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of Ontario



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Jeudi  
18 avril 2024

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Speaker: Honourable Ted Arnott  
Clerk: Trevor Day

Président : L'honorable Ted Arnott  
Greffier : Trevor Day

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<b>Fewer Backlogs and Less Partisan Tribunals Act, 2024, Bill 179, Ms. Bowman; Mme Collard; Mr. Fraser; Mr. Hsu / Loi de 2024 sur la réduction des retards et de la partisanerie dans les tribunaux, projet de loi 179, Mme Bowman; Mme Collard; M. Fraser; M. Hsu</b>	
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LEGISLATIVE ASSEMBLY  
OF ONTARIO

Thursday 18 April 2024

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Jeudi 18 avril 2024

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PRIVATE MEMBERS'  
PUBLIC BUSINESS

FEWER BACKLOGS AND LESS  
PARTISAN TRIBUNALS ACT, 2024  
LOI DE 2024 SUR LA RÉDUCTION  
DES RETARDS ET DE LA PARTISANERIE  
DANS LES TRIBUNAUX

Mr. Hsu moved second reading of the following bill:

Bill 179, An Act to establish the Adjudicative Tribunal Justice Council and to improve the transparency, independence and capacities of administrative tribunals /  
Projet de loi 179, Loi visant à créer le Conseil de justice régissant les tribunaux décisionnels et à améliorer la transparence, l'indépendance et les capacités des tribunaux décisionnels.

**The Speaker (Hon. Ted Arnott):** Pursuant to standing order 100, the member has 12 minutes for their presentation.

**Mr. Ted Hsu:** Bill 179 is about everyday justice. A vote for Bill 179 is a vote to protect average people from the powers that be, protecting them from delays or inexperienced adjudicators in our tribunals which amount to a denial of justice. Tribunals are part of our justice system, dealing with disputes between landlords and tenants about social benefits, accident insurance claims, complaints of harassment and discrimination and other matters. Tribunals impact our everyday lives and should be accessible to average people.

La justice quotidienne doit fonctionner tous les jours.

Before I go further, I want to briefly acknowledge the work of the late Ron Ellis, an administrative and labour lawyer, an administrative justice scholar and reformer. Bill 179 comes from work that he did, from a deep respect for everyday justice and the justice system, not for its own sake, but because tribunals are where the rubber hits the road to see that our society is one where people want to work hard and build their lives and families and communities, and can know that they and all that they have built, or maybe just their basic dignity, will get a fair shake whenever disputes come up.

The first time the inability to access justice because of long delays at the Landlord and Tenant Board got my personal attention was when my old grade 8 teacher phoned me to ask for help. The rental property he put his savings into had a tenant who wasn't paying rent, and he was at wits' end.

When knocking on doors in my community of Kingston, I chatted with a single mother renter who had to put up with a disruptive tenant in a basement apartment.

I spoke to the recently widowed wife of a friend who had their savings in a second house where, six months prior, the tenant stopped paying rent the same month her husband died. All of these were hurt by delays.

The Ontario Ombudsman's administrative justice delayed report in May 2023 documented a case where a tenant facing black mould, inadequate heat, leaks in the windows and sink, and a malfunctioning stove filed a case in December 2020; was forced to leave her home of eight years in May 2021; didn't get heard in January 2022 because there were too many hearings on the scheduled day; got further delayed in March 2022 when the LTB presiding member was due to leave the board soon and thought there was too much evidence to be reviewed before the end of their term.

I remember having lunch with four lawyers who all said that you had to try hard to stay away from the Ontario Human Rights Tribunal because of multi-year delays there. That's not a great thing for a place you can go to seek redress for harassment or discrimination.

Delays in Ontario's tribunals have been extensively documented by Tribunal Watch Ontario and, for the LTB, by the Ombudsman's administrative justice delayed report from May 2023.

Some more statements, with one from the Industrial Accident Victims' Group of Ontario: "To advocate for their rights as injured workers, our clients are often forced to turn to Ontario's tribunals. Some of those tribunals, like the Human Rights Tribunal of Ontario, are facing significant backlogs that are stopping our clients from meaningful access to justice." They wrote to the Attorney General saying, "We are urging you to support Bill 179."

Community legal clinics talking about delays and other problems at tribunals said there was "an erosion of public confidence in our tribunals ... a significant access to justice challenge experienced by the majority of low-income Ontarians who are trying to engage in their services ... as community legal clinics, we care very deeply of the independence of our tribunals and strongly support this bill."

Les tribunaux ont cessé de bien fonctionner, principalement parce qu'ils connaissaient une pénurie de membres, y compris de membres expérimentés et de dirigeants chevronnés.

Tribunals stopped functioning properly, principally because there was a shortage of members, experienced members and experienced chairs.

What do we do to save time looking for new adjudicators? Well, we can prevent unnecessary turnover. This was documented by Tribunal Watch Ontario.

Competent adjudicators appointed by the previous government were recommended for reappointment by their tribunal chairs but did not get reappointed by this government. Their spots were left vacant for too long, and backlogs began to build up, even before the pandemic.

This bill, Bill 179, introduces a review process for adjudicators who are told they will not be reappointed, and where the reason is not for cause. In other words, if they are competent and recommended for reappointment by their chairs but they're not reappointed, they can appeal to an independent, non-partisan council.

Less turnover means less vacancies, less backlogs, less wasted time, and more access to justice.

What is this council? Well, Bill 179 creates an independent Adjudicative Tribunal Justice Council. The council's chair is an officer of the Legislative Assembly, selected by all official parties. Five out of the 10 members are selected by independent institutions, and two more are retired judges, while another two are chosen by the minister to reflect the diversity of Ontario. The council will monitor the appointment, operational and severance policies of Ontario's tribunals. It will have proactive approval, reporting and investigative powers. It's going to save time looking for new adjudicators. The council is given a mandate to be proactive in creating draft recruitment plans and recruiting to fill vacancies, including the selection committees for each tribunal.

