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(Hansard)**

A-23

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des débats
(Hansard)**

A-23

**Standing Committee on
Government Agencies**

Intended appointments

1st Session
43rd Parliament

Thursday 16 November 2023

**Comité permanent des
organismes gouvernementaux**

Nominations prévues

1^{re} session
43^e législature

Jeudi 16 novembre 2023

Chair: Will Bouma
Clerk: Isaiah Thorning

Président : Will Bouma
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Thursday 16 November 2023

Jeudi 16 novembre 2023

The committee met at 0900 in room 151.

The Chair (Mr. Will Bouma): Thank you, members. It's good to see you all. Good morning.

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.

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

SUBCOMMITTEE REPORT

The Chair (Mr. Will Bouma): The first item of business is the adoption of a subcommittee report, which was distributed in advance. We have a subcommittee report dated November 2, 2023. Could I please have a motion? Member Holland.

Mr. Kevin Holland: I move adoption of the subcommittee report on intended appointments dated Thursday, November 2, 2023, on the order-in-council certificate dated October 27, 2023.

The Chair (Mr. Will Bouma): Is there any discussion? Seeing none, are members ready to vote? All those in favour? That is unanimous. Thank you, members.

INTENDED APPOINTMENTS

MS. ENDER JOSEPH

Review of intended appointment, selected by official opposition party: Ender Joseph, intended appointee as member, Landlord and Tenant Board.

The Chair (Mr. Will Bouma): Our first intended appointee is Ender Joseph, nominated as a member of the Landlord and Tenant Board. Thank you very much for joining us today. You can come forward and have a seat in the chair.

You may make your 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.

Again, thank you so much for joining us today. Go ahead and make your statement.

Ms. Ender Joseph: Good morning, Chair, Vice-Chair and honourable members of the standing committee. Thank

you for giving me the opportunity to meet with you today to discuss my possible appointment with the Landlord and Tenant Board.

I must admit that when I immigrated from the Caribbean to Canada almost 20 years ago, I had no idea that sitting before you today was possible, but I knew that the possibilities were endless. My main goal for migrating was not only to avail myself of all the opportunities that this great country had to offer but to find a career that I enjoyed, build a life for myself and be able to make a positive impact. Over the years, I have done my best to do all of the above and believe that the opportunity to serve as a member of the Landlord and Tenant Board will be reflective of the hard work I have put into my career thus far.

I hold an associate degree in business and accounting, a paralegal diploma from Herzing College and a Bachelor of Arts in justice studies from Royal Roads University in British Columbia. I am a licensed paralegal in good standing with the Law Society of Ontario.

Over the span of my 13-year career as a paralegal, I have predominantly practised in the area of landlord and tenant, appearing before the board on numerous occasions. As such, I am very well versed in the Residential Tenancies Act and applicable legislation. During that time, I served as in-house paralegal for two property management companies. I also started my own business and later pivoted to a full-time position as a community legal worker. As a result, I am accustomed to managing high-volume caseloads and operating under pressure to meet deadlines. My extensive background in landlord and tenant matters has enabled me to easily identify issues and possible solutions. With my experience and my unique perspective as an immigrant, I recognize the importance of the roles that both landlords and tenants play in the housing market.

In the past, whether representing landlords or tenants, I have always taken the opportunity to help educate parties, not only about their rights but also about their responsibilities. I look at the landlord and tenant relationship as a collaboration and not so much a me-against-you situation and have been extremely effective in this approach, creating a high degree of success for my clientele.

Given my experience representing both parties, I hope you will be confident that I am someone you can rely on to serve the people of Ontario with respect, fairness and impartiality. I am a strong advocate for the LTB's mandate to provide accessible, expeditious conflict resolution, and

I am confident that my extensive background in this area of law will serve as an asset to this organization.

I welcome any questions you may have and trust that by the end of our time here today, I will have convinced you of the same. Thank you very much again for having me.

The Chair (Mr. Will Bouma): We will now turn to the government with just under 12 minutes left. Who would like to go first? Member Holland, go ahead.

Mr. Kevin Holland: Welcome. Thank you for coming here today and speaking with the committee. Outside of what you've already indicated in your opening remarks, can you share with the committee what sort of engagement you've had in your community—for example, volunteer work etc.—what you've learned from it and how it will inform your work on this tribunal board?

Ms. Ender Joseph: Outside of my 13-year background, I have volunteered with the David Busby homeless shelter in Barrie. It started as part of my internship for my caseload for my Bachelor of Arts degree, but I stayed on after. As I really enjoyed working within my community, I was involved in organizing clothes drives, things of that nature. I also volunteered for VCARS Barrie, victim services, where we went to people's residences in times of crisis and provided assistance, whether it's companionship, conversation or referrals to other organizations that could be of assistance.

Your next question, I believe, is how I think it would serve in this position. With that volunteer background, I did have the privilege of working with people in my community, most of them vulnerable people. I do understand, in this situation and in this position, from the Landlord and Tenant Board perspective, that there are a lot of people who appear before the board that are self-represented, unrepresented and also vulnerable people. I do think that my background as a volunteer would serve very nicely in this capacity.

Mr. Kevin Holland: Okay. Thank you.

The Chair (Mr. Will Bouma): With 10 minutes and 13 seconds, member Pang, go ahead.

Mr. Billy Pang: Mr. Chair, through you to Ms. Joseph, we know that the Landlord and Tenant Board has high caseload volumes. How will you ensure that you would stay on top of the workload and deliver your decisions within the targeted processing times?

Ms. Ender Joseph: Given my background, I am accustomed to dealing with high-volume caseloads. Especially being self-employed, I've had to not only handle high-volume caseloads but be able to plan accordingly, meet deadlines to keep clients happy.

I am a very big organizer. I'm not shy. I'll be someone who will make up spreadsheets in order to keep track of caseload. I'm very detail-oriented that way, and so I believe that even that would be an asset in this position, given the high caseloads. I think I'm very well ready to jump in there and get started again, because I do have a knack for, I guess, punishment at this point. But yes, I think I'm ready for organizing and stuff like that.

