

Legislative  
Assembly  
of Ontario



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

A-2

**Journal  
des débats  
(Hansard)**

A-2

**Standing Committee on  
Government Agencies**

Intended appointments

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

Thursday 27 October 2022

**Comité permanent des  
organismes gouvernementaux**

Nominations prévues

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

Jeudi 27 octobre 2022

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Chair: Will Bouma  
Clerk: Isaiah Thorning

Président : Will Bouma  
Greffier : Isaiah Thorning

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

## STANDING COMMITTEE ON GOVERNMENT AGENCIES

## COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Thursday 27 October 2022

Jeudi 27 octobre 2022

*The committee met at 0900 in room 151.*

### SUBCOMMITTEE REPORTS

**The Chair (Mr. Will Bouma):** Good morning, everyone. The Standing Committee on Government Agencies will now come to order. We are meeting to conduct reviews of intended appointments. We are joined by staff from legislative research, Hansard, and broadcast and recording.

To make sure that everyone can understand what is going on, it is important that all participants speak slowly and clearly. Please wait until I recognize you before starting to speak. As always, all comments by members and witnesses should go through the Chair.

The first item of business will be the adoption of four subcommittee reports, which we have all seen in advance. First, we have a subcommittee report dated September 1, 2022. Could I please have a motion? MPP Begum.

**Ms. Doly Begum:** Good morning, everyone. I move adoption of the subcommittee report on intended appointments dated Thursday, September 1, 2022, on the order-in-council certificate dated August 24, 2022.

**The Chair (Mr. Will Bouma):** Any discussion? Seeing no discussion, are the members ready to vote? All those in favour, raise your hands. Any opposed? Carried.

Next we have a subcommittee report dated September 22, 2022. Could I please have a motion? MPP Begum.

**Ms. Doly Begum:** I move adoption of the subcommittee report on intended appointments dated Thursday, September 22, 2022, on the order-in-council certificate dated September 16, 2022.

**The Chair (Mr. Will Bouma):** Any discussion? Seeing none, are members ready to vote?

**Mr. Mike Harris:** Chair?

**The Chair (Mr. Will Bouma):** MPP Harris?

**Mr. Mike Harris:** Do we have copies of those reports, by chance?

**The Chair (Mr. Will Bouma):** They were distributed to the committee electronically. But you're asking if they're here?

**Mr. Mike Harris:** Is there a physical copy?

**The Chair (Mr. Will Bouma):** Do you want them all, Mike?

**Mr. Mike Harris:** Just one.

**The Chair (Mr. Will Bouma):** Just one?

*Interjections.*

**The Chair (Mr. Will Bouma):** Sorry for the inconvenience. Any discussion? Okay. Thank you.

**Ms. Doly Begum:** Chair?

**The Chair (Mr. Will Bouma):** Yes?

**Ms. Doly Begum:** Forgive me for my lack of knowledge on this, but is this a time where we can discuss the intention for the selection that we may have made or any of the members have made?

I would like to also put it on the record that members of the opposition did call certain selections for hearings which were not possible because the House was not sitting, and unfortunately we did not get enough consent. That means that there are members who are now appointed who will not be heard in this committee or questioned by committee members, who have been reached out to by the public on these kinds of appointments.

**The Chair (Mr. Will Bouma):** Yes, that is appropriate, to ask that question at this time and/or make that point.

Any further discussion?

**Ms. Doly Begum:** One of the things that I would like to put on the record is that for September 22—this is the one for September 22—this was one of the ones where the official opposition did make a selection, and we were very disappointed to see that we did not receive unanimous consent to have the member come in for hearings, which would have been appropriate for something that is so important.

This is my first time, actually, on government agencies, so I'm still figuring it out, but I think it's very important that anyone who gets selected, especially to the police services board, should be brought in here to answer any questions that all members have, especially of their records, of their experience of any political alliance or anything that they have done for this province or the lack thereof. It is extremely disappointing when we have governments adjourn and during those times we see that an important appointment such as this takes place and we did not have the ability to even question the member who will be appointed to such an important position.