How else can we save time? Well, according to the bill, even if their term ends, adjudicators will be required to finish their cases. This will reduce delays and wasted time transferring cases from one adjudicator to another—someone who may be new and inexperienced.

Remember the person with mould in their apartment and all sorts of other problems? They filed a case in December 2020 that was supposed to get heard in March 2022, after a delay, but that got put off because the LTB presiding member was due to leave the board soon and thought there was too much evidence to be reviewed before the end of their term. This won't happen anymore.

The council will approve appropriate non-partisan selection committees for each tribunal to choose new adjudicators based on merit and based on reflecting the diversity of the community of users of each respective tribunal. The selection committees will not waste time checking on the partisan backgrounds of appointees or waiting for partisan appointees to become available, and will just focus on merit and diversity.

This act will come into force a year after the bill passes, which will allow time for the government to set up the council and for the council to get draft recruitment plans in place. This bill avoids disrupting the current operations of tribunals, while keeping them firing on all cylinders in the future.

The government might suspect a partisan motive in an opposition private member's bill. But they should also realize that, should a different party form government after

the 2026 election, the immediate effect of this bill will be to favour the reappointment of all adjudicators appointed by the Conservative government, as long as they are competent and recommended by their tribunal chairs.

See, this bill cuts both ways. It is not just in response to the current government. The Adjudicative Tribunal Justice Council will monitor a future government. For example, a new Liberal government after 2026 should reappoint competent adjudicators who are recommended for appointment regardless of whether they were Conservative Party supporters or not.

Here's a statement from the Federation of Ontario Law Associations: "The Federation of Ontario Law Associations endorses initiatives like Bill 179 to uphold fair, politically independent, and impartial adjudication."

I've heard from many people who have had bad experiences at tribunals.

The Association of Victims for Accident Insurance Reform said on X, "Ontario consumers can do their part to make tribunals better by sending in their support for Bill 179.

"The Ontario tribunal system might be the only contact with the court system you ever experience and right now, for car crash survivors looking for rehab supports—it's a disaster."

So, for reasons like this, the new council will conduct a user satisfaction survey. Also, the council takes over approvals of a tribunal's consultation policy, service standard policy and member accountability policy. The council will replace ministers for these policy approvals.

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For example, the Ontario Trial Lawyers Association called for an investigation in the case of Aviva insurance hiring a government insurance adjudicator with the Licence Appeal Tribunal, who accepted the position with Aviva insurance in June 2022 but stayed with the Licence Appeal Tribunal until November of that year. If you're hearing insurance cases, you should not be working for the insurance industry. How did the minister miss that? That's why the council is taking over from the minister for these functions.

People need non-partisan oversight. They need the council proposed by Bill 179, accountable to the people through the Legislature. What's not working is current oversight by political party leaders like ministers. Average people are losing confidence in the system.

There's a lot more in Bill 179. It is a rich bill. I hope that all members see fit to vote to send Bill 179 to committee. Ontarians deserve accessible, timely, expert, inclusive, impartial and just resolutions to everyday legal disputes.

Les Ontariens et Ontariennes ont droit à des résolutions accessibles, opportunes, expertes, inclusives, impartiales et justes à leurs différends judiciaires de tous les jours, rendues par les tribunaux.

Everyday justice must work every day. La justice quotidienne doit fonctionner tous les jours.

**The Speaker (Hon. Ted Arnott):** Further debate?

**Ms. Jessica Bell:** I'm proud to rise to speak to this bill that is looking at improving how Ontario's administrative tribunals function, to ensure that they deliver accessible, timely, expert, inclusive, impartial and just resolutions of legal disputes.

Tribunals are a really good invention. They are cheap. They are accessible. They free up the courts for more complicated cases. And it's pretty clear—I'm sure your constituents are telling you this too—they're not working as they should.

I'm going to be spending my time talking about the Landlord and Tenant Board. It is the busiest tribunal of all the tribunals. It processes over 80,000 cases a year, and it's an extremely important tribunal because it resolves disputes between individuals who see a house as an investment and individuals who see that same house as a home. When we have that tension, disputes inevitably arise. It is essential that Ontario has a well-functioning, effective, fast and fair Landlord and Tenant Board so that these issues can be resolved quickly and fairly.

Unfortunately, that is not what is happening in Ontario today. It is one of the most dysfunctional tribunals I have ever experienced. It is discriminatory: Tenants are waiting up to two times longer than landlords for a hearing at the Landlord and Tenant Board. Typically they're waiting about a year, compared to landlords that are waiting about six months.

The backlog at the Landlord and Tenant Board is astronomical: 53,000 cases, 53,000 issues, 53,000 people minimum who just want resolution of an issue that's probably taking up a lot of their mental space. It's affecting their bank account. It means that they could be evicted, they could be losing their home, or they risk not being able to pay their mortgage—53,000 cases. That's how many people are waiting in Ontario today.

Renters have essentially given up on the Landlord and Tenant Board; let's just be straight up. No one is waiting upwards of a year to get their landlord to fix their washroom. They often move out, or they just live with it. It's miserable. The Landlord and Tenant Board is not a place for them.

It is also plagued with issues that stop people from getting a fair hearing. It is so bad that ACTO, the legal clinic that works on tenants' issues, is taking the Landlord and Tenant Board to the Human Rights Tribunal because it is discriminatory. People who have not great fluency in French or English, people who do not have easy access to a computer or a cellphone with enough minutes, people who don't have a reliable Internet connection—they are often forced to wait on hold for hours, and then they miss their case, or they do not have adequate access to the hearing. It is very problematic, and people are losing their homes as a result.

