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(Hansard)**

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(Hansard)**

A-17

**Standing Committee on
Government Agencies**

Intended appointments

1st Session
44th Parliament

Thursday 14 May 2026

**Comité permanent des
organismes gouvernementaux**

Nominations prévues

1^{re} session
44^e législature

Jeudi 14 mai 2026

Chair: Mary-Margaret McMahon
Clerk: Vanessa Kattar

Présidente : Mary-Margaret McMahon
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Thursday 14 May 2026

Jeudi 14 mai 2026

The committee met at 0900 in room 151.

SUBCOMMITTEE REPORT

The Chair (Ms. Mary-Margaret McMahon): Good morning, everyone. I hope everyone is doing great today.

Welcome to the Standing Committee on Government Agencies, which will now come to order. As always, all comments by members and witnesses should go through the Chair.

First, we'll start with the adoption of subcommittee reports. The first item of business will be the adoption of a subcommittee report which is dated Thursday, May 7, 2026. Can I please have a motion? MPP Smith.

Ms. Laura Smith: I move adoption of the subcommittee report on intended appointments dated Thursday, May 7, 2026, on the order-in-council certificate dated May 1, 2026.

The Chair (Ms. Mary-Margaret McMahon): Any discussion? Are the members ready to vote? All those in favour? Opposed? That carries. Thank you very much.

INTENDED APPOINTMENTS

MS. KAREN BOROYAY

Review of intended appointment, selected by third party: Karen Borovay, intended appointee as vice-chair, Human Rights Tribunal of Ontario.

The Chair (Ms. Mary-Margaret McMahon): Now we come to the most exciting portion of the committee, and that is the review of intended appointees.

So we will now move to our first intended appointee, who is going to be visiting us virtually. Today, it's Karen Borovay. She's nominated as vice-chair of the Human Rights Tribunal of Ontario. Karen, hi. Welcome.

Ms. Karen Borovay: Hi. Good morning.

The Chair (Ms. Mary-Margaret McMahon): Thank you very much for your offer of public service. I'm welcoming you to the friendliest committee at Queen's Park.

You will be able to take your time and share your story with us. Then each party will have 10 minutes to question you, but your time of presentation will be removed from the government's time. They are okay with that, so no worries.

You have the floor. Welcome.

Ms. Karen Borovay: Okay, thank you.

Good morning to all. Thank you, Madam Chair and members of the committee. I'm grateful for the invitation to

appear before you today. I'm honoured to be considered for appointment as vice-chair of the Human Rights Tribunal.

My commitment to human rights is long-standing and deeply rooted. My mother was born as the war ended, as a displaced person in Russia, to two Holocaust survivors. Following more than a year in a refugee camp and arduous travel, her family eventually arrived in Montreal without the benefit of speaking the local languages and began the difficult process of rebuilding their lives in Canada. That history has profoundly shaped the values with which I was raised and impressed upon me both the fragility and the fundamental importance of human rights protections.

My career has steadily prepared me for this role. I practiced as a civil litigator for 13 years, developing strong skills in evidence, procedure and decision-making. I also appeared at various levels of court as well as at mediations and pre-trials.

For almost four years, I've served as a deputy judge of the Small Claims Court, a role that demands efficiency, fairness and clarity in reasons. In that capacity, I regularly work with self-represented litigants, emphasizing clear, well-reasoned decisions, respectful treatment of parties and timely resolution of disputes.

For more than a year, I've been adjudicating matters at the Human Rights Tribunal. During that time, I've adjudicated all stages of human rights applications, including jurisdictional assessments, mediations and hearings. I've benefited from extensive training and have applied tribunal jurisprudence consistently and rigorously.

In addition, I've had the honour of being appointed as one of only three tribunal-wide managing members. That role was created to address operational challenges at the tribunal, including process improvements, special projects and case management systems. It affords me the opportunity to assume institutional leadership responsibilities and expand my contributions to the tribunal, all while supporting adjudicative excellence and also adding to operational improvements. I accepted that role enthusiastically and continue to perform it alongside my adjudicative responsibilities.

I'm seeking appointment as vice-chair to support the advancement of positive change, bringing professionalism, sound judgment and subject matter expertise to my adjudicative role while contributing to the effective and timely functioning of the tribunal as an institution. I believe my experience, demonstrated leadership and commitment to public service equip me well to serve in that capacity. I am mindful that public confidence in the tribunal depends on

independence, fairness and consistent application of the law, and I would approach the role of vice-chair with that responsibility firmly in mind.

With that, I will thank you all. I'd be pleased to answer any questions the committee may have at this time.

The Chair (Ms. Mary-Margaret McMahon): Thank you very much, Karen.

Now we will go to the government side. You have seven minutes, starting with MPP Smith.

Ms. Laura Smith: Thank you for coming today, albeit virtually. Thank you for sharing a little bit about your background. You talked about being a deputy judge, a civil litigator, a mediator.

We know that the human rights tribunal has a very high caseload. How do you manage and prioritize your large caseloads? How would you ensure that you stay on top of things to ensure that the decisions are delivered within the targeted processing times? Getting decisions out is so important. It's time-sensitive; there are so many people on the line when you're writing those decisions. How would you keep yourself organized?

Ms. Karen Borovay: Thank you so much for that question. It is of utmost importance, what you have raised here.

Timeliness is a foundational aspect of access to justice and procedural fairness, so I agree that managing time and ensuring a timely release of a decision is absolutely paramount in what I'm doing and what I'm considering.