Mr. Billy Pang: Thank you for the answer.

The Chair (Mr. Will Bouma): Very good.

Member Gallagher Murphy, with nine minutes.

M^{me} Dawn Gallagher Murphy: Chair, through you, thank you very much, Ms. Joseph, for being here today and putting your name forward. I can tell that you've had a wide range of professional experiences and obviously a lot of them that specifically pertain to this role. So, without having this question sound redundant, maybe I can ask you if you can share a specific experience you've had that you feel has really prepared you for the work you will be doing with the Landlord and Tenant Board.

Ms. Ender Joseph: In speaking about a specific experience, I believe one asset, again, is to recognize where people are vulnerable and to take the extra time with people like that to either explain the processes, make sure that they understand the proceedings or what the remedies or outcome is or is expected.

One specific area for me is: In my personal private practice, I have worked extensively with other agencies, specifically community mental health, specifically dealing with tenants with challenges like that. I think that specific experience would be helpful in this position.

M^{me} Dawn Gallagher Murphy: That is excellent. Thank you so much—because that is a big concern with a lot of people right now. Thank you very much.

The Chair (Mr. Will Bouma): Member Cuzzetto, go ahead—seven minutes, 15 seconds.

Mr. Rudy Cuzzetto: Thank you for being here today. I noticed your resumé—you've covered every place that you could cover. As you know, being on the tribunal—it's very competitive to be on the Landlord and Tenant Board. What was your impression of the process, and why do you think you were the best candidate for this position?

Ms. Ender Joseph: Well, it was a very nerve-racking process. Again, given the length—and I know it's very merit-based and they have to do their due diligence to make sure that the best candidates make it to meet you guys or onto the next step. So I do appreciate it takes time. I feel that the process was very well vetted. I'm sure there were a number candidates who are very well qualified for this position.

0910

And—sorry; your question exactly?

Mr. Rudy Cuzzetto: What did you think of the process?

Ms. Ender Joseph: Very well detailed. I do appreciate the fact that I even got the opportunity to sit here with you today.

I do believe what made me stand out and what gave me the opportunity to even be here today is the fact that I do have over 13 years experience in the field. I am very well versed in the Residential Tenancies Act, which governs the Landlord and Tenant Board. I am a great critical thinker. I'm great at dispute resolution. I have worked, as I said, with the public, with vulnerable people. I'm accustomed to complex cases and heavy caseloads, and also I have a very detailed background in facilitating agreements to form mediation between parties. I believe that would have possibly helped me stand out and given me that opportunity to be here.

The Chair (Mr. Will Bouma): Any further questions from the government? Member Holland, five minutes.

Mr. Kevin Holland: I commend you on your volunteer work and your work experience in helping the more vulnerable in our community. How do you think that is going to position you to serve as an impartial adjudicator on the board? I know some of your last response touched on some of the answer I was looking for, but if there's anything further you can add with regard to that.

Ms. Ender Joseph: I'm trying not to repeat the things I said. Again, even in my experience in appearing before the Landlord and Tenant Board on numerous occasions, I have had the opportunity to see people come in who are under-represented, self-represented. Many of them are vulnerable people, elderly people. Sometimes when we think about landlords, we think about great big corporations—or when we think about tenants, right? But a lot of the times landlords are people that are renting out their basements for that extra income, or tenants are trying to stay close to a school district or something like that.

In being part of my community and working with people in my community, it has given me that oversight, that I know I can be impartial in that area and make the best decisions with the information that is provided, free from any undue influences. I also believe that the fact that I've worked with both landlords and tenants has given me the opportunity to be able to see both sides without any biases.

The Chair (Mr. Will Bouma): Member Gallagher Murphy, three minutes and 30 seconds.

M^{me} Dawn Gallagher Murphy: Ms. Joseph, a question for you: What motivated you to apply for this position, given that you've been running your own business? That's very fulfilling on its own, and it sounds like, with all your volunteer work, you've had an amazing combination for a rewarding career. So what motivated you to apply for this role?

Ms. Ender Joseph: Given my extensive background in working with the Landlord and Tenant Board, I appreciate that this amazing opportunity facilitates this process of dispute resolution that I may not possibly have in self-employment or something like that. And also, most importantly, this opportunity to be appointed will be a privilege to be able to serve the people of my community in this manner, especially in dealing with these unprecedented times that we're going through right now. I think, again, that just service to my community would be great motivation there.

M^{me} Dawn Gallagher Murphy: And that's a great motivation. Thank you very much.

The Chair (Mr. Will Bouma): Very good. Thank you very much.

We will now turn to the opposition side. Member Chandra, you have 15 minutes.

Ms. Chandra Pasma: Thank you so much for being here, Ms. Joseph. I know it's not the most comfortable experience, but it is an important part of our democratic process, and all the more so because there was a recent investigation by the Investigative Journalism Foundation

that revealed that our tribunals and agencies in Ontario are really staggering, because of the number of unqualified appointments that are being made solely because people have ties to the Conservative government.

It's incredibly important that we have the opportunity to understand the qualifications of appointments so that people in Ontario have trust that appointments are being made on the basis of qualifications, and not party ties—and even more important in the case of the Landlord and Tenant Board, which is probably the most broken tribunal in our system in Ontario. You will probably know that it was the subject of an investigation by the Ombudsman, Paul Dubé, which found that it's not working for landlords or tenants. The wait time for a hearing is incredibly long. The government allowed the tribunal to go without appointments because they were allowing the appointments of experienced members to lapse, and then appointed a large number of adjudicators who did not have the relevant experience that they needed.

We are talking about something that is incredibly important. If people don't have a home, that's the foundation of so many other things in our society. It can actually lead to people being homeless or having all of their rent going to pay for housing and ending up at the food bank and not being able to take advantage of opportunities in their community. We're talking about something that's really fundamental and foundational.