Just a few days ago, we had an individual who lives on St. George, who is challenging an above-guideline rent increase. She couldn't see the files online about the proposed rent increase. She contacted the lands tribunals again and again and again to get access to the files to find out what case her landlord was making, and she couldn't

even submit evidence because the online portal didn't work. This isn't an uncommon occurrence. It happens all the time.

The tribunal is utterly dysfunctional for so many people. It is so bad the Ombudsman launched an investigation into the pandemic. We were calling for that investigation to happen. And the report that they released—it took them a long time to release it, but the report that they released was damning. It was story after story after story of people not getting the justice that they sought.

Now, the minister—I love it when the minister gets up to speak about the Landlord and Tenant Board. He likes to blame everyone else for the Landlord and Tenant Board's problems. He says it's because of the pandemic. He says these problems existed before the Conservatives got into power. And yes, these issues had an impact. There's no question about that. But the fact remains that under this government's nearly six-year tenure, the backlog at the Landlord and Tenant Board has gotten worse and the dysfunctionality has gotten worse as well. And that's on this government; that is your record.

The secrecy with the Landlord and Tenant Board is unbelievable, the lack of transparency. We have asked for basic data about above-guideline rent increases in University-Rosedale, and the lands tribunal turned around and said, "Actually we shredded that, sorry." They shredded it. I can't believe it. And then we've asked for basic data on the number of claims filed by landlords and renters by type—couldn't get it.

This is basic information. This should be available to the public. Because when we shine a light on a tribunal, it means that the tribunal is more likely to act in a more effective and accountable manner. This is a public tribunal. What on earth are you trying to hide?

Ontarians deserve to have a Landlord and Tenant Board that provides a fast and fair hearing to everyone. The standard at the Landlord and Tenant Board is 30 days. They never meet it, but the standard is 30 days. There should be an in-person hearing for people who need one and fair legal representation for people who need it.

I am pleased this bill is being introduced. It will improve the functioning of the Landlord and Tenant Board, which is what I am most concerned about, and will also improve the functioning of the other very important tribunals that exist in Ontario today.

**The Speaker (Hon. Ted Arnott):** Further debate?

**Mr. Brian Saunderson:** It's a pleasure this afternoon to join this debate. It's been a busy week, but this is an important topic.

This proposal, Bill 179, proposes a number of additional bureaucratic layers to Tribunals Ontario that would slow down hearings, cost more, take away from the core mission of Tribunals Ontario, which is to conduct independent adjudicative hearings that ensure a timely process and fair hearings for our residents.

Speaker, our government is focusing on reducing the backlog at Tribunals Ontario, which has already been occurring and has been a work in progress since the end of the pandemic. Our investments, including at the LTB, are

starting to pay off, and we acknowledge there is work to be done.

According to this PMB, “The purpose of this act is to ensure that Ontario’s adjudicative tribunals deliver accessible, timely, expert, inclusive, impartial and just resolutions of legal disputes by establishing an independent monitoring and advisory body.”

However, according to Tribunals Ontario, in 2023, the landlord and tenant tribunal held 40% more hearings and resolved 45% more cases than it did the year before, and the average wait for urgent hearings has been reduced from eight to 10 months to four months, and we continue to work to reduce that time.

Most of the 13 tribunals under Tribunals Ontario are working, and 83% of all cases are being completed within their target life cycle. We acknowledge that four tribunals had backlogs, as of March 31, 2023; however, two of them—the Social Benefits Tribunal and the Licence Appeal Tribunal—have eliminated their backlogs in this last fiscal year. This is progress, and we continue to continue that progress.

As demonstrated by the numbers, our tribunals are delivering accessible and timely resolutions. Having weathered the pandemic, Speaker, and halting in-person hearings, we have been getting back to processing cases both virtually and in person.

**1700**

As well, we are simplifying things, not adding bureaucracy. We are simplifying things so we can get people the results that they need, not more government employees. For example, the Human Rights Tribunal reduced its active caseload by 13% by redesigning its scheduling model, focusing on initial reviews and mediation, and simplifying operational processes and forms.

This PMB will add another layer of red tape and bureaucracy to something that we are working to simplify. We are not trying to complicate; we are trying to simplify. And that is why we, on this side of the House, will be opposing this PMB.

Speaking about the appointment process, Speaker, Tribunals Ontario leads a competitive, merit-based selection process for appointments to its adjudicative tribunals, as set out in specific legislation entitled Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009. This process includes reviewing candidate qualifications against requirements, interviewing qualified candidates, conducting reference checks and providing recommendations to the government.

Individuals must be recommended by the executive chair for appointment; only then can the government appoint them. In addition, the appointments of successful candidates are subject to the review of the Standing Committee on Government Agencies, a committee of the provincial Legislature made up of MPPs from all three political parties. Ontario’s Public Appointments Secretariat oversees the appointment process and any further questions that the members opposite may have on the appointments process should be directed there.

In terms of the LTB, Mr. Speaker, as announced on April 5, 2023, this government is providing \$6.5 million in additional funding to appoint 40 new adjudicators and five new staff at the LTB, doubling the number of full-time adjudicators at the Landlord and Tenant Board. And that number, with the last round of appointments, is at 78, Mr. Speaker. That is in addition to the funding announcement in the budget of 2023, which is a \$12-million investment in Tribunals Ontario over three years, including \$4.7 million this year for the Landlord and Tenant Board to hire more support staff and improve service delivery.