**The Chair (Mr. Will Bouma):** Any further discussion? Member McLeod.

**Ms. Lisa MacLeod:** I wasn't going to participate, really, my first week being back. But as a long-time member of this committee, and particularly when I was in opposition, and Vice-Chair and Chair, it was known that the selections were made by members. Members have the opportunity to call, particularly by a party. As much as I support the official opposition wanting to bring people in to be publicly accountable—particularly, I gather, in her case as a result

of what happened in Windsor and the city of Ottawa, where I live and reside and represent—her party did have the opportunity.

This committee is not a political committee; it's a public policy and government agencies and transparency committee. As you see by the people who are beside you, Chair, they are impartial public servants who represent all of us as members of the assembly because they work directly for the assembly, they work for the Speaker, who is, indeed, impartial.

I would suggest, if the member wants to call people in the future, the member should, but blaming the government for them being unable to do their job is not only unfortunate, but it's unfair.

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

**Ms. Doly Begum:** I'm not sure if the member read through her notes—forgive me—but we did call the appointees that we thought were needed to be asked questions of. And we did need unanimous consent, which was not received, which means that members of the government did not give consent. So I would like the member to correct her record. I understand the details of this selection.

Again, I would like to put it out there that the official opposition made selections for these appointments and have asked the government members to give unanimous consent. Unfortunately, the committee requires that there is unanimous consent, which means, without which, we will not have anyone sitting there to have those questions asked.

I know the member here has been here much longer than I have, and I respect that and I respect her experience, but I've seen the way that this government has plowed through appointments of very important positions.

Whether it has anything to do with Windsor or Ottawa, it is the police board, and with any tribunals we're talking about, any appointments, it is very important that we have the ability to question, especially when we have these kinds of appointments and the people who are taking on these roles.

I would ask the member to correct her record because this is not something that the official opposition did not do; rather, we asked for it multiple times. Unfortunately, we did not get unanimous consent, which is why we don't have anyone here for these appointments that have gone through already.

**The Chair (Mr. Will Bouma):** Any further discussion?

**Ms. Lisa MacLeod:** Well, I'm not going to correct my record, because the reality is, there is a process here, and the process, if they thought—

**Ms. Doly Begum:** And you blocked it.

**Ms. Lisa MacLeod:** The reality is, whether you like it or not, these are the things that do happen in this committee, based on the legislative schedule and the sitting process. As somebody who has been here for a very, very long time—that's how it works.

The member opposite can try to filibuster this. She can also suggest that things were done untoward, but the reality is, this is the process; it's the process it has been.

If the member is so hell-bent on unanimous consent from time to time—I'd like to see in the future how unanimous consent is given to the government in the House.

**0910**

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

**Mr. Guy Bourgouin:** I'm new to this committee, so correct me if I'm not hearing right. We sent to the committee that we want to question this nominee, and we didn't get unanimous consent. So any time that we're going to be questioning a nominee and it's refused, that means—

**Ms. Doly Begum:** By the government.

**Mr. Guy Bourgouin:** —by the government or by the other Chair on this committee or people on this committee, we won't be able to question. So really, we'll never have people, because if they decide to say, "No, I'm sorry, we're not getting unanimous"—correct me if I'm wrong. I'm just trying to understand the process here, being new. If that's the case, then we will never question anybody, because if you feel that your nominee, that the government's nominee—guess what? The opposition will never have a chance to question. But my—

**Mr. Mike Harris:** Chair, if I may—

**Mr. Guy Bourgouin:** Well, let me finish. I'm asking: Is that the process? So it's clear in my mind, they can say, "Well, no unanimous consent," and we're not going to be able to question?

**The Chair (Mr. Will Bouma):** I think if there's an educational session—

**Mr. Guy Bourgouin:** Please clarify that for me.

**The Chair (Mr. Will Bouma):** —desired by members of the committee, I'm sure that the Clerks can avail themselves to such a process.

Member Harris.

**Mr. Mike Harris:** I would just propose to the committee, we have someone waiting to actually be questioned, so why don't we bring her in and we'll have an opportunity to go through—which was a selection of the opposition—to have her before us today.