So what I do is—I come from a long career as a civil litigator where it was high pressure, high demand, high paced, right? This was a scenario where I had to have all sorts of tools at my disposal, where I kept everything organized. I have court filing deadlines, I have court appearances, I have other filing deadlines—things of that nature.

So I employ a bunch of manners of tools including a tickler system. I have a colour-coded calendar. I have lists all around. So I manage my time; I have throughout my entire career, and that carried through into my deputy judging. Of course, the same issues face us at the Small Claims Court. So I basically transfer all of those skills, all of that experience and apply it to my role as an adjudicator at the Human Rights Tribunal. I ensure that I have I am keeping on top of everything that is going on, all the decisions that I am to be releasing, and I ensure that there is nothing missed and that the timing is respected because it is such an important aspect of procedural fairness to the parties.

Ms. Laura Smith: Thank you so much.

The Chair (Ms. Mary-Margaret McMahon): Thank you very much, MPP Smith. MPP Pinsonneault.

Mr. Steve Pinsonneault: Thank you, Madam Chair. Thank you for putting your name forward. You have quite a résumé, I must say. You bring experience as a lawyer, adjudicator, deputy judge and mediator. How do these diverse roles prepare you for the responsibilities of vice-chair at the tribunal?

Ms. Karen Borovay: Well, thank you for that. Yes, I have experience. I have knowledge. I can draw on all of

these experiences that I've had, all of this education, so I'm the real deal, so to speak.

I can bring that experience to my role as an adjudicator and the skills—luckily, I can say that there is a great deal of overlap, right?

I have an aptitude for impartial adjudication. I have extensive experience with alternative adjudicative practices, alternative dispute resolution. So I am bringing all of that forward into the tribunal. I think that's what was recognized when I was asked to become a managing member, as well, that I am applying these skills; I have a great deal of experience; I'm showing my commitment; I'm legally trained. The training at the tribunal is also fulsome. I'm actively engaged and just thoroughly enjoying my role here.

Mr. Steve Pinsonneault: Thank you for that.

The Chair (Ms. Mary-Margaret McMahon): Thank you very much. MPP Denault.

MPP Billy Denault: Thank you, Karen, and I appreciate you sharing your story before this committee.

As you know, many parties appearing at the tribunal are self-represented. So how do you plan to ensure that all parties, regardless of legal knowledge or representation, fully understand the process and have a fair opportunity to participate?

Ms. Karen Borovay: Thank you. Yes, that is a hugely important aspect of what I do both in my deputy judging as well as at the tribunal. A high proportion of parties who appear before us in both arenas are self-represented litigants. These are the courts and tribunals of the people, so to speak.

In order to ensure that they can actively participate, I ensure that there is understanding on the part of the parties of the procedure, of what is happening, of the law that is going to govern whatever the dispute is about. I ensure that I do not enter into the arena by basically crossing any sort of threshold of advocacy, but I ensure that everyone has a full and fair understanding of what is happening and the manner in which we will approach it, i.e., procedure.

0910

So I am open. I am transparent. I clearly define the issues, the procedure. I keep my language simple. I try to ensure that I am accommodating. I always offer breaks. If there's a formal accommodation request, I will address that in a fulsome manner. I'm enhancing accessibility. Informality is an important tool that I tend to use.

And of course, as we mentioned before, timely case resolution is an important thing to individuals and all parties, but also in the case of self-represented. So I see that as a big responsibility that is on my plate, to ensure that self-represented litigants can participate fully, and that there is no detriment to them in not having representation.

MPP Billy Denault: Perfect. Thanks, Karen.

The Chair (Ms. Mary-Margaret McMahon): Thank you very much. We have one minute left. MPP Dowie.

Mr. Andrew Dowie: Thank you so much for being here, and congratulations following your recommendation through a thorough, competitive, merit-based recruitment

process by Tribunals Ontario. I'm just quickly hoping you can share your impression of the process and also how you became the best candidate for the role.

Ms. Karen Borovay: Thank you. As you've said, I have gone through a rigorous, competitive, merit-based process. I have gone through interviews, I've written exams, and I arrive before you today having passed all of those hurdles.

I've also contributed over a year of my time to the tribunal. I've had some excellent performance reviews. And so I feel that I have already—hopefully you'll all agree with me at the end of today—proven my mettle and shown that I have the skills and the aptitude to perform the role of vice-chair to the best of my abilities, which hopefully are excellent.

Mr. Andrew Dowie: Thank you very much.

The Chair (Ms. Mary-Margaret McMahon): Now we will go over to the official opposition—10 minutes for MPP Gates.

MPP Wayne Gates: Welcome here. I kind of enjoyed your presentation, your answers so far, because you're so confident. I like that in a person, so I kind of like how you're presenting yourself. I've tried to do that myself. I'm still working on it after all these years.

I like how you talked about how you manage your time with stickers and books and stuff, because I've been watching that for 30 years with my wife, so I'm quite accustomed to how that system works, right? She doesn't manage my time, but she certainly manages hers.

I just want to ask, who asked you to apply to be vice-chair?

Ms. Karen Borovay: Who did apply, sorry? Can you repeat that?

MPP Wayne Gates: No, you said that you were asked. Who asked you to apply for the position?

Ms. Karen Borovay: No, I wasn't asked. The role of managing member that I was appointed to is essentially a training ground for a vice-chair position. Even before I applied to the tribunal as a member, I, frankly, had my eye on the vice-chair role, but I wanted to get my feet wet. It is possible to apply straight to a vice-chair position. So I decided to apply to managing member to see what it's about, right?