Speaker, this government is focused on ensuring timely hearings and reductions in backlogs, utilizing new technology, simplified procedures and better service for the people of Ontario. When people need the tribunal for a landlord or tenant issue, they want a hearing and they want a result; they do not want an extra layer of bureaucracy to be involved. When a person is appearing before a tribunal like the Landlord and Tenant Board, they are thinking about getting their issues heard, having an impartial hearing and getting their evidence before the tribunal and getting a result in a timely fashion.

That brings me to another point in terms of accessibility. As we all know, we live in uncertain times, and things can be tough for people. We know this province is growing faster than any other jurisdiction in North America and that we have almost 38% of Canada’s population, with over 14 million people here, and with the incredible amounts of immigration coming here—last year we saw 500,000 new Canadians—we know the load is going to be becoming more dramatic for our tribunals. That is why we need to simplify the procedures to make them faster and more responsive. And that is why, Speaker, we are addressing accessibility topics head-on. Whether it is a higher cost of living, the carbon tax or increased demands on our infrastructure, our government is working to keep costs down, making life more convenient for people. Part of this focus is convenience, for people to have options for both virtual and in-person hearings.

This brings us to Ontario’s digital-first approach. Building on the digital services that were implemented during the pandemic, Tribunals Ontario has incorporated the use of hearings by video conference, telephone and in writing to increase access to justice at its tribunals.

Virtual hearings have increased the access to justice for our residents, many of whom experience barriers with an in-person hearing. The time to travel, time off work and child care expenses are often reported as challenges for our residents to access justice, and these challenges are exacerbated in remote and rural areas. With virtual hearings, we allow those residents to have timely access to our tribunal system in a cost-efficient way for all parties with legal representation or without.

Requests for in-person hearings are considered on a case-by-case basis to ensure access to justice for those who require accommodation under the Human Rights Code and to ensure procedural fairness. In 2023, Mr. Speaker, less

than 0.5% of Tribunals Ontario's applicants made a request for an in-person hearing. This has put additional opportunities for us to enhance our virtual and alternative models of hearings to ensure that our residents can have their day in court.

Mr. Speaker, as we have said, digital-first doesn't mean digital only. We have options for people who do not have access to the Internet or do not want to handle matters online. Requests for in-person hearings are considered on a case-by-case basis to ensure access to justice for those who require accommodation under the Human Rights Code or to ensure procedural fairness. For some who may not have access to a telephone, computer and/or the Internet to participate in virtual hearings, they can be accommodated in a number of alternative ways, including mobile access terminals which allow parties who do not have access to a computer, phone or Internet to participate in their virtual hearings at an alternate location across the province, as well as free phone loan programs, providing those who need a phone a phone or a top-up voucher for a prepaid or a pay-as-you-go plan so parties can access their hearings by telephone.

Mr. Speaker, this government has made significant investments in our justice and access to justice for our residents across this province. We have opened three new courts, the Ontario Court of Justice in Toronto, the Kenora Courthouse and the expansion of the Brampton Courthouse, to meet the courthouse demands.

But we know that access to justice is more than bricks and mortar, and we have to make sure that we have the service to help our residents access the type of services they need in a timely way, and we are focused on doing that, as I indicated, just in recent expenditures that we have made on the Landlord and Tenant Board.

We are committed to making sure that our residents have access to justice, and that includes access to the 13 tribunals that fall under Tribunals Ontario. That is why this government is committed to working forward to making sure that happens.

**The Speaker (Hon. Ted Arnott):** Further debate?

**MPP Kristyn Wong-Tam:** Always, it is a pleasure and honour to rise in this House to speak on behalf of the great people of Toronto Centre.

Today, we are debating private member's Bill 179. I'm very pleased to see that this bill is before us. I think there is quite a bit of good things in the bill, and it's a bill that actually is part of the road map to fixing the tribunals that was tabled by Tribunal Watch Ontario, an independent, non-partisan group that clearly wants to do one thing, and that's to fix the crisis in the tribunal system. What part of the road map to fixing the tribunals is calling for is specifically an independent Adjudicative Tribunal Justice Council. This is not bureaucracy; it's about ensuring transparency and accountability and restoring integrity into this tool of democracy.

If the Premier and the Attorney General wanted to put aside political patronage and favours, fixing Ontario's tribunals is not a complicated process. They need a robust and non-partisan appointment process. They need to be

able to recruit the most competent and fair decision-makers.

The independent and non-partisan organization, Tribunal Watch Ontario, as I've mentioned, has laid out some very easy solutions that can be implemented by this House. It's a seven-point plan, a road map to fixing the tribunals, and the first recommendation is actually quite simple: Admit that there is a problem because fixing our tribunals will require political will and capital, but the dividends to all Ontarians will be much more worthwhile.

I want to recognize, Speaker, that the Conservative government has underfunded Tribunals Ontario, they've cut legal aid funding, and they've made very blatantly partisan appointments. Many of these appointments have come under scrutiny, and it has also been noted by the legal community how brazen these appointments have been. So we have Ontarians who are worried that the Premier is out of touch and that this government is not doing enough to fix the legal system that is actually supposed to remove the red tape from the courts. So you're supposed to get to justice faster through the tribunal system, because it is actually cheaper and much more accessible to the public. By undermining the tribunal system, things have gotten significantly worse under the Conservative government. They weren't great under the Liberals, but now they are horribly, horribly worse under the Conservatives.

**1710**

Tribunals don't oftentimes make viral media headlines. They are generally legal and highly technical in nature. However, Ontario's tribunals have oftentimes undermined the rule of law here, and the rule of law and access to justice are expectations of every single Ontarian.

What we're seeing is that because the tribunal system is very broken, especially under the LTB, as noted in the Ombudsman's report in 2023—we know that people are not being able to access justice in a timely fashion. And if you can't trust your democratic institutions, then how valuable is your democracy?

