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**Assemblée législative  
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**Official Report  
of Debates  
(Hansard)**

**Tuesday 24 November 2015**

**Journal  
des débats  
(Hansard)**

**Mardi 24 novembre 2015**

**Standing Committee on  
Government Agencies**

Intended appointments

**Comité permanent des  
organismes gouvernementaux**

Nominations prévues

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

## STANDING COMMITTEE ON GOVERNMENT AGENCIES

## COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Tuesday 24 November 2015

Mardi 24 novembre 2015

*The committee met at 0900 in committee room 1.*

### WITHDRAWAL OF INTENDED APPOINTMENTS

**The Chair (Mr. John Fraser):** Good Tuesday morning. Welcome back again this week.

We have one intended appointee this morning. I would like to advise the committee that the nomination of the following intended appointee, who had been selected to appear before us at the committee today, has been withdrawn: Bahareh Hosseini, nominated as member of the council of the College of Massage Therapists of Ontario. Therefore, her nomination will not be considered by the committee. Thank you very much.

### INTENDED APPOINTMENTS DR. BRUCE KRUSHELNICKI

Review of intended appointment, selected by official opposition party: Bruce Krushelnicki, intended appointee as executive chair, Environment and Land Tribunals Ontario, and member, Assessment Review Board, Board of Negotiation, Conservation Review Board, Environmental Review Tribunal and Ontario Municipal Board.

**The Chair (Mr. John Fraser):** Our first intended appointee is Bruce Krushelnicki. Mr. Krushelnicki, can you please come forward?

Thank you very much for being here this morning. You'll have the opportunity to make a brief opening statement. Any time that you use for your statement will be taken from the government's time for questioning. You'll be asked questions by members of all three parties, and the questioning will begin with the government.

You may proceed.

**Dr. Bruce Krushelnicki:** Thank you, Mr. Chairman. Members of the committee, good morning. My name is Bruce Krushelnicki and I'm here as the nominee for the position of executive chair of the Environment and Land Tribunals Ontario, otherwise known as ELTO. I'd like to thank you for the opportunity to come before you this morning to introduce myself and to answer any questions you may have about my qualifications or my vision for the boards that make up ELTO.

As the name would suggest, ELTO is an organization representing five administrative tribunals established to coordinate the adjudication and mediation surrounding land use and environmental decisions in the province of Ontario. This is precisely what I've devoted my career to over the last 40 years.

My education began with a degree in urban and environmental studies at Brock University in St. Catharines. I followed this with a master's degree in urban and regional planning at Queen's University and later a PhD in planning from the faculty of environmental studies at the University of Waterloo.

My first job in 1978-79 was as an intern in the House of Commons in Ottawa, a program similar to the internship program that you have in this Legislature, I believe. Following this, I was hired by Brock University to teach in the urban and environmental studies institute, the department where I started as a student. I began as an assistant professor, progressing to associate professor with tenure and eventually becoming the academic director of the institute in 1988.

I taught at university for 12 years before being appointed to the Ontario Municipal Board as a full-time member in 1991. I was an OMB member for nearly 13 years, conducting what I estimate to be 1,000 hearings and mediations throughout the province in all areas of the board's jurisdiction.

I take great pride in the body of work that I completed over that time and remember fondly my travels to communities throughout the province, conducting hearings and settling municipal land use and environmental disputes of all kinds.

Before leaving the board, I wrote a book on the OMB published by the legal publisher LexisNexis. This book is designed for students, citizens and others who want to know more about the board and about administrative tribunals generally so that they can effectively participate in hearings and mediations in their communities.

In 2004, I left the board and took the position of planning director for the city of Burlington in Ontario. I started with a planning group of about 25 professional and administrative staff, but my directions were to create a one-window service for planning, building, development and a number of other services. By 2009, I had been given development engineering, Ontario building code building review, building inspections, bylaw enforce-

ment, licensing and, for reasons that I won't go into, animal control.

When I retired in 2015 after 11 years as director of planning and building, I led a high-performance department of 85 experienced professionals, administrators and technical staff, offering a single point of entry for customers seeking all development, building and related services. The department had a budget of over \$10 million, more than \$6 million of which was recovered by service fees. I retired from the city of Burlington in May of this year.