You obviously have extensive experience with the landlord and tenant tribunal. You mentioned earlier that you have experience on both sides, but when I look at the resumé that was submitted with your application, I see the Landlord's Self-Help Centre and Melchior Management Corp. and Suite Collections Canada—what I don't see is any work done on behalf of tenants.

Can you expand a little on what experience you actually do have representing people on the tenant side rather than the landlord side?

Ms. Ender Joseph: Most definitely. Again, when I did start my career 13 years ago and was given an amazing opportunity to start with a property management company, being that it's a property management company, I did specifically work on behalf of landlords. So, too—you're right—at Melchior Management, that was a property management company.

However, being a sole proprietor and having my own business for five years, I did work with both clientele, both landlords and tenants, so I do have extensive experience in that background—more so, as well, with my community involvement and my volunteer position, and being part of my community. Most people, as we know, are renters, so I've had that experience where I've had to be working in close relationships with tenants, as well as landlords. And so, that's where my tenant background would have come into play.

Ms. Chandra Pasma: And what proportion of your clientele, when you were self-employed, would you say were renters as opposed to landlords?

Ms. Ender Joseph: Fairly, about 20% would be tenants and 80% for sure would definitely be landlords, but I do

want to reiterate again that I do have involvement with both, and again, within my community work as well.

Ms. Chandra Pasma: If you were a tenant and you were coming before someone with such an extensive background representing landlords, do you feel that you would get a fair hearing from an adjudicator who had largely represented landlords?

Ms. Ender Joseph: Yes, most definitely. I, myself—again, being an immigrant, moving to this country—started off as a renter, so I do understand their perspective, as well as working closely with them. I don't think that me being one way or the other should play a part mainly into that. I would like to be judged on my merits and how I present myself.

I think one of the most important things for an adjudicator is to make sure that when that person appears before them, they feel right away that there's no question of whether or not this person is biased. They should feel comfortable knowing that they will be getting an unbiased hearing.

Ms. Chandra Pasma: And what kinds of tenant cases did you work on generally? You don't have to give me specific cases.

Ms. Ender Joseph: I would say, 13 renoventions is what I have mostly seen. When a tenant comes to me and says, "Hey, this is happening. I don't think that this is fair," then, yes, I do have a passion for stuff like that. Mostly renoventions is where that would have aligned.

Ms. Chandra Pasma: One of the challenges that we see in this sector is differential access to representation, which I'm sure you must have seen as a paralegal. The landlords, especially when they're larger companies, have access to the best lawyers and paralegals who have experience in this field. Many of the tenants are lucky if they have access to legal representation at all. Legal aid is significantly underfunded.

I know in Ottawa, many tenants don't even qualify for legal aid, but when they do, Community Legal Services of Ottawa is so underfunded and overworked that they're not even able to take all the cases that qualify for legal aid. They're mostly focused on fighting evictions to keep people housed.

0920

When I speak to constituents who are coming before the Landlord and Tenant Board, they say they manage to scrape together enough funds to find a legal representative and then they get told that, actually, all the best legal representatives in this field are already on retainer for the property managers. There's such a difference in access to justice if you are coming without legal representation and your opponent is coming with the best, most experienced legal representation.

How, in your role as an adjudicator, would you work to make sure that tenants are still getting access to justice even when they don't have representation or when they don't have representation that is as experienced and qualified as the representation that the landlord has?

Ms. Ender Joseph: I'm not too qualified to speak about the aid part of it, but I will say, if I were to be appointed

as a member of the Landlord and Tenant Board, I can only do my best to make sure that that person gets a fair and unbiased hearing, whether it's taking that extra time to ensure that they understand the policies and the procedures of the board; speaking clearly in language that is understood by both parties; making sure that communication is clear and concise, even continuing on to writing those orders and making sure that in those orders, when they go out, decisions are clear and concise.

Again, on my part, I do believe, given my background, that I have the experience—again, working with both sides—to be able to ensure that I ensure that both parties do have a fair and unbiased hearing. Again, I'm not an expert in any regard, so I do understand that were I to be appointed that the LTB does have an extensive onboarding process that would facilitate me in this role and help me to be the best adjudicator that I can be, and that's all I can promise.

Ms. Chandra Pasma: Thank you, Ms. Joseph. Another challenge that we have seen—during the pandemic, obviously, hearings all went virtual, and they still have not returned to full in-person hearings. The majority of hearings are being conducted virtually. There's obviously another significant difference in access to justice when landlords have great broadband at home or in the office, and many tenants either have poor broadband access or are forced to turn to the phone. There are many cases of tenants experiencing utter chaos because, obviously, if you're connecting by phone, you don't even know who is speaking. They don't know whether it's the adjudicator or the landlord. They don't know when it's their turn to participate. Even in the cases where people are able to connect online, it's very difficult for them to follow and understand the proceedings, to confer with legal representation, if they have legal representation.

There's a really significant difference in access to justice if people are forced into this digital mode of hearing. I'm wondering if you witnessed and experienced that in the past few years, participating in LTB hearings virtually.

Ms. Ender Joseph: Seeing that I am not currently acting in the role as an adjudicator, I can't speak from that perspective, but based on my experience taking part in both in-person and virtual hearings, I do appreciate that COVID-19 was unexpected for all of us and, as a result, many tribunals and courts, including the LTB, had to pivot and adapt and embrace the digital world. I do understand where it could be challenging for some people, but for the majority, I believe that it has created more access to justice.

When there were in-person hearings, I know for a fact that people with mobility issues, who live or work remotely, did not have access to justice. There were people who had to choose between work or attending the board, who had to decide to lose that day's paycheque in order to attend the board in person. Now, with online hearings, they do not have to make that choice.