I think about my own wife's stepfather, who is Ukrainian, and I think about the democratic institutions that are being bombed and destroyed in war zones. That is one of the reasons why we have to do everything we can to fortify and support our own democratic institutions.

Recent moves by this government to politicize the process of appointing judges have caused significant concern. The process for appointing adjudicators who sit on Ontario's tribunals has become significantly worse. This is well documented by legal scholars, mentions in the media, and peers within the legal community. No one is trusting this government to handle the crisis that we're seeing in the courts, and there's even less trust in this government to manage and fix the problems and the crisis in the tribunal system.

Every year, adjudicative tribunals in Ontario deal with hundreds of thousands of cases that would otherwise be dealt with in the courts. We need to be able to see these disputes move through the system very quickly. We need to ensure that the system is predictable and fair, and that

you have a qualified adjudicator who's going to preside over the case. For the system to work, the people who are being appointed to the adjudicative tribunals have to have a specialized body of knowledge of the law.

What we're seeing—and this is from Tribunal Watch Ontario's own statement—is that they have said that the “politicization of appointments to tribunals is much worse than the politicization of the judicial appointments process.” It's hard to imagine, but you can get it so wrong on so many occasions. This, again, of course, is coming from the independent watchdog, who only wants to do one thing, and that's to fix the crisis. They've also noted that a person with a political affiliation should not be disqualified from the tribunal appointee process, nor should there be a straightforward appointment. In order for the tribunal system to work, it needs to be impartial. It needs to be protected.

Where this particular bill goes is the right step, and that's why it's worthy of our support. I'm disappointed, although not surprised, to hear that the government is calling it red tape, when they themselves have actually bound it with such red tape that the backlog is now 80,000 cases deep.

**The Speaker (Hon. Ted Arnott):** Further debate?

**Mr. John Fraser:** I'm pleased to rise today to speak to Bill 179, An Act to establish the Adjudicative Tribunal Justice Council and to improve the transparency, independence and capacities of administrative tribunals.

First, I want to start by congratulating my colleague from Kingston and the Islands for putting this forward, and I want to say to the members of this House, I know that the work that went into this was exhaustive. My colleague is very thorough and thoughtful, and a lot of work has been put into this.

I'd also like to give a shout-out to—yes, give me the hand—

*Interjections.*

**Mr. John Fraser:**—Tribunal Watch Ontario, who have done a lot of really important work. Tribunals are a part of our justice system—I know they call it quasi-judicial. As the member from Kingston and the Islands said, it's often the first and maybe only time that people experience our justice system.

So I've seen this from two angles—actually, three now. My dad was a member of a quasi-judicial tribunal here in Ontario. My dad didn't wear a red sweater everywhere he went, but he was a Liberal and easily identifiable. He wasn't a Tory. But guess what? Guess who appointed him? Bill Davis. He didn't know Bill Davis. Why did he get appointed? Because he knew how to apply the law and he could write decisions. It's not an easy thing to do; not only do you have to be fair, but you have to appear to be fair.

The administration of justice, whether it's the rental housing tribunal or a criminal court or any other litigation, you have to apply the law in a fair way. And for administrative tribunals, the law is fairly well-written and clear as to what you have to do, and you have to write decisions. It's a very difficult job to do. People need a certain skill

set. If they don't have that skill set, what will end up happening is that they won't make good decisions. They'll have decisions that are appealed. People will leave feeling like they hadn't been treated fairly. It's a tough job.

And what's happened under this government, and unfortunately—oh, by the way, my dad was then re-appointed again under a Liberal government and then for a short while under an NDP government, so all three parties. It's not a partisan thing.

I understand the government's desire and every party's desire, when they get into power, to make sure the people that they know and that they feel comfortable with—hopefully not because they gave money, but because you trust their judgment; people who are not going to embarrass the government, who are not going to get arrested for drunk driving or do something that would bring disrepute onto the government. I understand why governments and parties want to do that. It's not right when they do that because somebody gives money or because someone is a friend. People have to be qualified.

So when this government took adjudicators, particularly in the Landlord and Tenant Board, and fired them without anybody to put in their place, that was wrong. Now, you have tenants waiting 400 days—400 days. Not just my tenants, not just their tenants, but your tenants too.

When you don't get access to justice, it's justice denied.

And it's not just tenants. It's landlords. I hear from small landlords who have been waiting and waiting to have their case heard, and even when their case is heard—I've got one constituent who is now waiting for a bailiff after an eviction order for a very good reason.

This bill addresses, hopefully—I say “hopefully” because I hope the government will support this—how we can depoliticize this and actually make it work as the justice system works, which is a process that, hopefully—apart from the Premier's comments about, “We want like-minded people”—is impartial and that includes more than just someone in the Public Appointments Secretariat picking out a name. No offence to the people in the Public Appointments Secretariat; there's some good people there.

When we don't have enough people who can do the job, people don't get access to justice. That's wrong. I'll be supporting this bill. I hope the government can. I know my colleagues to the right will, here, too.

**The Speaker (Hon. Ted Arnott):** Further debate? Further debate? Further debate?

The member for Kingston and the Islands has two minutes to reply.

**Mr. Ted Hsu:** I'll respond to the statements made by the member for Simcoe–Grey.

The member for Simcoe–Grey said that this bill adds bureaucratic layers to Tribunals Ontario; nothing could be further from the truth. In fact, this administrative tribunal justice council is separate from Tribunals Ontario; it operates in parallel, like the Auditor General operates in parallel to the government, like the Ombudsman operates in parallel to the government.

It will be working to make sure that we don't have so much turnover and so many vacancies in our tribunals.