Most people count themselves lucky to have had one good career. I take great pride in the fact that I've been the beneficiary of a fine Ontario professional education which has led to three great careers: teaching at the university level, adjudication and mediation in the farthest corners of the province of Ontario, and leading and managing a large, highly productive, professional enterprise for a successful mid-sized Ontario city.

It is the sum of all this that I bring to the position of executive chair of ELTO, an organization comprising 80 to 90 adjudicators and mediators and 75 administrative and professional staff with a budget of about \$17 million to \$18 million.

I believe strongly that the five boards that make up ELTO provide a vital service to the people of Ontario, providing independent oversight and appeal of decisions made in local communities. I see the boards adding value to planning and environmental management by providing opportunities for people to participate meaningfully and hold those who make land-related and environmental decisions accountable in a transparent forum. I see the boards continuing to travel to communities throughout the province, in the localities where the issues are generated, where people in those communities seek sober second review of local decisions.

I see an integrated cluster of boards populated by a small number of highly competent, well-trained, merit-based appointees who simply and honestly listen to all sides of an issue and then make prompt decisions informed by the evidence and led by the public interest. I see this done by an efficient organization with modest but effective public resources.

At its simplest, administrative justice is this: When a decision has been taken—whether or not the decision has been favourable—it can be said, “I was listened to. I have been heard. I have had my day in court. I have been treated fairly and I was able to participate meaningfully.” This is fairness and due process at its simplest and its best, and it is the service that the boards of ELTO, when they are performing at their very best, provide to the people of Ontario.

I am honoured to be considered for the executive chair of ELTO. Thank you for this opportunity to speak to you this morning. I would be happy to take any questions.

**The Chair (Mr. John Fraser):** Thank you very much, Dr. Krushelnicki. Ms. Hoggarth?

**Ms. Ann Hoggarth:** Good morning, Dr. Krushelnicki. Thank you very much for putting your name forward.

You bring a very diverse and impressive resume with you, including the animal control.

**Dr. Bruce Krushelnicki:** Thank you.

**Ms. Ann Hoggarth:** I hope you don't have to use it in this job.

You wrote a book called *A Practical Guide to the Ontario Municipal Board*. Could you tell us about that and what you learned about the OMB, please?

**Dr. Bruce Krushelnicki:** Well, I always used to say, “The best way to teach something is to write about it. The best way to learn about it is to write about it and teach it.” It was an opportunity to fulfill a need that I thought existed in the province. That was to provide people with more transparency and understanding about how the Ontario Municipal Board and administrative tribunals generally work, because I think there was always a mystique about it. There was kind of a veil that people could not penetrate. Often, people coming to a room like this, with elected officials or with appointed members, were intimidated by the fact that they didn't know what was going to go on.

My point in writing the book was to satisfy that need. I think I learned that there was a great need for it, that there were people who hungered for that sort of information so that they could participate more meaningfully and not be intimidated. The book has been successful from that standpoint. It has also been successful for students. I understand that even a few lawyers have read it. It has served its purpose in providing the information about the OMB that had not existed previously. It was the first book of its kind, really, after almost 100 years of the OMB's existence.

**Ms. Ann Hoggarth:** That's amazing. The other question that I wanted to ask—this job has a lot to do with management. There are five boards with appointees on each in this group. Could you tell us a bit more about your managerial experience that could help you when managing appointees across the five boards?

**Dr. Bruce Krushelnicki:** Thanks; good question. The most obvious management experience I've had was running the planning and building department in the city of Burlington. Burlington's not a huge city, but it has its fair share of complicated issues and lots of public engagement and so forth. Managing that situation was very interesting. It's a prosperous city and it has a lot of growth to manage. Happily, when I arrived, it had—and it got even better—a well-trained staff, a very dedicated staff, a very engaged staff.

The management experience that I gained there was how to install a process of continuous improvement to an agency that was already well engaged in a city that was already doing pretty well, and Burlington does do well. I was happy to be able to participate and contribute to that.

The other side of management, however, is not just doing the budget, doing the HR, all those sorts of things; it's knowing the business.