I do believe that, unfortunately, there would be some people who are affected because of the issues you've men-

tioned, but overall I believe that the virtual approach was necessary. In saying that, with regard to people who may not have that access to technology that's needed, I do know that the Landlord and Tenant Board has mobile terminals that parties can use for this purpose of attending hearings and having an uninterrupted hearing. Also, the Landlord and Tenant Board, I believe, does have an option to request in-person hearings if parties so choose.

The Chair (Mr. Will Bouma): You have four minutes.

Ms. Chandra Pasma: Thank you, Chair.

You know, it's really not what we've been hearing from tenants, that virtual has provided greater access to justice. I would hope—you're not responsible for the policy of the entire Landlord and Tenant Board—as an adjudicator, when tenants or landlords appearing before you request an in-person hearing, that that would be granted on the grounds that that's an important element of access to justice.

Ms. Ender Joseph: What was your question? Sorry.

Interjection: She's just making a statement.

Ms. Chandra Pasma: Oh, no, no. It wasn't just a statement. It was a question. My question was: I know you're not responsible for the policy of the whole Landlord and Tenant Board, but would you commit as an adjudicator that if tenants or landlords appearing before you are requesting an in-person hearing—in order to ensure access to justice, will you grant that?

Ms. Ender Joseph: Thank you for recognizing that I'm not a part of the LTB as yet. Based on that, I would say that I'm not qualified to answer that question in detail. I'm not familiar with the Landlord and Tenant Board processes on how in-person hearings are granted, so I don't think I would have enough information to answer that question confidently.

Ms. Chandra Pasma: Okay. The other really big, challenging issue that the Landlord and Tenant Board is facing is delays, and access to justice delayed is access to justice denied. It has been the case for both landlords and tenants. The number of cases getting their first hearing within the target time frame for the year in which we have the most recent numbers was 0.2%, I believe, and the target is 80%. That's how significantly delayed the Landlord and Tenant Board is.

Many people are waiting a year, and in many cases the delay means that people will never get justice because they've already been evicted or they've already been forced to pay a much higher level of rent that they can't afford. Even if there is a penalty applied, it will never make up for the fact that they are now living in unaffordable housing.

And it's also true for landlords that the delays have been untenable: people waiting to move into homes that they own for up to a year. But there have been faster hearings for landlords than for tenants, even though landlords have also been waiting an incredibly long time. This was also signalled by the ombudsperson as completely unacceptable. Fair means fast for both sides, not for one side.

What will you do as an adjudicator to make sure that you're bringing down delays and that both sides are getting hearings in a fair amount of time?

Ms. Ender Joseph: Again, because I'm not yet a part of the Landlord and Tenant Board, I'm not quite sure of the practices and procedures and what goes into scheduling hearings in what manner. I can say that if I were granted the opportunity to be a member of the Landlord and Tenant Board, I can do my part in making sure that I meet the deadlines that are set forth before me.

I believe that with my background of 13 years working with LTB matters and my familiarity with the Residential Tenancies Act, that would play a huge part in getting me assimilated faster and getting me out there and helping the people in my community. I do believe that with my planning, my critical thinking and my ability to work high caseloads, that would play a part in me meeting the deadlines that are put forth before me and getting that access to justice for those people whose cases I have.

The Chair (Mr. Will Bouma): Ten seconds.

Ms. Chandra Pasma: Okay. One last quick thing: Do you own any rental properties?

Ms. Ender Joseph: No, I do not.

Ms. Chandra Pasma: Okay. Thank you.

The Chair (Mr. Will Bouma): Thank you very much.

Ms. Joseph, thank you so much for joining us this morning. That concludes the time available. You are free to stay, but if you've had enough of this, you're also free to go. And I would encourage you to tour the building, because after 2026 we hope to do a major renovation and it might be closed for a decade or two.

Thank you very much and thank you for your willingness to serve the people of Ontario. Thank you again for joining us today, and we'll be making a decision shortly.

MR. ALEXANDRE TRABOULSI

Review of intended appointment, selected by official opposition party: Alexandre Traboulsi, intended appointee as member, Landlord and Tenant Board.

The Chair (Mr. Will Bouma): Colleagues, our second intended appointee today is Alexandre Traboulsi, nominated as member of the Landlord and Tenant Board, so it's Landlord and Tenant Board today.

Mr. Traboulsi, please come forward. Thank you for joining us today. Have a seat. Again, 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.

0930

Again, thank you very much for taking the time to join us today. You can start whenever you're ready with your initial statement.

Mr. Alexandre Traboulsi: Mr. Chair, Mr. Vice-Chair, honourable members of the committee, thank you for having me appear before you today in light of a prospective appointment to the Landlord and Tenant Board.

After completing my civil law licence at the University of Ottawa in 2018, I have been a registered member of the Quebec bar since August 2021. Throughout my academic

career and professional upbringing, I was able to gain experience in dealing with various contentious matters and was tasked in either representing or acting on behalf of parties in front of the Landlord and Tenant Board and its Quebec counterpart or participating in mediation sessions in order to try and find suitable arrangements for all parties involved.

As part of continuing-education activities required by the Quebec bar, I have had the opportunity to follow courses and training specifically highlighting the benefits of mediation and offering tips, recommendations and strategies that would allow for a smooth mediation and interaction with all parties. These are tools that I believe will be of great help in the case of an appointment to the Landlord and Tenant Board.

As part of my current employment, I have had the privilege to participate in just over a hundred applications at the Landlord and Tenant Board, acting at times on behalf of the plaintiff or the respondent. This experience has allowed me to have a good appreciation of the current workings of the LTB, more specifically from an outsider's perspective.

In addition to the cases that went to the Landlord and Tenant Board or the divisional court, I was able to participate in a greater number of situations outside of the judicial process, facilitating agreements and settlements suitable for those involved. I was also tasked with ensuring that other employees of my employer were comfortable with a basic understanding of the Residential Tenancies Act and its corresponding legislations. My familiarity with the RTA and understanding of the process that parties must undertake to appear before the LTB will transfer directly to a potential appointment as an adjudicator at the Landlord and Tenant Board.