This is what happened under this current government, and we want to prevent that from happening in the next government.

The member from Simcoe–Grey talked so much about what’s happening in the tribunals, and the reason why you can say all these things is because there was such a problem in the tribunals. There was such a problem with vacancies and backlogs that we needed to recover from. So there’s no point in touting all the actions that needed to be taken to fix a problem that was caused by this government. I think the member for Simcoe–Grey and, if he’s representing the government, the government do not understand this bill.

The member for Simcoe–Grey also talked about the standing committee on governance. Well, this government appointed a tribunal chair for a term of under one year, and then reappointed that person, neither of which triggers a review by the standing committee in this Legislature, so they avoided scrutiny. This bill requires a five-year appointment, so any of those tribunal chair appointments can be scrutinized by the standing committee in the Legislature.

Let me conclude by calling again on this government to support the bill. This is not really a partisan bill. The main

effect of passing a bill like this is to hold on to the good appointments that were made under this government, and not to replace them wholesale if a different party forms government next time. For that reason, I am asking the government to support Bill 179.

**The Speaker (Hon. Ted Arnott):** The time provided for private members’ public business has expired.

Mr. Hsu has moved second reading of Bill 179, An Act to establish the Adjudicative Tribunal Justice Council and to improve the transparency, independence and capacities of administrative tribunals. Is it the pleasure of the House that the motion carry? I heard some noes.

All those in favour of the motion will please say “aye.”

All those opposed will please say “nay.”

In my opinion, the nays have it.

A recorded vote being required, it will be deferred until the next instance of deferred votes.

*Second reading vote deferred.*

**The Speaker (Hon. Ted Arnott):** All matters related to private members’ public business having been completed, this House stands adjourned until 10:15 a.m. on Monday, April 22, 2024.

*The House adjourned at 1722.*



**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

Lieutenant Governor / Lieutenante-gouverneure: Hon. / L'hon. Edith Dumont, OOnt  
Speaker / Président de l'Assemblée législative: Hon. / L'hon. Ted Arnott  
Clerk / Greffier: Trevor Day  
Deputy Clerk / Sous-Greffière: Valerie Quioc Lim  
Clerks-at-the-Table / Greffiers parlementaires: Julia Douglas, Meghan Stenson,  
Christopher Tyrell, Wai Lam (William) Wong  
Sergeant-at-Arms / Sergent d'armes: Tim McGough

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
Anand, Deepak (PC)	Mississauga—Malton	
Andrew, Jill (NDP)	Toronto—St. Paul's	
Armstrong, Teresa J. (NDP)	London—Fanshawe	
<b>Arnott, Hon. / L'hon. Ted (PC)</b>	Wellington—Halton Hills	Speaker / Président de l'Assemblée législative
Babikian, Aris (PC)	Scarborough—Agincourt	
Bailey, Robert (PC)	Sarnia—Lambton	
<b>Barnes, Patrice (PC)</b>	Ajax	Second Deputy Chair of the Committee of the Whole House / Deuxième Vice-Présidente du Comité plénier de l'Assemblée législative
Begum, Doly (NDP)	Scarborough Southwest / Scarborough-Sud-Ouest	Deputy Leader, Official Opposition / Chef adjointe de l'opposition officielle
Bell, Jessica (NDP)	University—Rosedale	
<b>Bethlenfalvy, Hon. / L'hon. Peter (PC)</b>	Pickering—Uxbridge	Minister of Finance / Ministre des Finances
Blais, Stephen (LIB)	Orléans	
Bouma, Will (PC)	Brantford—Brant	
Bourgouin, Guy (NDP)	Mushkegowuk—James Bay / Mushkegowuk—Baie James	
Bowman, Stephanie (LIB)	Don Valley West / Don Valley-Ouest	
Brady, Bobbi Ann (IND)	Haldimand—Norfolk	
Bresee, Ric (PC)	Hastings—Lennox and Addington	
Burch, Jeff (NDP)	Niagara Centre / Niagara-Centre	
Byers, Rick (PC)	Bruce—Grey—Owen Sound	
<b>Calandra, Hon. / L'hon. Paul (PC)</b>	Markham—Stouffville	Minister of Municipal Affairs and Housing / Ministre des Affaires municipales et du Logement Government House Leader / Leader parlementaire du gouvernement Minister of Legislative Affairs / Ministre des Affaires législatives
<b>Cho, Hon. / L'hon. Raymond Sung Joon (PC)</b>	Scarborough North / Scarborough- Nord	Minister for Seniors and Accessibility / Ministre des Services aux aînés et de l'Accessibilité
<b>Cho, Hon. / L'hon. Stan (PC)</b>	Willowdale	Minister of Long-Term Care / Ministre des Soins de longue durée
Clancy, Aislinn (GRN)	Kitchener Centre / Kitchener-Centre	
Clark, Steve (PC)	Leeds—Grenville—Thousand Islands and Rideau Lakes / Leeds— Grenville—Thousand Islands et Rideau Lakes	
Coe, Lorne (PC)	Whitby	
<b>Collard, Lucille (LIB)</b>	Ottawa—Vanier	Third Deputy Chair of the Committee of the Whole House / Troisième Vice-Présidente du Comité plénier de l'Assemblée législative
Crawford, Stephen (PC)	Oakville	
Cuzzetto, Rudy (PC)	Mississauga—Lakeshore	
Dixon, Jess (PC)	Kitchener South—Hespeler / Kitchener-Sud—Hespeler	
Dowie, Andrew (PC)	Windsor—Tecumseh	
<b>Downey, Hon. / L'hon. Doug (PC)</b>	Barrie—Springwater—Oro-Medonte	Attorney General / Procureur général
<b>Dunlop, Hon. / L'hon. Jill (PC)</b>	Simcoe North / Simcoe-Nord	Minister of Colleges and Universities / Ministre des Collèges et Universités
<b>Fedeli, Hon. / L'hon. Victor (PC)</b>	Nipissing	Chair of Cabinet / Président du Conseil des ministres Minister of Economic Development, Job Creation and Trade / Ministre du Développement économique, de la Création d'emplois et du Commerce
Fife, Catherine (NDP)	Waterloo	

