put in front of us, because that gives us the facts. It also tells us the names of the parties and participants who may be before us. And that is when we say, "Okay, does this name sound familiar? Am I in a conflict of interest?" If there's a potential conflict of interest, then I inform the chair of the tribunal and get his or her advice, as the case may be, before I make a decision whether I should actually hear the case.

Preparation always helps—reading the documents. If it's a multi-day hearing separated by a few days, it actually helps to go back and review the tape of the previous day's hearing so that things are fresh in my mind when I go into the next day.

**Ms. Laura Smith:** So you go back in time—

**Mr. Sabnavis Gopikrishna:** Yes.

**Ms. Laura Smith:** That's very impressive. Okay. That's good information.

Thank you, Chair.

**The Chair (Mr. Will Bouma):** Member Pang, a minute and 20 seconds.

**Mr. Billy Pang:** Thank you Mr. Chair. Through you, I think you know that you are a candidate applying for a very challenging position, right? So what do you believe it takes to be an efficient member on the OLT?

**Mr. Sabnavis Gopikrishna:** Thank you very much, MPP Pang, for the question. I will kind of repeat some of the things I said to MPP Smith, which is that it helps to prepare, it helps to be thorough and it helps to be impartial. I think the more knowledge-based we are and the less

emotion-based a decision is, I think we get better quality. It also helps to make a genuine effort to send out a decision as soon as possible after the hearing is completed, because, as somebody said, justice delayed is justice denied. So we do our very best to send our decisions as soon as possible.

**The Chair (Mr. Will Bouma):** Thirty seconds left for the government.

**Mr. Brian Saunderson:** I'll go quickly.

**The Chair (Mr. Will Bouma):** Member Saunderson.

**Mr. Brian Saunderson:** It's interesting that I'm running up against the time clock here because my question to you—it's very impressive, all your answers so far—is about time management. You sound like a very, very busy man, and I'm just wondering how you're going to manage your time to turn around the decisions quickly as we work forward on the backlog?

**The Chair (Mr. Will Bouma):** In 10 seconds.

**Mr. Brian Saunderson:** In 10 seconds.

**Mr. Sabnavis Gopikrishna:** I think I'll get to the job writing decisions as quickly as I can, so that's my 10-second answer.

**The Chair (Mr. Will Bouma):** We will now turn to the official opposition for questions. We'll start with member Bourgouin.

**Mr. Guy Bourgouin:** Thank you for being here. The first question will be: There has been countless criticism since the establishment of the Ontario Land Tribunal, with some saying that it helps fast-track land to the hands of developers and ignore environmental consideration and public input. What do you think of this criticism?

**Mr. Sabnavis Gopikrishna:** Thank you very much, MPP Bourgouin. I think, in my opinion, as I said, as I was telling MPP Smith, I believe I said that one of the important things—I believe in being impartial and I believe in a knowledge-based approach. The other thing I'd like to add is, we look at this on a case-by-case basis. I really cannot take a position—I don't think there's a generic answer to the particular question you asked me because a lot depends on the evidence that is presented and who the parties are, and based on that, we come to an outcome.

**Mr. Guy Bourgouin:** On that, what would you do to try to appease that type of criticism so that people don't think that they are being ignored or environmental issues not addressed and public input?

**Mr. Sabnavis Gopikrishna:** Sure. That I can answer, MPP Bourgouin, based on the experience I've had so far in TLAB. One of the very important things that we have to look at is the evidence that is presented before the adjudicator at any hearing. So it's important, I think, to recite the evidence very carefully. In the decision, when we see that the evidence has been recited carefully and it is accurate, they will know that they've been heard. Whether the adjudicator agrees with them or not is a different story, based on how we weigh evidence. But I think recitation of the evidence, with the names of the individuals concerned, is one way of demonstrating to them that they've been heard.

The other thing that I often do is—it's very rare that we get a comprehensive presentation of all the information we need, so it helps to ask questions and help the witnesses,

such that they can better present their case and I have all the information I need.

**Mr. Guy Bourgouin:** In 2002, the Hamilton Spectator found that 97% of the Ontario Land Tribunal decisions have favoured developers. What are you going to do to address this bias towards developers?