**0910**

I'm a strong believer that somebody who runs an organization should know what the organization does,

and to be a true leader you don't have to be the best person at that job, but you have to know what the folks who are doing it are doing, and they have to have the confidence in you to know that you could do it if you had to.

As a manager in a planning department, I felt I had to lead and be the lead planner. I was the chief planner for the city of Burlington, and it worked out well. It's true also of these boards. I was a member of the OMB for 13 years. While I was on the OMB, the OMB had jurisdiction for what the Assessment Review Board does, so I know what the Assessment Review Board does. As an OMB member, I sat on joint boards—consolidated hearings, they're called, with the ERT, Environmental Review Tribunal, so I know what that board does. I know what the Conservation Review Board does because we work with them commonly in municipalities.

So I know the business. I know how to run an organization. I've developed budgets. I've had to hire and fire people—both sides of that. I know what I'm headed for.

**The Chair (Mr. John Fraser):** Mr. Bailey.

**Mr. Robert Bailey:** Dr. Krushelnicki, thank you for coming in. I've got a cough today, I think like everybody else.

**Dr. Bruce Krushelnicki:** Just hearing you makes me want to pour some water.

**Mr. Robert Bailey:** Yes, have a drink while I'm straightening up here.

In the past, the OMB has been the subject of a great deal of criticism. How would you see room for improvement to change that perception? I know you touched on it with the government side just a minute ago, but could you expand upon that—how to improve the image of the OMB? Some people really feel that it's not that remote “They're from Toronto, down here to tell us how to do things” feeling.

**Dr. Bruce Krushelnicki:** There are lots of different types of criticism. I don't think you want me to deal with the criticism that simply says, “I didn't like the decision they made, so I don't like them.”

**Mr. Robert Bailey:** No.

**Dr. Bruce Krushelnicki:** That's not the criticism we're looking at.

I think there are two main criticisms. One is that it can be a complicated, intimidating legal process, and people don't feel comfortable there, and it's somebody, as you say, coming from out of town, telling them what they should do. Can you resolve that problem? Not completely, if you maintain the model that the OMB has.

I think the other way to look at that is to say, in one or two very, very important, key issues in a community, you have the opportunity to bring in a person from outside, who is unrelated to the elected officials or the administrators locally, who's not paid by that particular government, who can come in independently with a fair mind and say, “You tell me your side of the story, you tell me your side of the story, and I'll do the best I can for you to help you make a decision here. If you want, you can settle this by mediation and make your own decision, but

if you can't, I'll make it for you.” If that explanation works, and if people understand that that's what the board does when it's at its best, I think that can go some distance in allaying that criticism.

The other criticisms, which are that it takes too long, that it costs too much, that it's unfair because the developer has all the money and they have none—the asymmetry of representation, if I can put it that way, before the board is a difficult thing to deal with. That's about hearing management, and that's where we can have a much more effective role as hearing officers and as managers of hearing officers. I think we have to become much more activist as hearing officers: not just sitting back and letting a hearing take what it takes, but making sure the hearing happens in an expeditious way, making sure that decisions are issued promptly, making sure that people who are unrepresented are given the benefit of the doubt in a sense—not being unfair, but offering them opportunities for explanation, because they don't have legal representation; giving them what they don't have, which is the opportunity to defend their position and put it in its very best light before the board.

So there are things we can do through management.

The other side of it is, if you don't like the adversarial process—because the OMB and some of the other adjudicative boards use an adversarial process—I think we can offer them the service of mediation and do that well also. The adjudicative sector has been doing this for some time. It has been developing it, but there's a lot more room for mediation and other forms of facilitation.

**Mr. Robert Bailey:** The other question I might ask before I move to Mr. Pettapiece is, with the five different tribunals making up Environmental and Land Tribunals Ontario etc., how do you see balancing your time to oversee all five of them?

**Dr. Bruce Krushelnicki:** Well, the boards aren't equal. There are some big ones. There are some that are very busy. The OMB is not the largest but certainly has a huge and controversial caseload. The ARB has a very large caseload of smaller cases, so it's more of a production line. The CRB has five or seven cases a year. The Board of Negotiation: It's not even an adjudicative board; it's a mediation service. Each of them is different.