My love, my passion is adjudication, and so I came into this just very open. In the relatively short time that I've been with the tribunal, having elevated to the role of managing member and taking on more of a leadership role and seeing what that's about, I elected to apply for vice-chair. I'm sorry if I misspoke, but that it was completely my election. I hope that I can continue with the tribunal. I've absolutely loved my time here, and I'm thrilled with it.

MPP Wayne Gates: Did you ever do mediation as a lawyer?

Ms. Karen Borovay: Yes.

MPP Wayne Gates: How did you find that? Did you enjoy it? Is it something that you would promote before you get into the conflicts? What are your thoughts on mediation?

Ms. Karen Borovay: My thoughts on mediation are—through and through—recommend, encourage, promote.

As a lawyer and also as an adjudicator, whether it's Small Claims Court or here at the tribunal, I believe I bring an emotional intelligence to what I do. That serves me well in the context of a mediation. It is less formal. It is an environment where you can speak more openly and frankly, and you can reach the parties on a different level than when you are adjudicating a dispute on the record, all the rest.

I also bear in mind the optimum cost for the tribunal. We are definitely doing good work if we can resolve a dispute without a formal hearing. For example, recently, I was presiding as a panel on a hearing. We offered mediation at the outset. The matter resolved, so we saved the tribunal a tremendous amount of time and expense by resolving the dispute early. So I tell people if you can resolve it, do so early and often, absolutely.

MPP Wayne Gates: The reason why I raise that is, I agree that mediation in particular in these cases should be something that we should probably promote even more, because a lot of the cases that I've seen and a lot of the questions that I ask people that get on these particular boards is about the fact that a lot of people can't afford to get a lawyer. They can't go through the system, and it kind of makes it a little tougher for them to actually to get to a point where they get a decision. Mediation gets you there quicker.

Would you kind of agree with that, that it's tougher for some people to go through the process when they have got to pay for a lawyer?

Ms. Karen Borovay: I couldn't agree with you more. I point that out at the outset of mediation. I make it a part of my plenary session where I can express to people not only what you've expressed—that it's time, expense and stress to get to the point of a hearing—but it's also that settlement is a manner in which you can control the risk of a hearing and also know the outcome. You have selected it.

I always make clear, "I'm not here to make any decisions today if mediation is the route and the realm we're in," but that this is the day where you can control all of these—costs, stress, expense—and have the peace of mind of knowing the outcome because you selected it.

MPP Wayne Gates: Did you ever do family law?

Ms. Karen Borovay: No.

MPP Wayne Gates: Never?

Ms. Karen Borovay: Short answer: No.

MPP Wayne Gates: Short? Not something you want to get into, really? Okay.

Ms. Karen Borovay: Different interests.

MPP Wayne Gates: Yes, it is.

Human Rights Tribunal applications have reached an average processing time of 795 days from 2024 to 2025. That's according to the HRTO.

That saying, "Justice delayed, justice denied," comes to mind. In your experience, how does that several-year wait-list time hurt applicants?

Ms. Karen Borovay: As I mentioned before, timeliness is an aspect of procedural fairness, a very important one. Ensuring that there aren't delays, ensuring that there aren't adjournments, ensuring that there is timely resolu-

tion—these are some of the ways that we can start to work on better timelines, more efficient processes. Parties are entitled to a decision soon after a proceeding, for example. There are ways that we can try to facilitate better access to justice.

But we are a high-demand, high-volume tribunal, and so my belief is, at the end of the day, it's people power. It's one adjudicator to one file, generally speaking. So it's ensuring that we have competent, well-trained adjudicators—hopefully I can be one of those—continue in the role, continue to elevate myself within the tribunal and apply my own time, care, diligence and attention to actually working through the backlog.

MPP Wayne Gates: Thank you very much. I don't want my colleagues get mad at me, so I've got to ask you these questions. Have you ever donated to a political party?

Ms. Karen Borovay: I don't believe so. There is a small chance that I may have donated years and years ago—well over 10, maybe 15 years ago—to a Liberal, a small amount, but I'm not even sure that transpired.

MPP Wayne Gates: That would probably make John feel really good.

Mr. John Fraser: I probably know who it is.

MPP Wayne Gates: Also, ever belong to a party?

Ms. Karen Borovay: No.

MPP Wayne Gates: Riding association?

Ms. Karen Borovay: No.

MPP Wayne Gates: You ever campaign for a political party?

Ms. Karen Borovay: No.

MPP Wayne Gates: Have you no interest in campaigning?

The Chair (Ms. Mary-Margaret McMahon): Sorry. Point of order, MPP Smith.

Ms. Laura Smith: Thank you. If I could just make note that we're asking about the qualifications of the candidate at this point in time. That's the nature of the questions that should come out of this room.

The Chair (Ms. Mary-Margaret McMahon): Right. We've been down this road before, and that is fine.

MPP Gates, continue.

MPP Wayne Gates: I just needed a break, so I figured I'd ask that question to give them a chance to speak. I don't know.

0920

When dealing with issues of discrimination that go to the HRTO, we know that many people who apply don't have the resources to pay for a private lawyer. Lawyers are getting even more expensive. How do you think a lack of legal representation affects the applicant?