**The Chair (Mr. Will Bouma):** Further discussion?

**Mr. Guy Bourgouin:** I just want to get back to the point, because I'd like some clarification on this.

**The Chair (Mr. Will Bouma):** As I've mentioned, again—

**Mr. Guy Bourgouin:** So the Clerk can clarify that to me after, I guess.

**The Chair (Mr. Will Bouma):** Yes, on what is the process here.

**Mr. Guy Bourgouin:** Okay, so they pick and choose on when they want us to question?

**The Chair (Mr. Will Bouma):** Again, I think that's a question for the Clerk, which you can—

**Mr. Guy Bourgouin:** Okay, well, I'll ask the Clerk.

**The Chair (Mr. Will Bouma):** Any further discussion? Seeing none, are members ready to vote? I will call the vote. All those in favour, please raise your hands. Any opposed? Carried.

Next, we have the subcommittee report dated October 6, 2022. Could I please have a motion? Member Begum.

**Ms. Doly Begum:** I move adoption of the subcommittee report on intended appointments dated Thursday, October 6, 2022, on the order-in-council certificate dated September 30, 2022.

**The Chair (Mr. Will Bouma):** Any discussion? Seeing none, are members ready to vote? Yes. All those in favour? Any opposed? Carried.

Next, we have the subcommittee report dated October 13, 2022. Could I please have a motion? Member Begum.

**Ms. Doly Begum:** I move adoption of the subcommittee report on intended appointments dated Thursday, October 13, 2022, on the order-in-council certificate dated October 7, 2022.

**The Chair (Mr. Will Bouma):** Any discussion? Seeing none, are members ready to vote? I'll call the vote. All those in favour? I see none opposed. Carried.

## INTENDED APPOINTMENTS

### MS. JEANIE THEOHARIS

Review of intended appointment, selected by official opposition party: Jeanie Theoharis, intended appointee as vice-chair, Animal Care Review Board.

**The Chair (Mr. Will Bouma):** We will now move on to our review of intended appointments. Today we have Jeanie Theoharis, nominated as vice-chair of the Animal Care Review Board and vice-chair of the Fire Safety Commission.

Welcome to the meeting. You may make an initial statement at your discretion. Following this, there will be questions from members of the committee. With that questioning, we will start by the government, followed by the official opposition, with 15 minutes allocated to each recognized party. Any time you take in your statement will be deducted from the time allotted to the government.

Thank you very much for joining us this morning.

**Ms. Jeanie Theoharis:** Thank you for having me here today. Am I free to start?

**The Chair (Mr. Will Bouma):** Yes, please go ahead with your statement.

**Ms. Jeanie Theoharis:** I have it written here, so I'll probably be looking down as I read it, so I do apologize. I did not memorize this.

Good morning, everyone. My name is Jeanie Theoharis. Thank you to Mr. Chair, Mr. Vice-Chair and honourable members on the Standing Committee on Government Agencies for having me appear today before you. I also appreciate being able to attend virtually.

I must say, I am both humbled and honoured to be here today to discuss my pending appointments as a part-time vice-chair to the Animal Care Review Board and the Fire Safety Commission. I welcome the opportunity to discuss my personal and professional experiences and qualifications, and I am confident that by the end of my presentation you will have the confidence in knowing that I have the requisite skills and knowledge to do this job.

I am a first-generation Canadian. My parents emigrated from Greece in the early 1960s. I am proud to say that I

am the first lawyer in my family. I attended law school in New York state, at the University of Buffalo, and also the University of Toronto law school for my legal accreditation.

Having passed both the New York bar and the Ontario bar, I started my career articling in criminal defence with Greenspan Humphrey. During my articling year, I learned about criminal, quasi-criminal and administrative law, both trial and appellate work. I learned not only about the various areas of law, but I learned about the professionalism, the ethics, integrity and dedication that one needs in order to work in law. As an articling student, I observed the respect given to my mentors by the judiciary and their peers and the respect I received from the bench as I was an articling student at Greenspan Humphrey. Those initial experiences in my career have propelled my strong work ethic and professionalism.