I think of it this way, just to put it as simply as possible: Each of my kids is different, but you give them all the same amount of time and attention that they need so that they can do the best job they can. But they are different, and they're going to be dealt with differently. There are some that are going to give you the larger problems and there are some that are a little bit easier to manage, and that will change over time as well.

So it's paying attention, as a good manager does. As anyone who has to run an organization and facilitate change and manage people—you just pay attention to what needs the attention. Sometimes it'll be one board and sometimes it'll be another. That's how you devote your time.

**Mr. Robert Bailey:** Okay; thank you.

**The Chair (Mr. John Fraser):** Thank you very much. Mr. Pettapiece?

**Mr. Randy Pettapiece:** Thank you, Chair. Good morning.

**Dr. Bruce Krushelnicki:** Good morning.

**Mr. Randy Pettapiece:** You no longer work for the city of Burlington. Is that—

**Dr. Bruce Krushelnicki:** I do not; I retired in May of this year.

**Mr. Randy Pettapiece:** You retired?

**Dr. Bruce Krushelnicki:** I did.

**Mr. Randy Pettapiece:** Okay. I understand that you've worked for Metrolinx in the past.

**Dr. Bruce Krushelnicki:** I did. It amounted to a secondment. In 2007, I was approached by the person who had been appointed as chair. He happened to be the mayor who recruited me to Burlington: Rob MacIsaac. He said, "I'd like you to come to Metrolinx to help us with the land planning side of things," because the key to making good transit work is to ensure that transit and land use line up well. So he wanted a land use planner, and I said I'd be happy to do that. I went there and worked for four months, and then at one point I decided that I would go back to Burlington.

**Mr. Randy Pettapiece:** I see. So you decided at the end of four months to leave Metrolinx.

**Dr. Bruce Krushelnicki:** That's right. I was working, actually, for Metrolinx and the provincial government through the—it was then Infrastructure Ontario, the Ontario Growth Secretariat. They were the people who were developing the policy known as the growth plan. My job was to make sure that the growth plan policies and Metrolinx's development policies were well connected. So I got that going, in a sense, and then ended the secondment.

**Mr. Randy Pettapiece:** So in four months, you were able to accomplish what you just said?

**Dr. Bruce Krushelnicki:** No. No, I didn't completely accomplish it.

**Mr. Randy Pettapiece:** So your reason for leaving was that you just didn't want the job anymore, or what was the reason there?

**Dr. Bruce Krushelnicki:** To put it simply, what I said to the chair at the time: "This isn't working out exactly as we thought it would, so I think the best thing is for"—and I didn't leave under any bad feelings or anything like that. It just didn't work out. So I went back to Burlington, and they were happy to have me back.

**Mr. Randy Pettapiece:** May I ask what didn't work out?

**Dr. Bruce Krushelnicki:** Any time you move to a job or from a job, there's a combination of personal and professional reasons. The professional reasons are the ones I'll talk about. It was that the work wasn't exactly what I thought it would be. I don't think we had as clearly defined it as we should have before it started. If we'd spent a little more time on that, it might have been better. So it didn't work out professionally in exactly the way I wanted it to, and I didn't feel as productive or as useful as I thought I could be. No fault to anybody; as I say, I just don't think we'd thought it out and defined it

as carefully as we could have at the outset. So the happy resolution was—and as I say, it was a happy one; we're still friends. Rob MacIsaac said, "Okay, I understand," and the city of Burlington said, "We're happy to have you back; we haven't recruited your replacement yet." I was lucky about that, and I went back to the job I had. So it amounted to a secondment.

**Mr. Randy Pettapiece:** Okay. What part of the job description wasn't suited to what you thought your ability was?

**Dr. Bruce Krushelnicki:** That's the point: There wasn't a really well-defined job description for it. People used to ask me what I was doing because I had an office at the growth secretariat and I also had an office at Metrolinx. I used to say that my job was to ensure that Metrolinx and the growth secretariat were communicating with one another about land use policy and transit development. Working between two organizations like that is a challenge to begin with, and it requires that you do have a well-defined job description and basis for performance review and that sort of thing. It just did not develop in the way that we had hoped. It was an experiment that didn't quite work out as well as we thought it would.