Ms. Karen Borovay: As I mentioned, at the risk of being repetitive, I ensure that there is no detriment to a party by having no legal representation. The tribunal's also unique, certainly from my role as a deputy judge at a Small Claims Court, because—

The Chair (Ms. Mary-Margaret McMahon): Sorry to interrupt again, Karen.

MPP Smith has a point of order.

Ms. Laura Smith: Sorry, if we could just keep the line of questioning to her qualifications.

The Chair (Ms. Mary-Margaret McMahon): All right. So we're keeping it in line with the position, but if the intended appointee feels compelled to answer, she can.

Ms. Karen Borovay: Well, I was going to offer—I'm fine to proceed, but I was going to offer some of the points that I might have already raised when I talked about dealing with—

MPP Wayne Gates: She's already talked about it.

Ms. Karen Borovay: —a self-represented litigant.

MPP Wayne Gates: Actually, I think you're doing a pretty good job. It's unfortunate that she jumped in again. I think you're answering the question well.

Ms. Karen Borovay: Thanks.

MPP Wayne Gates: Do you think that the current level of—

The Chair (Ms. Mary-Margaret McMahon): One-minute warning.

MPP Wayne Gates: Pardon?

The Chair (Ms. Mary-Margaret McMahon): One-minute warning. Sorry.

MPP Wayne Gates: One minute. Thank you.

Do you think that current level of free legal support is adequate to help applicants who can't afford private lawyers or paralegals?

Ms. Karen Borovay: Yes, I was about to reference the Human Rights Legal Support Centre, which is such a unique feature of the tribunal. I think that is a wonderful feature. It gives access to justice to individuals who can't otherwise source it, and they offer guidance. The lawyers at the Human Rights Legal Support Centre appear at mediations. I understand that they have increased their workforce. I don't know terribly much about the inner workings; we are independent bodies. But I think that is an incredible feature of the Human Rights Tribunal.

MPP Wayne Gates: Yes, and I like the idea that you mentioned about fairness, because that's what people are really looking for when they go to it. And I like the idea that you're asking to keep the language simple. Thank you.

The Chair (Ms. Mary-Margaret McMahon): Thank you, MPP Gates.

And now, we will move to the third party for 10 minutes. We are welcoming our new guest speaker, MPP Fraser.

Mr. John Fraser: Thank you, Chair.

Ms. Borovay, thank you very much for being here. I've listened to all your answers to the questions, and you're obviously very qualified. As I'm listening to this, it sounds to me like you're already doing the job of a vice-chair, but not with title or compensation. Is that fair?

Ms. Karen Borovay: I wouldn't go so far. I won't inflate the role. We'll call it with training wheels, perhaps; giving me a glimpse of what it is.

Right now, I don't so much provide mentorship. I would look forward to taking on more of a mentorship role. And I am assisting vice-chair, so I'm becoming a part of those conversations, I am being tasked with work that reflects

the vice-chair priorities, but what I'm looking to do is actually enter the fray of the leadership team.

Mr. John Fraser: Okay. I'm glad you gave that answer because sometimes in organizations—Chair, if I can have a little latitude—you've got to move pretty quickly, and sometimes you get thrown into things as trial by fire. So it's good to hear that what's happening there is you're able to—I don't want to say ease into the role, but get into the role in a way that you can get those skills that you need, if you need some skills, and see what the lay of the land is.

One of the questions I have is, as vice-chair, it takes you away from adjudication, right? Because you have other roles and responsibilities. So how do you feel about that? Obviously, you've applied for the job, but it sounds like you want to adjudicate too—a lot.

Ms. Karen Borovay: Yes, absolutely. It's a good question. It's about balance. What I have had the benefit of being able to do is very much balance my caseload. I'm a part-time member, but devoting essentially full-time to the job, so I am able to manage my time. And full-timers can do this as well, but if I want to book a day off because I feel I need to write a decision or something of that nature, I can do so.

The role of vice-chair may add to the demands on me, especially if there is more of a leadership or mentorship role, but it's all about that time management we came back to. Frankly, I understand that the role at the tribunal, whether it's member, vice-chair or above, is not about the 7.25 hours per day. If the work demands it, the work continues. I do what I can to manage my time. I'm a mother of two young children. I have family responsibilities. I try to ensure that I can devote my time and attention to my family as well, but I also understand the demands of the job and I'm very comfortable with that going forward.

But outside of that, it's about managing my time, my caseload. I am not shy in telling the powers that be, "You know what? Hold off. I need some time to catch up," whatever the need is, and I ensure that I can devote time and attention. From there, to make sure that I can still adjudicate and apply my talents to that endeavour, I am taking more and more hearings. I'm experienced in the mediation group. I find that the leadership is very receptive to placing me where I'm needed, where my talents lie, but also where my desires are. So I'm managing everything.

Mr. John Fraser: So in addition to your role at the HRTO, what other work are you doing? I mean, you're already doing a lot of work because you're a mom and balancing that out. Is there other work that you're doing?

Ms. Karen Borovay: Yes, I'm still a deputy judge at the Small Claims Court.

Mr. John Fraser: That's what I thought.

Ms. Karen Borovay: When I started out at the Small Claims Court, I was actually coming off of maternity leave and I decided to devote, essentially, my full time and attention to that endeavour. In the first two years, roughly, of my deputy judging, I gained an incredible amount of experience. The average relatively young lawyer who's appointed to the Small Claims Court is still managing a

full-time caseload and has their full-time work. I actually stepped away from private practice at that point and devoted just inordinately more time to the endeavour. In a manner of about two years, I gained—I won't venture a guess, but more years than that of experience, because of how frequently I was sitting. That was so wonderful, because I could devote so much time to preparation, decision-writing, being careful and very well thought out and organized.