Following that year, I started working at a small firm—Janssen and associates—where I worked in many different areas of law including corporate, commercial, real estate, immigration, civil litigation and administrative law. Being at a small firm gave me hands-on experience in how to get things done efficiently and effectively.

I have been with the Ontario government tribunals for over 16 years. I'll take you through my work history at the various tribunals.

My first appointment was in December 2006, as a full-time member with the Landlord and Tenant Board. I was assigned to the regional office in Mississauga, and there, I honed my experience and expertise as an adjudicator learning administrative law principles, the substantive law and the governing legislation, which was the Residential Tenancies Act, active adjudication and decision-writing skills. I participated in many of the training programs and learned how to effectively manage hearings and to work with self-represented parties. I continued to hone my skills in active adjudication and decision-writing and became a member who assisted the regional vice-chair in their duties, such as peer mentoring, training initiatives, leading member meetings and taking on some more of the complex files.

I spent a total of almost 10 years as an adjudicator with the Landlord and Tenant Board.

On March 9, 2016, I was appointed as a full-time member of the Licence Appeal Tribunal, specifically to the Automobile Accident Benefits Service. I was one of the first members conducting case conferences, hearings and rendering decisions. It was quite an exciting time to be at a tribunal and to see it flourish with the new automobile accident benefits dispute resolution. I also developed leadership skills, taking on work with training, practice directions, consistency measures and the creation of forms for new work at the Licence Appeal Tribunal.

I was thereafter appointed as a full-time vice-chair of the Licence Appeal Tribunal on August 31, 2017. As a vice-chair, I was assigned to oversee the day-to-day operations of the tribunal's general services. I managed the day-to-day workings, which included scheduling, processing efficiencies, identifying and creating training programs, member mentorship and development, and providing tips

on how to be an effective adjudicator, substantive legal knowledge, how to conduct efficient hearings and thereafter write clear and concise decisions.

I was initially appointed to the Animal Care Review Board and Fire Safety Commission on August 31, 2017, as a part-time member.

On August 20, 2020, I was appointed as a part-time associate chair of the Animal Care Review Board and Fire Safety Commission.

On May 27, 2021, I was appointed as a full-time associate chair of the Animal Care Review Board and maintained my appointment as a part-time associate chair of the Fire Safety Commission. I undertook the roles and responsibilities of the associate chair for these two tribunals.

In July 2021, I took on the role of acting associate chair for the Human Rights Tribunal of Ontario. I started my acting capacity, and on January 6, 2022, after having applied and interviewed for the position of associate chair of the Human Rights Tribunal of Ontario, as part of the competitive merit-based system, I was appointed as the associate chair of the Human Rights Tribunal.

0920

I am here before you today to discuss my appointment as vice-chair to the Animal Care Review Board and Fire Safety Commission, and to share my personal and professional experiences and qualifications for the role as a vice-chair of both of these tribunals.

I value a strong team environment built on professionalism, respect and integrity. My strong work ethic and my ambition comes from loving the law, from appreciating efficient administrative law processes and looking for ways that we can allow parties to participate in hearings before us in an effective and purposeful manner.

I have shown an ability to lead in my various roles at Tribunals Ontario, and I'm happy to be able to lend my expertise and support as a vice-chair at the Animal Care Review Board and Fire Safety Commission. I have learned a tremendous amount from being on the various boards and tribunals. I have a sincere passion and dedication to ensuring that our tribunals are operating effectively so that parties are provided dispute-resolution services in a manner that is fair, efficient, transparent and accessible. I am privileged to continue working to serve all Ontarians in this very important role.

I am excited to continue to be part-time vice-chair at the Animal Care Review Board and Fire Safety Commission.

Thank you for your time, and I welcome your questions.

**The Chair (Mr. Will Bouma):** Thank you very much for your presentation.

The first round of questions is going to go to the government, and you have about eight minutes for questions. Member Harris.