Étant bilingue, ma capacité à offrir des services tant en français qu'en anglais est un atout important qui permettrait aux parties se présentant auprès de la commission à faire leurs soumissions confortablement, tant en français qu'en anglais, dans les deux langues officielles.

Serving as a member of the Landlord and Tenant Board would be a great honour and an even greater responsibility and not one that I would take lightly. I would ensure that parties would be entitled to a fair and impartial hearing and that natural justice concepts, such as the right to be heard and the right to present one's case in a full and complete manner, would be respected at all times.

Thank you again for allowing me to appear before you today. I look forward to answering your questions in either French or English, depending on your respective preferences.

The Chair (Mr. Will Bouma): Thank you very much—succinct, leaving 12 minutes and 40 seconds on the clock.

We'll turn to the government. Member Holland, go ahead.

Mr. Kevin Holland: Thank you for coming out today. I appreciate your interest in serving on the board and your time with us here today. You'll find that our questions are going to be much more pointed, as you've experienced. We try to leave out the political statements because, for

me, I want to learn more about you and what you can offer to the process.

Having said that, outside of what you've already stated in your opening remarks, can you elaborate a little bit more on what you think will make you an effective member of the Landlord and Tenant Board, specifically to impartiality or any perceived influences you may have had in your past?

Mr. Alexandre Traboulsi: Thank you for your question. I have been working for a property management company for a number of years now. But with that said, I wouldn't have submitted my candidacy if I wasn't under the strong belief that I would be able to hold impartial hearings.

At the end of the day, when parties are coming to the Landlord and Tenant Board or any other board for that matter, they're seeking to submit their evidence in order to obtain a certain decision. The decision will be made based on the submission of both parties, based on the facts and the merits and how that reconciles with the applicable legislation.

Mr. Kevin Holland: Thank you.

The Chair (Mr. Will Bouma): Next question. With 11 minutes and 15 seconds left, member Gallagher Murphy, go ahead.

M^{me} Dawn Gallagher Murphy: Merci, monsieur Traboulsi. Je vous remercie d'être ici avec nous aujourd'hui, et j'aime bien que vous parliez couramment le français. Bien entendu, c'est le Barreau du Québec, donc, merci beaucoup.

Ma question est—vous savez que la Commission de la location immobilière a un volume de dossiers très haut. Donc, je me demande si vous pouvez expliquer comment vous pouvez diriger ces dossiers, et aussi, en même temps, de s'assurer que vous pouvez faire un bon travail, si vous voulez, avec toutes les décisions que vous devez prendre avec ces dossiers?

M. Alexandre Traboulsi: Merci pour votre question.

Ayant fait des études en droit, je pense qu'une lourde charge de travail n'est pas vraiment quelque chose qui me fait peur à ce train-là. Ça fait depuis 2016 que je travaille dans ce domaine; depuis 2019 que je travaille beaucoup plus activement et en relation avec la commission. Le fait que je travaille pour une compagnie privée en ce moment indique qu'il y a une charge de travail qui est assez importante de ce point de vue-là aussi, que ce soit en relation avec les résidents, que ce soit en relation avec les propriétaires et que ce soit en relation avec les investisseurs.

Tout ce qu'on peut s'assurer de notre côté, c'est de s'assurer que chaque élément est priorisé pour chaque individu, et que les délais qui se doivent être respectés soient respectés. Si on fait ça en lien avec la commission ou, du compte, que ce soit un bloc d'une journée complète ou une demi-journée au niveau de la commission, l'important par la suite c'est de s'assurer que les décisions qui sont expédiées soient expédiées dans un délai raisonnable pour s'assurer que les parties qui se présentent devant vous aient accès à leurs décisions rapidement, de façon efficace.

Il n'y a personne qui se présente devant un tribunal ou une commission pour s'amuser. Ce sont des décisions qui sont d'une importance capitale pour eux, qui ont des impacts très importants sur leurs vies au jour le jour. Il faut respecter cette analyse-là. Il faudrait juste s'assurer que les délais requis sont respectés.

M^{me} Dawn Gallagher Murphy: Merci beaucoup, et une autre question : où est-ce que vous avez appris votre français? Vous n'êtes pas québécois, non?

M. Alexandre Traboulsi: Non, je ne suis pas québécois, non.

Des voix.

M. Alexandre Traboulsi: I appreciate that.

Ma langue maternelle est le français. J'ai fait mes études dans le système français, que ce soit au Collège Stanislas du côté de Montréal ou au cégep Jean-de-Brébeuf également. Donc, toute mon éducation a été faite en français et, de façon primaire, dans le système français—français de France.

M^{me} Dawn Gallagher Murphy: Très bien. Merci beaucoup, monsieur.

The Chair (Mr. Will Bouma): Next question. With seven minutes and 52 seconds, Member Pang, go ahead.

Mr. Billy Pang: Mr. Chair, through you, good morning. From the presentation and the document that I have read through, I am aware that you had a wide range of professional experiences in your career. Could you please share how these experiences have prepared you for your work with the LTB?

Mr. Alexandre Traboulsi: Thank you for your question. The majority of my professional upbringing, especially since March 2019, has been in relation to compliance and ensuring that, from a company standpoint, we are operating in regulations with the Residential Tenancies Act. I have been tasked, on my end, to coordinate when need be with third-party representation or directly acting as an agent of the landlord at the Landlord and Tenant Board.

I have a good appreciation of the workings of the Landlord and Tenant Board, especially from an outsider's perspective. I won't pretend I know what happens behind closed doors, but I have a good appreciation of what it takes for parties to come before the board, how to act in front of the board and how to present in front of the board. These are elements that I think will be of the utmost importance to appreciate the position that parties come in to present in front of you. Parties are not necessarily represented. Parties are not necessarily familiar with the process on a day-to-day basis at the Landlord and Tenant Board, so it's important, from a natural justice standpoint, to ensure that they can be heard in a full and complete manner, and just to—not plead for them, but to facilitate that process for them as much as possible by using reasonable discretion to ensure that both parties can be heard in a full and impartial manner.