That is, in large part, what brought me to the tribunal. I wanted to continue adjudicating; that was what I loved. Now I've gone back, deputy judging. I'm happy to say the court at which I sit had a massive backlog issue, as many tribunals and courts do post-COVID, and I was one of many very capable deputy judges who helped clear that backlog. Now we're in a position where there's breathing room. I'm back to one, maybe two days a month as a deputy judge and I am generally devoting the rest of my time to the tribunal.

Mr. John Fraser: I wanted to ask that question because obviously you can't burn the candle at both ends and then be able to write quality decisions, because it takes a lot of effort, but a lot of practice; you get better at it as you go along.

I just want to thank you very much for taking time to answer my questions. Thanks very much for your application. You're a great candidate.

The Chair (Ms. Mary-Margaret McMahon): Thank you very much, MPP Fraser.

Karen, this concludes your time with us. You are welcome to stay online to observe the next intended appointee interview and to observe our concurrence conversation, or you can go about your merry way and have a good day. It's entirely up to you—

Ms. Karen Borovay: I would love to remain—sorry to interrupt. I'll just mute myself and I'll be here.

The Chair (Ms. Mary-Margaret McMahon): All right. Thank you very much again for sharing your story and being willing to help build a better Ontario.

MS. KELSEY AYOW

Review of intended appointment, selected by third party: Kelsey Ayow, intended appointee as member, Human Rights Tribunal of Ontario.

The Chair (Ms. Mary-Margaret McMahon): We will welcome out next intended appointee, Kelsey—Ayow? I'm going to see if I butchered that.

Ms. Kelsey Ayow: Ayow.

The Chair (Ms. Mary-Margaret McMahon): Ayow? Okay.

Kelsey is nominated as a member of the Human Rights Tribunal of Ontario.

You just witnessed a dress rehearsal so the same applies for you. Welcome so much to our committee. We're happy to have you. We're happy when people step forward to serve.

0930

You have time to share your story, and as you know, the time will be deducted from the government allocation,

and then the official opposition and the third party will have 10 minutes each.

So, the floor is yours, Kelsey. Welcome.

Ms. Kelsey Ayow: Good morning, Madam Chair and members of the Standing Committee on Government Agencies. Thank you for the opportunity to be here today. It's an honour to be considered for this appointment.

I'd like to briefly outline my education and experience as they relate to this role. I hold a bachelor of arts from York University's Glendon campus as well as a Juris Doctor and bachelor of civil law from McGill University. During my education, I took a variety of courses, but my main interests were human rights and public law.

I volunteered with Pro Bono Students Canada and the Legal Information Clinic at McGill, providing legal information directly to the Montreal community in a variety of areas. I worked for a sole practitioner in Montreal, and then I moved back to Toronto, where I started articling and working at a law firm in the area of immigration and refugee law. I'm a lawyer in good standing with the Law Society of Ontario.

For the past five years, I've worked as a member and coordinating member of the Immigration and Refugee Board of Canada. The IRB is the largest administrative tribunal in Canada, and the work requires timely and fair decision-making. In the refugee protection division, my work has included adjudicating refugee claims and managing a team of other adjudicators.

As an IRB member, I've had extensive training and practice in hearing-room management, trauma-informed and culturally sensitive adjudication, procedural fairness, assessing credibility and clear decision-writing. The subject matter of my work has included issues related to race, religion, political opinion, gender-based discrimination and violence, and sexual orientation and gender identity.

In addition to my adjudicative responsibilities, I often volunteer to participate in panels and working groups to support tribunal operations. For multiple hiring processes, I have graded and assessed written examinations, and I've sat as an interviewer on interview panels. I have been a mentor and manager for new members, guiding them through training and through their very first hearings, and I've participated in consultations and working groups on council conduct issues, practice notice and procedural updates and technological changes at the tribunal.

Through my work as an adjudicator, I've seen the importance of fair and accessible decision-making at administrative tribunals. If appointed, I would approach this role at the Human Rights Tribunal of Ontario with a commitment to independence, procedural fairness and applying the Human Rights Code based on the evidence and the law.

Thank you very much and I welcome any questions.

The Chair (Ms. Mary-Margaret McMahon): All right. Thank you very much, Kelsey, for your background.

We will now go to the government side. You have seven minutes and 15 seconds, MPP Sabawy.

Mr. Sheref Sabawy: Thank you very much, Kelsey, for the interest to serve the public.

I understand from your profile that you are fluent in both English and French—of course, because of McGill as well—and eligible to contribute to the French-language service roster. How do you see this bilingual capacity supporting access to justice at the tribunal?

Ms. Kelsey Ayow: Thank you very much for that question. So yes, I work—est-ce que je peux parler en français? Oui? OK.

J'ai décidé aujourd'hui de me présenter en anglais, car il s'agit d'une procédure nouvelle pour moi et je me sens plus à l'aise en anglais. Mais oui, je travaille à la commission autant en français qu'en anglais.

Sometimes, in my week, I do more French hearings than English hearings. I think, in the context of Ontario, where we have a significant French-speaking population, it's important that services at a tribunal are offered in both official languages. It's important that people have access to a hearing in French.