**Mr. Mike Harris:** Thank you, Ms. Theoharis—I was saying you're my Greek sister.

All chiding aside, I did want to ask you a quick question. Obviously, you've been, as you mentioned, recommended for appointment to the ACRB, in addition to the Fire Safety Commission and your current role as associate chair of the

Human Rights Tribunal. Do you see any challenges managing caseloads? I know you've been doing this for a little while and you're very familiar with how the systems work, but do you foresee any problems with being able to balance being on these additional committees and having these additional responsibilities?

**Ms. Jeanie Theoharis:** Thank you for your question, Mr. Harris.

I appreciate the effort of working with the tribunals and understanding the ability to balance our workloads, working with each other to ensure that our services are rendered in an effective manner. The cross-appointment strategy per se is something that allows us to leverage the expertise and knowledge from each individual member and use them in a way so that we can address our dispute-resolution services to all the people of Ontario.

So, in essence, to your question: No. I think I've been able to do this for quite some time. You've seen I've been cross-appointed throughout my career to many of the different tribunals, so I don't think continuing to be cross-appointed to these tribunals will impact my ability to manage my caseload.

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

**Mr. Billy Pang:** Thank you, Jeanie, for putting your name forward.

In your presentation, you talked about efficiency and effectiveness. Tribunals Ontario's annual report shows generally strong performance for the ACRB in the past few years, but also that it has not met its target of 80% for written decisions to be issued within 30 days of the hearing; actually, it was 52%. How can you ensure that it will improve in this area?

**Ms. Jeanie Theoharis:** Decision-writing is a skill. It is something where, as an adjudicator, you continue to hone those skills and learn practices of how you take the evidence that's presented before you, apply it to the legislation and then write a clear, cohesive, concise decision.

In terms of timeliness of decisions: When you continue to train the members on these decision-writing skills and give them the tools so that they are able to effectively write those decisions in a timely manner, but also in a coherent manner, I think those are the aspects that we're able to leverage by having these cross-appointments, because you do have that different skill set, being able to hone those opportunities to understand different writing styles, so that we can create decisions that are more timely, effective and so forth.

So there are opportunities for learning, for education and for providing those tools available to the members so that they can reach their goals of writing those decisions.

**The Chair (Mr. Will Bouma):** Any further questions from a member of the committee? Member Holland.

**Mr. Kevin Holland:** A simple question: What motivated you to apply for this position?

**Ms. Jeanie Theoharis:** In terms of my desire for this position or any position, it goes with the love of the law. It goes with the concept of efficiencies in administrative law and how we can, as adjudicators in the tribunal, serve the



public to resolve these very important issues that come before us.

The Animal Care Review Board and Fire Safety Commission are similar in the fact that they're smaller tribunals with fast turnaround timelines. With that, the ability to use my skills that I've honed and learned from my various experiences and bring them to a place where I can teach others or address them with the parties themselves—that's the interest. The interest comes from my belief in the administrative law world, my belief in resolving matters and addressing them in a fair manner for the parties.

When you think about the ACRB and animal care, it's very personal. It's very stressful for the individual whose animal has been taken away from them. It's actually akin to your child being taken away. It's a member of the family. They want to do what's needed fast to get that family member back in.

So, for me, it's understanding the person's perspective, the party's perspective, in wanting to ensure that our processes are aligned to a fair, effective and timely resolution—that's kind of the driving force behind a lot of my ambition.

**Mr. Kevin Holland:** I appreciate that, and you spoke lots with regard to the animal rights tribunal.

I'm a 21-year member of the volunteer fire service, and the Fire Safety Commission is pretty important to me. You indicated that there's a fairly quick turnaround, simple things to deal with. Fire safety is pretty important to the province.

**Ms. Jeanie Theoharis:** Yes. I guess this is where I don't know if I should talk about both, because I'm at the front end.

Fire safety—100%, very important. It deals with public safety. It deals with the safety of buildings and the ability of people who are working in those buildings to feel safe, that they are protected, that they are able to work in an environment that is consistent with the building code and so forth. The complexity of the fire safety code is tremendous because we also have to think not only about the obligations to what is required for an owner to conduct and comply with the order, but how that compliance impacts others who may be entering those facilities, living in those facilities, and so forth. For me, fire safety has a different type of urgency, and yet we still maintain to address those hearings in a timely manner and issue those decisions, also in a timely manner.