**Mr. Randy Pettapiece:** I see.

**0920**

**The Chair (Mr. John Fraser):** A little over a minute, Mr. Pettapiece.

**Mr. Randy Pettapiece:** Okay. Did you apply for the position of executive chair for this committee?

**Dr. Bruce Krushelnicki:** Yes, I did.

**Mr. Randy Pettapiece:** You applied for it?

**Dr. Bruce Krushelnicki:** Yes.

**Mr. Randy Pettapiece:** So were you contacted by anybody in government that this was open?

**Dr. Bruce Krushelnicki:** No, I wasn't—not initially, no.

**Mr. Randy Pettapiece:** Did somebody else contact you to discuss this position at all?

**Dr. Bruce Krushelnicki:** Yes, a professional recruiter contacted me.

**Mr. Randy Pettapiece:** A professional recruiter?

**Dr. Bruce Krushelnicki:** Yes.

**Mr. Randy Pettapiece:** Do you know who they work for?

**Dr. Bruce Krushelnicki:** Yes, it's Patrick Rowan, whom I had actually used as a recruiter some 10 years ago to help me find a manager at the time. He works for Feldman Daxon Partners Inc.

**The Chair (Mr. John Fraser):** Thank you very much, Mr. Pettapiece.

Good morning, Mr. Gates.

**Mr. Wayne Gates:** How are you today?

**The Chair (Mr. John Fraser):** I'm fine; how are you?

**Mr. Wayne Gates:** Any better and I'd be you.

Good morning, Bruce. How are you doing?

**Dr. Bruce Krushelnicki:** I'm very well, Mr. Gates. How are you?

**Mr. Wayne Gates:** I'm good. A couple of things: You went to Brock?

**Dr. Bruce Krushelnicki:** I did.

**Mr. Wayne Gates:** My daughter is going to Brock.

**Dr. Bruce Krushelnicki:** It's a good school.

**Mr. Wayne Gates:** I don't know if you know, but I'm from St. Catharines. I was raised and grew up in St. Catharines, Port Dalhousie, which you're probably familiar with.

**Dr. Bruce Krushelnicki:** I am.

**Mr. Wayne Gates:** So I know a little bit about our area.

You said you worked as an intern.

**Dr. Bruce Krushelnicki:** For the House of Commons, yes, I did. It was my first job when I graduated.

**Mr. Wayne Gates:** Did they pay you?

**Dr. Bruce Krushelnicki:** The internship program? The internship program was funded, in those days—I think it still is—by private corporate funding. I think it was the life insurance association of Canada or something like that.

**Mr. Wayne Gates:** It's an issue with us. We think that interns should be paid.

**Dr. Bruce Krushelnicki:** Yes, I agree. I actually ran an internship program when I first started at Brock University. I started the internship program for the Institute of Urban and Environmental Studies, and I insisted that the students be paid at the time. I thought that was a fair way to ensure that students understood the workplace, and professional responsibility.

**Mr. Wayne Gates:** They still have to pay for stuff while they're at school as well.

**Dr. Bruce Krushelnicki:** That's true.

**Mr. Wayne Gates:** You did a book on the OMB.

**Dr. Bruce Krushelnicki:** I did.

**Mr. Wayne Gates:** My office is 361, if you want to send me one, and autograph it for me. It would be good, so that I could read it. We have lots of issues with the OMB in our office.

I have a few questions here that I'll read off. One is extremely long, and the other ones aren't.

**Dr. Bruce Krushelnicki:** Sure.

**Mr. Wayne Gates:** As an MPP for Niagara Falls, the decisions of the Environmental Review Tribunal particularly concern me, as it functions as the hearing officer for development permit appeals on the Niagara Escarpment. In that role, do you believe it is more important for you to be preserving the environment and heritage of the region or to be allowing developers to build on the land? It's a big issue in Niagara, as you know.

**Dr. Bruce Krushelnicki:** It is. It's a big issue all along the escarpment. You're right: The Environmental Review Tribunal is the appeal-hearing officer of the Niagara Escarpment Commission by delegation.