**Mr. Sabnavis Gopikrishna:** Did you say this was from 2002? Okay. Well, I think in 2023, my approach again would be to look at the evidence and make sure that everybody is heard before I can come to a decision. My decisions will make very clear—one of the interesting things about a good decision that I've learned is, you see, we have to let the winner know why they won and the person who lost know why they lost. So I think the recitation of the reasons, the developing of the reasons is something that's very important. I'm hoping that my reasons in the decision will essentially speak to my thought process, and why somebody won and someone else didn't get what they wanted.

**Mr. Guy Bourgouin:** How do you plan to contribute to solutions to improve public perception of the Ontario Land Tribunal in the eyes of Ontarians?

**Mr. Sabnavis Gopikrishna:** Again, it comes back to the issue of transparency. When I say transparency, it's a question of making the decisions as crystal clear as I can, with reasoning that is as best illustrated as it can be. That would be my approach.

**Mr. Guy Bourgouin:** Thank you. I'm going to ask you some quick, uncomfortable but necessary questions. Have you ever been a member of the Progressive Conservative Party provincially?

**Mr. Sabnavis Gopikrishna:** No.

**Mr. Guy Bourgouin:** Have you ever been a member of the Conservative Party federally?

**Mr. Sabnavis Gopikrishna:** No.

**Mr. Guy Bourgouin:** Have you ever donated to the Progressive Conservative Party?

**Mr. Sabnavis Gopikrishna:** No.

**Mr. Guy Bourgouin:** Have you ever worked on a Conservative election campaign?

**Mr. Sabnavis Gopikrishna:** No.

**Mr. Guy Bourgouin:** Did anyone ask you to submit an application for this position?

**Mr. Sabnavis Gopikrishna:** No.

**Mr. Guy Bourgouin:** I have no further questions. Thank you for applying.

**Mr. Sabnavis Gopikrishna:** A pleasure, sir.

**Mr. Guy Bourgouin:** I believe you'll be doing great work.

**Mr. Sabnavis Gopikrishna:** Thank you very much.

**The Chair (Mr. Will Bouma):** Any further questions from the opposition? Seeing none, thank you very much for joining us today, Mr. Gopikrishna. I very much appreciate your testimony. Again, thank you for your willingness to serve the people of Toronto, the people from your community and the people of all of Ontario. Thank you very much for being here today.

**Mr. Sabnavis Gopikrishna:** Thank you, Mr. Chair. I'd just like to repeat what I said at the beginning: I would like to express my thanks to the committee and the province of Ontario for considering my candidature, Chair. Thank you.

**The Chair (Mr. Will Bouma):** Thank you.

We will now, members of the committee, consider the intended appointment of Esther Jooda, nominated as member of the Council of the College of Optometrists of Ontario. We have a motion from member Coe.

**Mr. Lorne Coe:** I move concurrence in the intended appointment of Esther Jooda, nominated as member of the Council of the College of Optometrists of Ontario.

**The Chair (Mr. Will Bouma):** Very good. Concurrence in the appointment has been moved by member Coe. Is there any discussion on the motion? Go ahead, member Bourgouin.

**Mr. Guy Bourgouin:** We don't support the candidate.

**The Chair (Mr. Will Bouma):** Okay. Is there any further discussion?

**Mr. Amarjot Sandhu:** You don't support it?

**Mr. Guy Bourgouin:** We don't.

**The Chair (Mr. Will Bouma):** Are members ready to vote?

**Mr. Lorne Coe:** We are.

**The Chair (Mr. Will Bouma):** So then I will call the vote. All those in favour? All those opposed? Thank you. Carried.

We will now consider the intended appointment of Sabnavis Gopikrishna, nominated as member of the Ontario Land Tribunal. We have a motion from member Coe.

**Mr. Lorne Coe:** I move concurrence in the intended appointment of Sabnavis Gopikrishna, nominated as member of the Ontario Land Tribunal.

**The Chair (Mr. Will Bouma):** Concurrence in the appointment has been moved by member Coe. Is there any discussion on the motion? Seeing none, are members ready to vote?

**Mr. Lorne Coe:** We are, sir.

**The Chair (Mr. Will Bouma):** All those in favour? That was unanimous. Thank you very much.

Committee members, the deadline to review the intended appointment of Jon Reid, selected from the March 24, 2023, certificate, is April 23, 2023. Do we have unanimous agreement to extend the deadline to consider the intended appointments to May 23, 2023?

**Mr. Lorne Coe:** No, Chair.

**The Chair (Mr. Will Bouma):** I heard a no. Thank you. That concludes our business for today. This committee now stands adjourned.

*The committee adjourned at 0950.*





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