<b>Member and Party / Député(e) et parti</b>	<b>Constituency / Circonscription</b>	<b>Other responsibilities / Autres responsabilités</b>
<b>Flack, Hon. / L'hon. Rob (PC)</b>	Elgin—Middlesex—London	Associate Minister of Housing / Ministre associé du Logement
<b>Ford, Hon. / L'hon. Doug (PC)</b>	Etobicoke North / Etobicoke-Nord	Leader, Progressive Conservative Party of Ontario / Chef du Parti progressiste-conservateur de l'Ontario
		Premier / Premier ministre
		Minister of Intergovernmental Affairs / Ministre des Affaires intergouvernementales
<b>Ford, Hon. / L'hon. Michael D. (PC)</b>	York South—Weston / York-Sud—Weston	Minister of Citizenship and Multiculturalism / Ministre des Affaires civiques et du Multiculturalisme
Fraser, John (LIB)	Ottawa South / Ottawa-Sud	
French, Jennifer K. (NDP)	Oshawa	
Gallagher Murphy, Dawn (PC)	Newmarket—Aurora	
Gates, Wayne (NDP)	Niagara Falls	
Gélinas, France (NDP)	Nickel Belt	
Ghamari, Goldie (PC)	Carleton	
Glover, Chris (NDP)	Spadina—Fort York	
Gretzky, Lisa (NDP)	Windsor West / Windsor-Ouest	
Grewal, Hardeep Singh (PC)	Brampton East / Brampton-Est	
Hardeman, Ernie (PC)	Oxford	
Harden, Joel (NDP)	Ottawa Centre / Ottawa-Centre	
Harris, Mike (PC)	Kitchener—Conestoga	
Hazell, Andrea (LIB)	Scarborough—Guildwood	
Hogarth, Christine (PC)	Etobicoke—Lakeshore	
Holland, Kevin (PC)	Thunder Bay—Atikokan	
Hsu, Ted (LIB)	Kingston and the Islands / Kingston et les Îles	
Jama, Sarah (IND)	Hamilton Centre / Hamilton-Centre	
<b>Jones, Hon. / L'hon. Sylvia (PC)</b>	Dufferin—Caledon	Minister of Health / Ministre de la Santé
		Deputy Premier / Vice-première ministre
Jones, Trevor (PC)	Chatham-Kent—Leamington	Deputy Government House Leader / Leader parlementaire adjoint du gouvernement
Jordan, John (PC)	Lanark—Frontenac—Kingston	
Kanapathi, Logan (PC)	Markham—Thornhill	
<b>Karpoche, Bhutla (NDP)</b>	Parkdale—High Park	First Deputy Chair of the Committee of the Whole House / Première Vice-Présidente du Comité plénier de l'Assemblée législative
Ke, Vincent (IND)	Don Valley North / Don Valley-Nord	
Kernaghan, Terence (NDP)	London North Centre / London-Centre-Nord	Deputy Opposition House Leader / Leader parlementaire adjoint de l'opposition officielle
<b>Kerzner, Hon. / L'hon. Michael S. (PC)</b>	York Centre / York-Centre	Solicitor General / Solliciteur général
<b>Khanjin, Hon. / L'hon. Andrea (PC)</b>	Barrie—Innisfil	Minister of the Environment, Conservation and Parks / Ministre de l'Environnement, de la Protection de la nature et des Parcs
		Deputy Government House Leader / Leader parlementaire adjointe du gouvernement
Kusendova-Bashta, Natalia (PC)	Mississauga Centre / Mississauga-Centre	
Leardi, Anthony (PC)	Essex	
<b>Lecce, Hon. / L'hon. Stephen (PC)</b>	King—Vaughan	Minister of Education / Ministre de l'Éducation
<b>Lumsden, Hon. / L'hon. Neil (PC)</b>	Hamilton East—Stoney Creek / Hamilton-Est—Stoney Creek	Minister of Tourism, Culture and Sport / Ministre du Tourisme, de la Culture et du Sport
MacLeod, Lisa (PC)	Nepean	
Mamakwa, Sol (NDP)	Kiiwetinoong	Deputy Leader, Official Opposition / Chef adjoint de l'opposition officielle
Mantha, Michael (IND)	Algoma—Manitoulin	
Martin, Robin (PC)	Eglinton—Lawrence	
<b>McCarthy, Hon. / L'hon. Todd J. (PC)</b>	Durham	Minister of Public and Business Service Delivery / Ministre des Services au public et aux entreprises
McCrimmon, Karen (LIB)	Kanata—Carleton	
McGregor, Graham (PC)	Brampton North / Brampton-Nord	
McMahon, Mary-Margaret (LIB)	Beaches—East York	
<b>Mulroney, Hon. / L'hon. Caroline (PC)</b>	York—Simcoe	President of the Treasury Board / Présidente du Conseil du Trésor
		Minister of Francophone Affairs / Ministre des Affaires francophones
Oosterhoff, Sam (PC)	Niagara West / Niagara-Ouest	
Pang, Billy (PC)	Markham—Unionville	