The other aspect of the fire safety committee is that we do have a panel of three that actually hears those matters, so it provides for the ability to have the expertise on the panel to address all the different facets that come before us.

The interesting thing about the fire safety code is, there's that relationship between the code itself and the thought of what is safe in terms of fire standards, but then there's also the intricacies of the building code and so forth. So being able to judge and navigate both of those waters, I think, is important for a tribunal to have, which I think is one of the reasons we have that opportunity to

speak with our colleagues and have that knowledge, where we can pass it along to each other.

**The Chair (Mr. Will Bouma):** We're down to 20 seconds. Any further questions by members of the committee? Quick comments? Mr. Sabawy.

**Mr. Sheref Sabawy:** Thank you very much, Jeanie. I would like to ask if you think that not being able to do in-person meetings is going to affect the efficiency—

**The Chair (Mr. Will Bouma):** I'm sorry, but that concludes the time available.

We will now turn to members of the opposition. You have 15 minutes. Member Begum.

**Ms. Doly Begum:** I'll begin and then pass it off to my colleagues.

**0930**

First, I should say thank you very much for being here this morning, and thank you for your passion and your dedication to the work you do on a number of different tribunals.

My first question would be just carrying on from what MPP Harris was talking about. There have been a number of backlogs within Tribunals Ontario, and it has stopped reporting backlogs in the Human Rights Tribunal of Ontario. An FOI revealed on December 31, 2021, that the backlog has now reached 8,979. The annual report for 2017 noted that the backlog of active caseloads was about 4,696. The Human Rights Tribunal and other tribunals have committed to a quarterly data update which obviously has not taken place.

So my question is, why has the HRTTO not provided regular updates regarding the growing backlog?

**The Chair (Mr. Will Bouma):** Sorry; we're not talking about the Human Rights Tribunal this morning. We're talking about, at this time, the Animal Care Review Board.

**Ms. Doly Begum:** I can rephrase and make it more relevant to this, Ms. Theoharis.

Would you be able to give us an idea of your ability to take on this position, on top of the work that you're taking on in other tribunals where there has been a significant amount of backlog?

**Ms. Jeanie Theoharis:** To my knowledge, and having reviewed the Animal Care Review Board and the Fire Safety's Commission's annual report, there are no backlogs at those two tribunals. As a part-time vice-chair at these two tribunals, I will do what I need to do to assist the associate chair in ensuring that they meet their standards, that they address their hearings in a timely, efficient and competent manner and resolve them, while promoting the public confidence through integrity, excellence and being accessible.

In my role as a vice-chair at these two tribunals, I'll be working under the associate chair, and they are the one who is going to be responsible for their intake of files, their resolution of files and how we approach that.

But currently, to my knowledge, a backlog does not exist at these two tribunals.

**Ms. Doly Begum:** You are the associate chair, full-time, for the HRTO, and the backlog as of December 31, 2021, is 8,979—

**The Chair (Mr. Will Bouma):** Again, we're not talking about the Human Rights Tribunal this morning. At this point, we're speaking of the Animal Care Review board. So I would ask the member to put her questions in this review right now on the intended appointment to the Animal Care Review Board.

**Ms. Chandra Pasma:** Can I ask a question? I thought we were [*inaudible*] and the eligibility of this candidate for this appointment. I think her experience and her performance in other roles speak directly to her qualifications for this role. You're saying we're not allowed to ask about other things on her resumé, even if they speak to her qualifications for this role?

**The Chair (Mr. Will Bouma):** Unless you change your line of questioning—what I'm hearing is a question about the backlog at the HRTO, and that is not a question that we're dealing with, because this intended appointment has nothing to do with the HRTO, unless you're speaking specifically to the intended appointment's qualifications there. But I'm not going to have a conversation today about the Human Rights Tribunal of Ontario.

**Ms. Doly Begum:** I can certainly rephrase, Chair.

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

**Ms. Doly Begum:** Obviously, we want to make sure that you're able to do the job and that we put you up for success.

What have you done as the associate chair of—because you have been part of other tribunals, and there has been a significant amount of experience that you've had over the last couple of years at other tribunals where there seem to be backlogs.