The Niagara Escarpment Plan is the plan that is used to govern development approvals in the escarpment area. I'm saying that—and I'm sure you know it—to remind people that decisions by administrative tribunals—whether it's the ERT, the OMB or the others—are not,

“Flip a coin and let's see what it says”; they are evidence-based and they are policy-based. The ERT or the OMB, when it's making a decision, hears the evidence that's presented to it in a hearing in a public forum and then applies that evidence to the policies before it.

The policies of environmental protection and environmental management are not ones that are made up by the ERT or by the OMB or by the other tribunals. They exist as a result of a cabinet-approved plan, which is what the Niagara Escarpment Plan is, or an official plan of a municipality, or the Ontario provincial policy statement. Taking the evidence and applying those policies is the way that such decisions are taken. If you want better environmental management or stricter environmental management, you change the policies. The board applies the policies.

It's really that, in the same way that a court applies the law, administrative tribunals apply the policies. So the strength of those policies is what's really important in determining the degree of environmental management. For the Niagara Escarpment, as I said, it's their plan.

**Mr. Wayne Gates:** One thing that you did touch on—you talked a little bit about mediation, and obviously you have some experience around that. I sat on city council in Niagara Falls. When a citizen actually goes to the OMB and they are unrepresented, it's extremely tough for them to win. The developers, whether you'd like to admit it or not, or you will admit it, do have a little more money, better lawyers and understand the policies a little better, so sometimes it's a real challenge for unrepresented residents to go to the OMB and win. Maybe give me a little bit about the mediation process and all that type of stuff.

**Dr. Bruce Krushelnicki:** Mediation is certainly a good alternative to the adversarial process. The adversarial process is an arena in which—you know the metaphor—the gladiators fight it out. When you have well-resourced developers who can afford not only lawyers but experts as well to interpret the policies for the tribunal, there can be what appears to be an internal or inherent unfairness.

There are two ways of dealing with that. One is to try to overcome that by allowing citizens the resources to be properly represented or have access to experts. The other is mediation. Mediation means that the tribunal is not acting as a court and fighting with gladiators, but rather facilitating a discussion which can lead to a homemade outcome, an outcome made in the community. So I think it's preferred for that sort of thing.

There are a lot of citizens who come before the board saying, “I'm going to go to the board and I'm going to win.” Then they realize what it is when they get there and, boy, mediation is a great alternative once you find out just how nerve-racking the board can be.

**Mr. Wayne Gates:** Do you have an idea what the settlement is at mediation with unrepresented citizens across the province?

**Dr. Bruce Krushelnicki:** I'm sorry. How do you mean that?

**Mr. Wayne Gates:** Well, I mean you go to mediation. There's 100 people who go. Are 80% being mediated so that they don't have to go on to fight developers? What would be your idea—

**Dr. Bruce Krushelnicki:** I don't know what the statistics are. Mediation is increasing. Certainly, it's increasing as an opportunity. The first thing a good board member will do when he or she starts a hearing is to say, "Has mediation taken place? Have you folks had a chance to discuss this?" And you can settle any time up to the point when a decision is made, just as it is with the labour board and other boards, so there's plenty of opportunity. All the boards, especially the Board of Negotiation, which is a mediation board—that's all it does—offer mediation and prefer it because it results in a decision that's voluntarily acceptable to the parties who have created the dispute.

So the opportunity is there. The numbers are increasing, and I think everybody is in favour of more mediation. The problem is that sometimes, if you have a minor variance hearing, which is one of the hearings that the OMB does, for instance, you can deal with that in half a day. There are no lawyers involved; it's just one neighbour discussing it with another neighbour. You can solve that in half a day and they walk away saying, "Okay, I had my day in court." Why spend three days trying to mediate two neighbours who aren't getting along?

Sometimes mediation isn't always the preferred route, but for some of these big, expensive hearings with a lot of lawyers and a lot of experts where, as I say, the sides aren't symmetrical—you've got the Davids and the Goliaths—mediation is a preferred alternative, really.