It may not be mentioned in my application, but during my undergraduate degree, I interned for the Commissioner of Official Languages here in Toronto. So it's definitely not lost on me, the importance of French-language services at an official tribunal.

Mr. Sheref Sabawy: Thank you. Merci.

The Chair (Ms. Mary-Margaret McMahon): Thank you very much. MPP Pinsonneault.

Mr. Steve Pinsonneault: Thank you, Kelsey, for being here today and putting your name forward. You bring over five years' experience as an adjudicator with the Immigration and Refugee Board, including work with the refugee protection division focusing on human rights and claims related to sexual orientation.

How does this experience prepare you for the responsibilities as a member of the tribunal?

Ms. Kelsey Ayow: Thank you for that question. I would love to speak a bit about the intersection between federal refugee law and provincial human rights law, because it might not be apparent right away.

We know the moral and legal underpinnings of the law are similar. The Human Rights Code mentions the Universal Declaration of Human Rights in its preamble, and we know that article 14 of that declaration is the basis for the refugee convention, so there is already a theoretical similarity.

In practice, I think the work is very similar. One of the first things that a claimant or an applicant has to establish is a nexus either to the Human Rights Code or the refugee convention. That means they have to show that there's a link between what they're alleging and one of the grounds of persecution or discrimination. If you look at those grounds, there is significant overlap: race, nationality, sex, sexual orientation and gender identity. So the work is already quite similar.

Because of the nature of human rights work, credibility is a major issue, and the assessment of credibility on a balance of probabilities at the IRB and at the Human Rights Tribunal is the same.

The last thing that I'll mention as well is, because you're dealing with such sensitive matters, it's very important

that every person who appears before the tribunal is met with sensitivity—including cultural sensitivity—respect and dignity. These are issues that have a significant impact on people's lives and have a very real human element to them.

Mr. Steve Pinsonneault: Thank you for that.

The Chair (Ms. Mary-Margaret McMahon): Thank you very much. MPP Denault.

MPP Billy Denault: Thanks, Kelsey, for being here and for sharing your story and your past experience. It's really greatly appreciated.

I would like to ask what you believe are the most important qualities for an effective member of the Human Rights Tribunal of Ontario and how you see those skills and experiences align with your past experience in terms of what you've done professionally before.

Ms. Kelsey Ayow: Thank you for that question. I went through the merit-based appointment process and the interview and written examination. I thought they did an excellent job of testing the qualities that I considered to be important for any adjudicator and especially for an adjudicator at the Human Rights Tribunal.

I think independence is important. I think professional judgment and decision-making, which are things that are tested through the appointment process, are key. I also think that each adjudicator should have a level of sensitivity and compassion that they are able to apply in the process and in the hearing room to meet people with respect. Also, an adjudicator should be efficient.

Those are some of the main qualities that I think are important for a Human Rights Tribunal member.

MPP Billy Denault: Perfect. Thanks, Kelsey.

The Chair (Ms. Mary-Margaret McMahon): Thank you very much. MPP Dowie.

Mr. Andrew Dowie: Thank you for being here and for bringing such an incredible CV to the committee. You have been serving with the Immigration and Refugee Board for quite a long time; I know there's significant demand there. And undoubtedly, here at the Human Rights Tribunal, there is high demand and high caseload as well.

I'm hoping you could elaborate as to how you best manage your workload and ensure that cases are processed within the processing times that are targeted.

Ms. Kelsey Ayow: Yes, thank you for that question. I am no stranger to a significant backlog at a tribunal. The IRB: The most recent numbers suggest that we have just under 300,000 pending claims at the IRB. Most recently, for the past year, I have worked on a team that was put together specifically to address the significant caseload. We tried different ways of case management and scheduling to essentially hear as many claims as possible, fairly and efficiently.

I think the number one thing for a member is flexibility, being able to adapt to new procedures, new ways—

The Chair (Ms. Mary-Margaret McMahon): Forty seconds.

Ms. Kelsey Ayow: —and then I'll talk, just quickly, about some strategies and skills that I use. I consider myself to be very tech-savvy and I really like to use technology to

my advantage. I use lists. I have a spreadsheet of every hearing that I've ever done, including the main legal issues and if there were any particularities about the hearing—for example, a special procedural accommodation. I make to-do lists—weekly to-do lists, monthly to-do lists and daily to-do lists. I use my calendar for official deadlines and my own personal deadlines of when I want to have a draft decision by.

0940

In terms of the hearings themselves, before the hearing, I prepare significantly. I want to have a very firm understanding—

The Chair (Ms. Mary-Margaret McMahon): Thank you very much. Sorry to interrupt; I usually have better manners.

MPP Gates, maybe you want to continue—but over to the official opposition for 10 minutes.

MPP Wayne Gates: Thanks for being here.

I ask this question to everybody. Have you ever been a member of a political party?

Ms. Kelsey Ayow: No.

MPP Wayne Gates: Have you ever donated to a political party?

Ms. Kelsey Ayow: No.

MPP Wayne Gates: So that's a good start. They don't have to jump in right away. You've got time, Laura, if you want.

The research background prepared for this committee notes that the HRTTO adjudicators are assessed on their experience, knowledge, training in the subject matter of legal issues dealt with by the board. What specific training have you undertaken in human rights law and when?

Ms. Kelsey Ayow: I'll go back to my previous responses of how similar provincial human rights law is to Canadian refugee law. There's significant overlap. During law school, as I mentioned, I did take many human rights law-related courses. In terms of the subject matter, it's something that I've been working with for five years now at the IRB. I've been working with human rights conditions because many refugee claimants are people who have experienced human rights violations, and that's why they came to Canada.