Would you be able to take this role on when there are significant backlogs in other tribunals, and have you done anything to address the challenges that were faced at the other tribunals? That would certainly, I think, demonstrate the qualifications that you bring in for this specific tribunal.

**Ms. Jeanie Theoharis:** With all due respect, can I understand what the question is that you're asking?

**Ms. Doly Begum:** Yes. At other tribunals where you have been full-time associate chair, you have had some challenges, especially with the number of backlogs. So would you be able to take on this role on top of other roles and be able to address the challenges that we face at this animal care tribunal or at the other tribunals that you're a part of?

It's just—you're spreading yourself too thin. You know how when you're in school and the teacher says, "Well, you're taking on too many assignments. Are you able to do all of those things? You're spreading yourself a little too thin?" I just want to make sure that we're setting you up for success.

**Ms. Jeanie Theoharis:** Thank you for that question.

My understanding is that I'm here to be reviewed on my part-time appointment to the Animal Care Review Board and Fire Safety Commission. As a part-time vice-

chair, I'm lending support, expertise, retaining the institutional knowledge to the associate chair of those two tribunals. So when there's an opportunity to consult and discuss with the associate chair, I'm willing to do so, providing that expertise, that institutional knowledge that I have had since being in those positions.

Of course, as professionals, we all look at our workload. We all look at addressing matters then prioritizing our workload, our demands, and engaging in that regard.

So I do believe that I'll be able to address a part-time vice-chair appointment to these two tribunals.

**Ms. Doly Begum:** Just a follow-up on that, Ms. Theoharis: Given the active caseload of the tribunals where you are the associate chair full-time and you're not able to clear the backlog, what have you done to address issues of backlogs but also efficiency and transparency?

**Ms. Jeanie Theoharis:** In terms of my role at the ACRB, the Animal Care Review Board, and Fire Safety Commission—there are no backlogs. When I was working there on a more consistent basis at the time that I was an associate chair there, I took the time to meet with my members to ensure they had the requisite skill set to address the files in a clear and consistent manner; attend hearings, allowing the flexibility to the people before us to present their matters, their evidence, tell us their story; and then reflect back at synthesizing the evidence that's brought before us, applying it to the relevant legislation, understanding that the legislation is what guides us in what we are permitted to do, what we're permitted to listen to and address in the recourse that we're permitted to provide to those individuals.

Thereafter, we have the training sessions to ensure the ability to actually engage in an active case management, an active adjudication during the course of the hearing and then thereafter addressing the decisions in a timely manner.

Those are all aspects of the education that goes into training adjudicators in all different tribunals to ensure timely, effective and appropriate resolution. It's not only enough to actually write a decision, but you want to write a decision in plain language, making sure that the parties understand what it is that has been decided and why it has been decided. When you're conducting hearings, you want to make sure that they're clear and effective and transparent. It's not only a matter of showing up and letting the people talk; we have case management conferences calls with the parties prior to a hearing so that they have the ability to understand what it is that we're looking for, how it is that they can present their case, and we give them the tools necessary so that they can effectively navigate the administrative law world in dispute resolution.

**Ms. Doly Begum:** That takes me to my next question, as well, because I want to be able to understand if there are individuals who have the opportunity to have merit-based hearings. It sounds like this is what you're talking about in the current tribunal you have applied for. So my question, again, is: Given the active caseload at the other tribunals where you are full-time, are individuals able to get opportunities for merit-based hearings of their cases? I think

your experience at other tribunals reflects your ability to do the job at the tribunal that you are applying for.

0940

**Ms. Jeanie Theoharis:** I do want to make it very clear: I'm not here to discuss my role as the associate chair at the Human Rights Tribunal—

**Ms. Doly Begum:** The backlog is more than 8,000, Ms. Theoharis.

**Ms. Jeanie Theoharis:** Again, I did not come prepared to talk about the issues at the Human Rights Tribunal—

**Mr. Mike Harris:** Point of order.

**The Chair (Mr. Will Bouma):** Excuse me, Ms. Theoharis. Point of order, Mr. Harris?

**Mr. Mike Harris:** Mr. Chair, respectfully to the members opposite: I think this question has been asked and, to my estimation, answered a few times now. We are here to talk about the two committees that are before us and not necessarily the committee that the member keeps making reference to. I do understand what she's trying to do in drawing parallels, and I think that question has been answered at this point.