Mr. Billy Pang: Good. Thank you very much.

The Chair (Mr. Will Bouma): Five minutes, 50 seconds: member Harris.

Mr. Mike Harris: You were recommended for this position following a competitive, merit-based process with Tribunals Ontario. I was just interested in getting maybe a

few comments on how you thought that process was, if there's anything that could maybe be improved and what makes you feel confident that you're the best candidate that was able to make it through that process.

Mr. Alexandre Traboulsi: Thank you for your question. To answer the first part of your question, I'll be honest; my experience has been a fairly expeditious one. I applied—I believe it was September 7, and we're now about three months in, so it was much quicker than I had expected, to be honest, and I do appreciate that process. Meeting with the first interviews, the written exercise that followed, all this is something that I think is needed but also an indication of what is to come afterwards. If we look at the interview process as being the hearing, then the written exercise becomes the writing of the order. Within that process, I believe we had 90 minutes after that interview to submit that written exercise.

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I think to a larger extent, if we're able to meet similar deadlines at the Landlord and Tenant Board, then individuals and parties that are coming before us will be able to receive expeditious orders in order to be able to make determinations after that.

Could you just remind me of your second question?

Mr. Mike Harris: Through that process, what did you find made you stand out over other candidates?

Mr. Alexandre Traboulsi: Thank you for clarifying that. Again, I have a fairly extensive background and interaction with the Landlord and Tenant Board over the past four years or so. My knowledge of the—I mean, I'm not pretending I'm an expert here but my appreciation of the Residential Tenancies Act and appreciation of what it takes to come in front of the board, along with my legal background, which allows to me to essentially narrow down the points of contention to facilitate finding a solution. My, I'm going to say, experience with mediation both facilitated through the board or separately with parties and my ability to actually communicate in a fairly effective manner I think are tools that are essential to a position like this one.

Mr. Mike Harris: Thank you.

The Chair (Mr. Will Bouma): Three minutes, 15 seconds: member Cuzzetto.

Mr. Rudy Cuzzetto: It's nice to hear that you lived in Montreal for a while. My wife comes from Saint-Léonard. In Saint-Léonard and in Montreal's downtown core, there are a lot of mom-and-pop rentals and a lot of young families that are renting from these landlords as well. So, it's great to hear that you've been in Montreal and you've seen that occur there as well.

What motivated you for this position, and did you apply for any other appointments?

Mr. Alexandre Traboulsi: I'll start with your second question. No, this would be the first appointment that I submitted my candidacy for.

In regard to what motivated me to apply for this—I'll keep it brief because time is short, but it's a three-pronged approach I'm going to say. Firstly, again, I do have a law background and my long-term intent has always been to return to a role that is more predominantly tied to that field.

The Landlord and Tenant Board, in this case, would meet that intent.

Secondly, as I mentioned, I've had the opportunity to come in front of the board quite a number of times over the past few years, and the more I've interacted with individuals at the board—albeit virtually, mostly, at this point. If we think about the moderators, the dispute resolution officers, the tenant duty counsels, the members themselves, the more I interacted with them, the more I wanted to interact with them and the more I wanted to serve alongside them. The amount of pressure that these individuals are under is fairly high, and they maintain a professional approach throughout, and I commend them for that. I would like to do my part to facilitate that and to join their ranks, essentially.

The third approach is a bit of a more personal one, but in the month of August of this year we had a death in the family and that makes you realize—you know it, but it makes you realize that we're only here for a very finite amount of time. Then when an opportunity like this one—and when I say opportunity like this one, I mean one to serve, not motivated by any other intent here; it's one that shouldn't be passed up on in my opinion, and that's mainly the reason.

Mr. Rudy Cuzzetto: Thank you very much.

The Chair (Mr. Will Bouma): One minute left. Member Pang.

Mr. Billy Pang: One more follow-up question, sir: Other than your professional and career experience, do you have any community volunteer experience that can help you for this position?

Mr. Alexandre Traboulsi: My volunteering, I will say, is fairly limited. I mostly volunteered during my school days and university days. We have, through my employer, facilitated a few food drives, for example, and donations and stuff like that, but I don't necessarily have an extensive volunteering background serving the community. But this is an opportunity to correct that on my end, and hopefully, you'll allow me the opportunity to do so.

The Chair (Mr. Will Bouma): We'll cut it off there with 10 seconds left.

Member Pasma, go ahead. You have 15 minutes.

M^{me} Chandra Pasma: Merci beaucoup d'être ici, ce matin, monsieur Traboulsi. Je sais que ce n'est pas toujours un processus très confortable, mais c'est une partie importante de notre système démocratique.

I just want to be clear. Your only employment experience since you graduated with law school has been with Takyen Consulting and Development, operating as Smart Living Properties in Ottawa.

Mr. Alexandre Traboulsi: Not exactly. After graduating law school, I did do an internship at a law firm in Montreal called Bélanger Brunet. That law firm is a small boutique firm that allowed me, rather, to appear in front of the Quebec counterpart of the Landlord and Tenant Board during which we predominantly represented tenants—again, on the Quebec side, along with landlords, but mostly tenants at that point.

Ms. Chandra Pasma: So what would the breakdown have been of clients, between tenants and landlords?

Mr. Alexandre Traboulsi: I would have said, probably, 70% were tenants, 30% were landlords.

Ms. Chandra Pasma: How long was your internship there?

Mr. Alexandre Traboulsi: It was a six-month internship required to proceed with the Quebec bar.

Ms. Chandra Pasma: Okay, and since then, for five years, you've been with Smart Living Properties?

Mr. Alexandre Traboulsi: Correct.