MPP Wayne Gates: Thank you for your answer.

Can you point to cases or files in your career where human rights law was a primary area of law engagement—not broadly but as a central issue you were retained to address?

Ms. Kelsey Ayow: Thank you. The files that I work on at the IRB, unlike the HRTTO, are private and confidential proceedings. I am not able to talk in specifics about any of those files, and same with files that I worked on prior to the IRB that would be covered by solicitor and client privilege. But I have worked on files that do, as I mentioned before, intersect with human rights law.

When I was in law school, at the legal information clinic that I volunteered at, I did do files that involved discrimination and files that involved employment. I provided legal information about those.

MPP Wayne Gates: Thank you.

You graduated from McGill law in 2020 and went directly into immigration work. In fact, on your résumé, your legal career has been focused almost entirely on immigration and refugee law—which is very important, by the way—first as a legal research assistant and now as a decision-maker at the Immigration and Refugee Board.

Can you explain why a lawyer—without listing specifically—in human rights law is a right fit for a tribunal that resolves exclusively human rights applications?

Ms. Kelsey Ayow: Thank you. I think that many of the skills in adjudication that I've mentioned are very transferable to other tribunals like the Human Rights Tribunal.

In terms of my interest, as I mentioned, since my studies, I took human rights-related classes and that has been my main area of interest since my undergraduate degree—both in the provincial context and in an international and federal context as well. As I mentioned, I think there's significant overlap between refugee law and human rights work, so I don't see this as a position that's far removed from what I currently do. I see it as a lateral move to a new but very similar area of law.

MPP Wayne Gates: And you're applying for a full-time job, right?

Ms. Kelsey Ayow: Yes.

MPP Wayne Gates: The Ombudsman report notes that complaints about the HRTO rose to 199 in 2024-25, and the tribunal has struggled with recruiting and retaining adjudicators.

What is it about your background that makes you the right person to be appointed at this particular moment, given that the tribunal needs experience in human rights adjudicators?

Ms. Kelsey Ayow: I will say that I consider myself to be an experienced adjudicator. I think that I have the skills and I have the knowledge to really hit the ground running. I know that there will be significant training provided, which will help, but I really do believe that I already have the adjudication skills that will allow me to be a successful member as soon as I start and allow me to meaningfully contribute to the tribunal.

MPP Wayne Gates: Thank you for the answer.

The HRTO currently has over 8,000 active cases, which is really surprising to me; it's a pretty high number. The average case processing time in 2024-25 was 795 days. That's more than two years. The Ontario Ombudsman flagged the HRTO for the delays in adjudication recruitment challenges.

If appointed to the tribunal, what solutions will you bring to clear the backlog while ensuring that each case still receives a fair process?

Ms. Kelsey Ayow: In terms of my own experience and my approach to the files, I had mentioned earlier some strategies that I use to ensure that I'm efficient.

In terms of preparing for hearings, I go in with a very set and organized hearing plan. I try to be efficient in the hearing room, redirect where necessary, and do that fairly.

Then, I write my decisions as soon as possible after hearings, because I find that the more time that passes, the more time I need to refer back to the hearing recording or

go through evidence again. So I try to write as quickly as possible.

We get statistical reports at the IRB; I'm proud of how quickly I render my decisions in the majority of my files.

And then, more generally, outside of the files that are assigned to me, I think the nature of decision-making at tribunals can be very independent work, so it's often easy to work in a silo. But because of my experience being a manager and being involved in other working groups at the tribunal, I see the importance of members making suggestions when they see there are inefficiencies, whether it be in case management or scheduling, or if there are technological updates or changes that will help.

I see the importance of members using their voice as well and advocating for more efficient practices. That applies also to parties appearing before the tribunal who may raise certain issues. For example, if they talk about a form and difficulty submitting a form, it doesn't end there. I think there's a responsibility as a member to continue to raise that issue and see if there's a way to make it more accessible for parties appearing before the tribunal.

MPP Wayne Gates: In 2024-25, the HRTO had exactly one in-person hearing. The overall majority of the proceedings are conducted virtually. ARCH Disability Law Centre and the Ontario Bar Association have both raised concerns that this creates barriers for people with disabilities and those without reliable Internet access—the very people most likely to make human rights applications.

Do you agree that there is an access problem with people getting to the tribunal?

Ms. Kelsey Ayow: I don't think I'm here to speak on my opinion on whether there's an access problem, but what I can say—

The Chair (Ms. Mary-Margaret McMahon): Excuse me. MPP Smith with a point of order.

Ms. Laura Smith: Sorry, I think she was actually just on the right direction. We should keep the questions to her application and her qualifications.

The Chair (Ms. Mary-Margaret McMahon): Thank you very much.

Ms. Kelsey Ayow: I'm happy to speak about my experience doing in-person hearings, if that will help.

At the IRB right now, I have done hearings in person and virtual. At the IRB, we also have defaulted to virtual hearings for many proceedings, and I think there are many benefits and a great value in virtual proceedings. They can, depending on the circumstances, be more accessible. It's often easier for interpreters and witnesses to attend the hearing. It doesn't require travel, and it can make parties feel more comfortable when they're in a setting that they're already familiar with.

At the same time, I think it's important that people who may have access issues, whether it's access to technology or other accessibility issues, do have access to in-person hearings. And because I have experience doing in-person and virtual hearings, if I am appointed, I would be happy to do them in either format.