**Mr. Wayne Gates:** I'm surprised that you said that neighbours don't get along.

*Laughter.*

**Dr. Bruce Krushelnicki:** Sometimes.

**Mr. Wayne Gates:** I just wanted to bring a smile to your face. It worked. That's all.

Listen, I've got one question I want to get in. Okay? Many communities across the province have had serious issues with the Ontario Municipal Board. In Kitchener-Waterloo, an entire city building was scrapped by the board. In Scarborough, the board sided with developers against community groups, residents, city councillors and other elected officials when it allowed the developers to build on a contaminated site that was a former plant.

Given all the complaints about the OMB, specifically in regard to the accountability of the board and the belief that developers—I think this is a key issue—always win at the board, do you believe it should continue to function in the way it currently does?

**Dr. Bruce Krushelnicki:** Well, the first answer I'll give is that it should function in the way that it currently does—it may not be necessary. I think for any organization there are opportunities for continuous improvement, for reforming procedures, for revising the organization to make it work more efficiently, more responsibly and more transparently. All those things are changes, and I'm in favour of change and change management.

The fundamental issue, though, of whether developers win more often or have an easier time of it at the board is a big issue. I don't know the specifics of those hearings or those decisions, and it really is inappropriate for me to discuss them even if I did. But I can say that the purpose of the board is to provide an opportunity not only for developers when they feel wronged by a decision, but by citizens who feel wronged by a decision.

Many times the developer wins, but what citizens have to remember is there wouldn't have even been a hearing if there wasn't an OMB. There wouldn't have even been an opportunity for an appeal or a sober second thought of a decision if there wasn't an administrative tribunal to which you could appeal.

So many appeals are lodged by citizens against developers, and the developers will tell you—I'm not sympathetic to either side; I'm sympathetic to all sides—it's a costly affair for them to go through because they have to hire the lawyers and the experts and so forth to deal with complaints.

I think the most important thing is to try and make the boards less complicated, less legalistic; to make them simpler, more approachable and more accessible, and to arrive at prompt decisions that are evidence-based and apply good policy. If you've done that, at the end of the day I think the reputations of the boards and their brands will improve.

But invariably, and this is an important point: I'll say, of the hundreds of thousands of municipal and environmental decisions that are taken in the province in a year, they deal with a couple of thousand—a tiny, tiny fraction. And they're the ones that are the hardest nuts to crack.

The boards deal with controversial issues, just as this House deals with controversial issues. Where you have controversy inherent in your processes you will have division, you will have people who will not be satisfied, and you have to learn to accept that. My point is, you've got to make the process as good as it possibly can be to avert those cases where you haven't done the job right.

**The Chair (Mr. John Fraser):** Thank you very much, Mr. Gates. Dr. Krushelnicki, that concludes the time for your interview today. I want to thank you for coming and appearing before us. We will consider your concurrence after you step down. You're welcome to stay.

**Dr. Bruce Krushelnicki:** Thank you, Mr. Chairman and members of the committee. I appreciate it.

**The Chair (Mr. John Fraser):** Thank you very much.

We'll now consider the concurrence for Bruce Krushelnicki, executive chair, Environment and Land Tribunals Ontario, and member, Assessment Review Board, Board of Negotiation, Conservation Review Board, Environmental Review Tribunal and Ontario Municipal Board. Mr. Rinaldi?

**Mr. Lou Rinaldi:** Chair, I move concurrence in the intended appointment of Bruce Krushelnicki, nominated as executive chair, Environment and Land Tribunals



Ontario, and member, Assessment Review Board, Board of Negotiation, Conservation Review Board, Environmental Review Tribunal and Ontario Municipal Board.

**The Chair (Mr. John Fraser):** Thank you very much, Mr. Rinaldi. Any discussion? All those in favour? Opposed? Motion carried.

Congratulations, Dr. Krushelnicki. Thank you very much again for being here today.

We have one more piece of business that we need to do today. We have one more deadline extension. That extension is for Peter Rossos, nominated as member of

eHealth Ontario, selection of the official opposition from the September 25 certificate. The extension expires on November 24. With the board's agreement, we'd like to extend that to December 24. Do I have agreement?

*Interjection.*

**The Chair (Mr. John Fraser):** December 24. Another month.

**Mr. Lou Rinaldi:** Agreed.

**The Chair (Mr. John Fraser):** Good. Thank you very much. The meeting is adjourned.

*The committee adjourned at 0933.*





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