Ms. Chandra Pasma: Okay, so I want to share with you some of the stories of what Smart Living Properties has been doing in Ottawa. This is an Algonquin student living in my riding of Ottawa West–Nepean. This is their review of the Smart Living Properties residence they've been living in:

“Throughout my one-year lease here, I experienced four different floods (one of them being rotten sewage, like actual human poop on the floors). There were bedbugs for five months of my one-year lease in which I was forced to sleep on a chair in my living room for six of those weeks. And lived out of trash bags for months. I had three different rats in my kitchen and had to do maintenance and upkeep to the house numerous times if I didn't want to wait three weeks for them to come fix it. When I actually got service it was” garbage—he actually uses different words, but they're unparliamentary. “The furnace is leaking gas, and when I raised awareness I was told it's just a thing that the furnace does. I am currently studying HVAC and know that is not supposed to happen. If you smell gas, there's something wrong. The ceiling is leaking yellow water and nothing was done. I had asked about a history of bedbugs and they lied to me saying the unit did not have any problems before I moved in. I even asked them for the complete history and they said it was clean and nothing has happened in the unit, come to find out the person who lived there before me had bedbugs to the day he moved out (found out from the roommates).”

Also, in 2023, Smart Living Properties is mass-evicting tenants in Sandy Hill, using N13 renovation notices to well over 100 Sandy Hill tenants. In 2022, Manor Village, which is right next to Ottawa West–Nepean, in Nepean, was supposedly saved when the city rerouted the LRT, and tenants were celebrating that they were going to keep their homes. Then they got renovation notices from Smart Living Properties.

In 2020-22, four tenants died in what is repeatedly called “squalid” conditions in a rooming house owned by Smart Living Properties in Sandy Hill. One of them, Alexander Faulkner—his sister Jane Henderson, described the conditions this way, “His one room was appalling, dark, filthy and infested with insects. As I stood in the room and looked around, bugs of various sizes scurried in every direction. Even the fridge was filled with bugs. I have no doubt that the building was also infested with rodents.”

Another one of the residents who died had really bad COPD, but was forced to climb the stairs every single time

he needed to use the bathroom, because the landlord did not repair the toilet on the ground floor that he was supposed to use.

Again, in 2021, tenants in Sandy Hill needed to take Smart Living Properties to the Landlord and Tenant Board because they were being renovicted. Some of them no longer had heat in their properties. At the LTB, they wanted a deal to be able to move into other Smart Living Property homes in Sandy Hill.

So, my first question to you is: Did you represent Smart Living Properties in any of these cases at the Landlord and Tenant Board?

Mr. Alexandre Traboulsi: Without necessarily having the names or the case references that you're alluding to, I wouldn't necessarily be able to answer that question.

I have a general idea of the properties that you're referring to. To clarify, at the Landlord and Tenant Board, I have never acted as a representative. I've acted as an agent. I'm not currently a member of the Law Society of Ontario, so there's just that distinction to make there.

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In regard to my employer's way of operating that you seem to be referring to, I'd be happy to discuss this in a different forum with you, if need be. I don't necessarily see, I'll say, the relevance of my current employer's alleged actions or inactions with a potential appointment to the Landlord and Tenant Board.

Ms. Chandra Pasma: That is—I'm actually speechless, Mr. Traboulsi, because you will be hearing cases where people are coming with complaints about their landlords not addressing maintenance and living conditions when they are living in squalid conditions with flooding, with furnaces that don't work, with bedbug infestations, with heat that's not working. How can you say that your record of working for a property manager that made tenants live in those conditions is not relevant to the work that you will be doing? And how do you think tenants feel that they will get a fair hearing from you when you had no problem working for a company that treated tenants this way, and you say that's not relevant to this work?

Mr. Alexandre Traboulsi: In the event I'm appointed as an adjudicator at the Landlord and Tenant Board, parties on both sides will be able to submit their positions, submit their evidence, and depending on the evidence submitted and the legislation that is applicable, a fair and impartial decision will be made.

Ms. Chandra Pasma: So what kind of fair and impartial decision do you think would be made in a case where a toilet is not fixed for over a year and a man with COPD is climbing the stairs to use the bathroom every day?

Mr. Alexandre Traboulsi: Again, this is not something I'd be able to speak to now without having the evidence presented.

Ms. Chandra Pasma: And what kind of fair and impartial decision do you think should be made when somebody is living in a house with four different floods in one year, one of them being sewage?

Mr. Alexandre Traboulsi: Sorry, could you repeat your question?

Ms. Chandra Pasma: What do you think would be a fair and impartial decision if somebody is living in a house where there are four different floods in one year and one of them is actual sewage?

Mr. Alexandre Traboulsi: For me to be able to make a decision, I would have to be able to have both parties' evidence and submissions submitted. With a simple headline, I'm not in a position to be able to make such a decision.

Ms. Chandra Pasma: It's incredible that you can't even say that tenants shouldn't have to be living in conditions where there's sewage flooding their homes.

Mr. Alexandre Traboulsi: Was there a question? My apologies.

Ms. Chandra Pasma: Well, if you don't feel like that requires any commentary, I think that speaks for itself.

What do you think is a fair and impartial decision when a hundred people are being renovicted from their homes?

Mr. Alexandre Traboulsi: The legislation that's applicable in this case allows for—and I assume you're referring to an N13 process at this point, which leads to an L2. The Residential Tenancies Act does allow the landlord to conduct extensive renovations, if need be, to the rented premises or properties. Through that process—again, I'm not in a position to legislate; I would be in a position to apply the legislation to the situation—assuming that the parties meet their threshold, decisions would need to be taken, again, based on the submissions made.

Ms. Chandra Pasma: Smart Living Properties has a history of buying up affordable housing, pushing out the tenants that live there, and then creating rooming houses that have these kinds of squalid conditions. And you think that there's no way to pass a judgment on that without having a hearing before the Landlord and Tenant Board?

Mr. Alexandre Traboulsi: If I were to do so, I don't think I would be impartial.