<b>Member and Party / Député(e) et parti</b>	<b>Constituency / Circonscription</b>	<b>Other responsibilities / Autres responsabilités</b>
<b>Parsa, Hon. / L'hon. Michael (PC)</b>	Aurora—Oak Ridges—Richmond Hill	Minister of Children, Community and Social Services / Ministre des Services à l'enfance et des Services sociaux et communautaires
Pasma, Chandra (NDP)	Ottawa West—Nepean / Ottawa-Ouest—Nepean	
<b>Piccini, Hon. / L'hon. David (PC)</b>	Northumberland—Peterborough South / Northumberland—Peterborough-Sud	Minister of Labour, Immigration, Training and Skills Development / Ministre du Travail, de l'Immigration, de la Formation et du Développement des compétences
Pierre, Natalie (PC)	Burlington	
<b>Pirie, Hon. / L'hon. George (PC)</b>	Timmins	Minister of Mines / Ministre des Mines
Quinn, Nolan (PC)	Stormont—Dundas—South Glengarry	
Rae, Matthew (PC)	Perth—Wellington	
Rakocevic, Tom (NDP)	Humber River—Black Creek	
Rasheed, Kaleed (IND)	Mississauga East—Cooksville / Mississauga-Est—Cooksville	
<b>Rickford, Hon. / L'hon. Greg (PC)</b>	Kenora—Rainy River	Minister of Northern Development / Ministre du Développement du Nord Minister of Indigenous Affairs / Ministre des Affaires autochtones
Riddell, Brian (PC)	Cambridge	
Romano, Ross (PC)	Sault Ste. Marie	
Sabawy, Sheref (PC)	Mississauga—Erin Mills	
Sandhu, Amarjot (PC)	Brampton West / Brampton-Ouest	
<b>Sarkaria, Hon. / L'hon. Prabmeet Singh (PC)</b>	Brampton South / Brampton-Sud	Minister of Transportation / Ministre des Transports
Sarrazin, Stéphane (PC)	Glengarry—Prescott—Russell	
Sattler, Peggy (NDP)	London West / London-Ouest	
Saunderson, Brian (PC)	Simcoe—Grey	
Schreiner, Mike (GRN)	Guelph	
Scott, Laurie (PC)	Haliburton—Kawartha Lakes—Brock	
Shamji, Adil (LIB)	Don Valley East / Don Valley-Est	
Shaw, Sandy (NDP)	Hamilton West—Ancaster—Dundas / Hamilton-Ouest—Ancaster—Dundas	
<b>Skelly, Donna (PC)</b>	Flamborough—Glanbrook	Deputy Speaker / Vice-Présidente Chair of the Committee of the Whole House / Présidente du Comité plénier de l'Assemblée législative
Smith, Dave (PC)	Peterborough—Kawartha	
Smith, David (PC)	Scarborough Centre / Scarborough-Centre	
<b>Smith, Hon. / L'hon. Graydon (PC)</b>	Parry Sound—Muskoka	Minister of Natural Resources and Forestry / Ministre des Richesses naturelles et des Forêts
Smith, Laura (PC)	Thornhill	
<b>Smith, Hon. / L'hon. Todd (PC)</b>	Bay of Quinte / Baie de Quinte	Minister of Energy / Ministre de l'Énergie
Stevens, Jennifer (Jennie) (NDP)	St. Catharines	
Stiles, Marit (NDP)	Davenport	Leader, Official Opposition / Chef de l'opposition officielle Leader, New Democratic Party of Ontario / Chef du Nouveau Parti démocratique de l'Ontario
<b>Surma, Hon. / L'hon. Kinga (PC)</b>	Etobicoke Centre / Etobicoke-Centre	Minister of Infrastructure / Ministre de l'Infrastructure
Tabuns, Peter (NDP)	Toronto—Danforth	
<b>Tangri, Hon. / L'hon. Nina (PC)</b>	Mississauga—Streetsville	Associate Minister of Small Business / Ministre associée déléguée aux Petites Entreprises
Taylor, Monique (NDP)	Hamilton Mountain / Hamilton-Mountain	
<b>Thanigasalam, Hon. / L'hon Vijay (PC)</b>	Scarborough—Rouge Park	Associate Minister of Transportation / Ministre associé des Transports
<b>Thompson, Hon. / L'hon. Lisa M. (PC)</b>	Huron—Bruce	Minister of Agriculture, Food and Rural Affairs / Ministre de l'Agriculture, de l'Alimentation et des Affaires rurales
<b>Tibollo, Hon. / L'hon. Michael A. (PC)</b>	Vaughan—Woodbridge	Associate Minister of Mental Health and Addictions / Ministre associé délégué au dossier de la Santé mentale et de la Lutte contre les dépendances
Triantafilopoulos, Effie J. (PC)	Oakville North—Burlington / Oakville-Nord—Burlington	
Vanthof, John (NDP)	Timiskaming—Cochrane	Opposition House Leader / Leader parlementaire de l'opposition officielle

<b>Member and Party / Député(e) et parti</b>	<b>Constituency / Circonscription</b>	<b>Other responsibilities / Autres responsabilités</b>
Vaugois, Lise (NDP)	Thunder Bay—Superior North / Thunder Bay—Supérieur-Nord	
Wai, Daisy (PC)	Richmond Hill	
West, Jamie (NDP)	Sudbury	
<b>Williams, Hon. / L'hon. Charmaine A. (PC)</b>	Brampton Centre / Brampton-Centre	Associate Minister of Women's Social and Economic Opportunity / Ministre associée des Perspectives sociales et économiques pour les femmes
Wong-Tam, Kristyn (NDP)	Toronto Centre / Toronto-Centre	
Yakabuski, John (PC)	Renfrew—Nipissing—Pembroke	
Vacant	Lambton—Kent—Middlesex	
Vacant	Milton	