MPP Wayne Gates: I guess my next question—

The Chair (Ms. Mary-Margaret McMahon): One-minute warning.

MPP Wayne Gates: One minute?

The Chair (Ms. Mary-Margaret McMahon): Actually, 50 seconds.

0950

MPP Wayne Gates: Okay.

My next question is, we had one in-person hearing, and we have 8,000 active cases. That number seems kind of strange.

I enjoy that I get a chance on this committee to actually talk to a person. Personally, I don't think you get the same vibe when it isn't done in person.

My question is, do you believe that one active case is sufficient with this tribunal?

Ms. Kelsey Ayow: I can't speak to how the decisions are made at the tribunal for the hearing format because I'm an outsider. I do understand, similar to the IRB where I work now, that there is—

The Chair (Ms. Mary-Margaret McMahon): Thank you very much, Kelsey. Sorry to cut you off again.

Over to the third party.

Mr. John Fraser: Thank you very much, Kelsey—if you want to finish your answer.

Ms. Kelsey Ayow: Sure, yes. I understand there is an application process to have an in-person hearing specifically for the kinds of cases where accessibility or access to technology would be an issue. As I said before, I'm happy to do in-person hearings.

Mr. John Fraser: Great. Thank you very much for being here. It's hard sitting at that end of the table with all of us around here. It's one person and 12 around the table. You've done a great job of explaining to us your qualifications and why you want to do this.

My questions are going to be very simple. You're currently at the IRB right now. Are you part-time or full-time?

Ms. Kelsey Ayow: Full-time.

Mr. John Fraser: That's an OIC appointment as well too, right?

Ms. Kelsey Ayow: I'm a public service employee at the IRB.

Mr. John Fraser: You're a public service employee. So it's not an OIC?

Ms. Kelsey Ayow: No.

Mr. John Fraser: So you're a government of Canada employee?

Ms. Kelsey Ayow: Yes, exactly.

Mr. John Fraser: Okay, that's great. My next question is, why do you want to change?

Ms. Kelsey Ayow: I'll say to your first point, it's a fascinating and humbling experience to be on the opposite end of questions as someone who asks people questions every day.

Why I want to change: I'm ready for a new challenge in my career. I think if you look at my CV, you'll see, after becoming a member at the IRB, I very quickly started working as an acting coordinating member, managing a

team of adjudicators, and I've been involved in a variety of things at the tribunal.

I am interested in advancing my career and trying something new. Prior to applying, I spoke with people who had previously worked as a member at the Human Rights Tribunal. I observed Human Rights Tribunal hearings to make sure it was something that I wanted to do.

And as I mentioned before, it's an area of law that I'm interested in. It's been certainly an honour to contribute to federal human rights law and refugee law, and I'm interested in also contributing in the provincial context.

Mr. John Fraser: Thank you. You're obviously proficient both in English and French, so you can write your decisions and conduct hearings in either language, right?

Ms. Kelsey Ayow: Yes. Right now, I do conduct my hearings in French and write my decisions in French, and same with English.

Mr. John Fraser: Is writing a decision in either one of those easier or harder?

Ms. Kelsey Ayow: English, being my maternal language, is easier, but with the amount of practice that I've had, French comes easily as well now, too.

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

The Chair (Ms. Mary-Margaret McMahon): Thank you very much, MPP Fraser, and thank you, Kelsey. This concludes your time with us. Again, as I mentioned to Karen, you could sit and observe as we debate your concurrence, or you can enjoy the fresh air outside.

We will now consider the intended appointment of Karen Borovay. Can I have a motion, please? MPP Smith.

Ms. Laura Smith: I move concurrence in the intended appointment of Karen Borovay, nominated as vice-chair of the Human Rights Tribunal of Ontario.

The Chair (Ms. Mary-Margaret McMahon): Concurrence in the appointment has been moved by MPP Smith. Any discussion? Seeing none, are the members ready to vote? All those in favour? Opposed? That carries. Congratulations to Karen on your new appointment.

We will now consider the appointment of Kelsey Ayow. Can I have a motion, please? MPP Smith.

Ms. Laura Smith: I move concurrence in the intended appointment of Kelsey Ayow, nominated as member of the Human Rights Tribunal of Ontario.

The Chair (Ms. Mary-Margaret McMahon): Concurrence of the appointment has been moved by MPP Smith. Any discussion? Are the members ready to vote? All those in favour? Opposed? That carries.

Congratulations to Kelsey. You'll have a skip in your step today. Thank you very much.

The last item of business is the extension of the certificate. Thanks, Karen. Congratulations.

The deadline to review the intended appointments selected from the April 17, 2026, certificate is set to expire on May 17, 2026. Is there unanimous consent to extend the certificate by 30 days? Hearing a no, that concludes the business for today. The committee now stands adjourned—oh, MPP Gates?

MPP Wayne Gates: I didn't hear a no.

The Chair (Ms. Mary-Margaret McMahon): I heard a no.

MPP Wayne Gates: Who said no?

Ms. Laura Smith: I said no.

MPP Wayne Gates: I didn't hear it, sorry. I thought maybe you were agreeing. Sorry. I didn't hear it.

The Chair (Ms. Mary-Margaret McMahon): Thank you very much. I did hear a no.

That concludes our business for today. The committee now stands adjourned. See you in a couple weeks. Thank you very much for your time and energy.

The committee adjourned at 0956.

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