Ms. Chandra Pasma: All right. In another case, Takyan properties leased housing to eight students who arrived on the first day of their lease to discover that the homes were still under construction. The landlord had never informed them of this and told them, in fact, that they could come and pick up the keys that day. What do you think would be a fair and impartial decision on that case?

Mr. Alexandre Traboulsi: I'm not sure which situation you'd be referring to, but, again, I have a feeling that your line of questioning is mostly indicative of your potential opinion or intent regarding my employer, not necessarily my qualifications as a potential adjudicator.

Ms. Chandra Pasma: Well, I think your willingness to work for an employer that treats tenants in this way certainly questions whether or not tenants will get a fair and impartial hearing before you. And I will be surprised if any tenant feels that they could get a fair and impartial hearing from somebody who had no problem defending an employer that put tenants in these conditions.

Mr. Alexandre Traboulsi: My apologies—your question there?

Mr. Mike Harris: Chair, point of order.

The Chair (Mr. Will Bouma): Member Harris: point of order.

Mr. Mike Harris: I know that the member opposite certainly has an agenda with her line of questions. I think that we are not here in a hearing of the Landlord and Tenant Board, and we should be getting back to the proponent's qualifications rather than just making generalized statements about something that doesn't necessarily reflect that.

The Chair (Mr. Will Bouma): I have been listening to the member, and I don't see this as a valid point of order, but I would encourage the member to keep her line of questioning towards the witness's qualifications as opposed to having a conversation about the employer that he worked for previously.

Ms. Chandra Pasma: I will say it's deeply disappointing but not surprising that members on the government side can't see that a history of working for an employer that treats tenants in this way should be disqualifying. It does not place somebody in a position where they can make fair and impartial decisions that are going to affect one of the most foundational elements of people's lives. If they do not have housing, they cannot live safe, full lives. It also means they don't have access to decent food. Often, it means that they struggle in education. This is incredibly important, and it's incredibly disappointing that the government cannot understand that.

Do you own any rental properties yourself?

Mr. Alexandre Traboulsi: I do not, no.

Ms. Chandra Pasma: So, one of the challenges that we have seen with the Landlord and Tenant Board is that there's a significant difference in access to representation. Surely you heard me describe this to Ms. Joseph, but often landlords have the best possible legal representation. Tenants are lucky if they have any legal representation at all. Even Community Legal Services of Ottawa is only taking on the most serious of cases because the demand for legal support is so high. What will you do as an adjudicator to make sure that the tenants are receiving a fair and impartial hearing whether or not they have legal representation?

Mr. Alexandre Traboulsi: Thank you for the question. Again, I'm not currently a member of the Landlord and Tenant Board or Tribunals Ontario, so necessarily, the purview that I have is related to my own experience. From what I do see and what I do know, a large number of individuals—many, many tenants who do appear in front of the board—are unrepresented. With that said, through the training and onboarding that is facilitated through the Landlord and Tenant Board, I have no doubt that they will be offering recommendations on how to navigate these waters.

At the end of the day, we must ensure that procedural fairness is offered and that the approach is namely to lead to a resolution based on the merits of the case. The adjudicators do have a certain amount of discretion that they can use in order to help guide parties that are unrepresented, but regardless of the level or the quality of the representation, all parties are entitled to an impartial hearing to make

sure that they are heard in full and be able to proceed from there.

Ms. Chandra Pasma: There's also a significant barrier in accessing justice when the majority of hearings are being conducted virtually because of the very different access to broadband and virtual access between landlords and tenants. So I will ask you the same question I asked Ms. Joseph: You may not be responsible for the overall policy of the board, but will you commit that if you have tenants or landlords before you that ask for an in-person hearing in order to have access to justice—will that request be granted?

Mr. Alexandre Traboulsi: The virtual approach was one that has been, I'm going to say, forced based on the reality of the pandemic. I think when we refer to access to justice, it's a large umbrella. One of the aspects there is, if we compare 2020, for example, to today, there's about a 51% increase, I believe, in the number of applications that are received at the Landlord and Tenant Board. So the virtual aspect has facilitated, I believe, access to justice to an extent.

In regard to your more specific question as to whether or not I would be agreeing to in-person hearings—

The Chair (Mr. Will Bouma): I'm sorry, Mr. Traboulsi. Thank you. That concludes the time that we have available.

I very much appreciate your presentation. You're free from us now. You can stay and watch, or again, as I mentioned previously, please feel free to tour the building, because it's supposed to be closing in a couple of years for probably a decade or longer.

My committee members, we will now consider the intended appointment of Ender Joseph, nominated as member of the Landlord and Tenant Board. Do I have a motion? Member Holland.

Mr. Kevin Holland: I move concurrence in the intended appointment of Ender Joseph, nominated as member of the Landlord and Tenant Board.

The Chair (Mr. Will Bouma): Concurrence in the appointment has been moved by member Holland. Is there any discussion? Seeing none, are members ready to vote? All those in favour? And that's unanimous. Thank you very much, colleagues.

We will now consider the intended appointment of Alexandre Traboulsi, nominated as member of the Landlord and Tenant Board. Do we have a motion from member Holland?

Mr. Kevin Holland: I move concurrence in the intended appointment of Alexandre Traboulsi, nominated as member of the Landlord and Tenant Board.

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

Ms. Chandra Pasma: Recorded vote, Chair.

The Chair (Mr. Will Bouma): A recorded vote has been requested.

Ayes

Cuzzetto, Gallagher Murphy, Harris, Holland, Pang.

Nays

Pasma.

The Chair (Mr. Will Bouma): That is carried.

Members, just before we finish, the deadline to review the intended appointments of Ken Hewitt, Lee Greenberg, Sandra Larmour and Reshad Nazeer, selected from the

October 27, 2023, certificate is November 26, 2023. Do we have unanimous agreement to extend the deadline to consider the intended appointments to December 26, 2023? I heard a no.

Colleagues, that concludes our business for today. This committee now stands adjourned.

The committee adjourned at 1002.

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