I know you do have some remaining time left; maybe it would be more prudent to use it to answer some more questions.

**The Chair (Mr. Will Bouma):** That's not a valid point of order, but I would encourage all members to try to phrase their questions so that they are in regard to one of the two committees that seem to be before us. I know we're kind of jumping back and forth between the two committees because we have two appointments and one intended appointment today.

You have four minutes left—we did stop the clock—so please continue, Ms. Begum.

**Ms. Doly Begum:** Thank you, Chair.

**Ms. Chandra Pasma:** Thanks so much—

**The Chair (Mr. Will Bouma):** Sorry. We're changing questioners? If you could please just be recognized by the Chair first—member Pasma.

**Ms. Chandra Pasma:** Thank you for the recognition, Chair.

Thanks for being here, Ms. Theoharis. It's great to have you here. Your comments resonated with me, as a second-generation Canadian but the first in my family to graduate from university—the first politician in the family, too.

I lost track in your presentation of how many tribunals and commissions you're currently a part of. Can you just give us a list, along with whether it's part-time or full-time?

**Ms. Joanie Theoharis:** First, congratulations. I think it's fabulous when you hear those success stories. I think it's important that we continue to show that people who come to Canada, whether it's the first generation, second generation or thereafter, continue to live their dream and pursue their passion.

In terms of appointments: My full-time appointment is with the Human Rights Tribunal, as the associate chair. That is the focus. The part-time appointments are to some of the other ones; currently, that's at the Landlord and Tenant Board, the Animal Care Review Board, the Fire

Safety Commission and the Licence Appeal Tribunal—and, I believe, the Ontario Civilian Police Commission. Those are the ones that are part-time—those are the abilities where I can lend support and provide an opportunity if they need a member to address a complex file.

Because of my vast experience being in the administrative world since 2006, I've had an opportunity to conduct, I would say, thousands of hearings dealing with self-represented people, from landlords and tenants to owners of businesses at the Fire Safety Commission, to regulators and individuals who want their pets back, to individuals who have been injured in automobile accidents and want to get treatment, to people who are advocating for their human rights, and also people who are looking to address their licensing requirements, whether it's—

**Ms. Chandra Pasma:** Ms. Theoharis, I do have more questions.

I just want to comment that we know times are tough economically for many Canadians, and many are juggling multiple jobs; you're the first person I know of who is juggling six simultaneously, which is quite a bit.

You mentioned the cross-appointment strategy being aimed at bringing expertise from one tribunal role to another tribunal role, wanting to ensure that these tribunals are operating in an effective manner, bringing your institutional knowledge from one tribunal to another, providing support and expertise to the chair.

So I think it's relevant to ask—the 2021 annual report indicates that the Human Rights Tribunal of Ontario made only 16 decisions on the merits last year, when typically the HRTTO will issue around 130 decisions in a year, which means that the Human Rights Tribunal is operating at roughly 12% of its institutional capacity. If that's supposed to be your full-time job, and it's only 12%, do you really have the capacity to do an additional five roles? And what learnings, what institutional knowledge, will you bring from that situation at the HRTTO to ensure that these two new appointments are operating in an efficient manner, rather than at only 12% of operational capacity?

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

**Ms. Jeanie Theoharis:** Okay. As I've said before, I just became the associate chair in January of this year. The reference you're making to the annual report—

**The Chair (Mr. Will Bouma):** That concludes the time available. Thank you very much for your presentation and for the questions.

#### MS. JEANIE THEOHARIS

Review of intended appointment, selected by official opposition party: Jeanie Theoharis, intended appointee as vice-chair, Fire Safety Commission.

**The Chair (Mr. Will Bouma):** We will now move to our review of the intended appointments to the Fire Safety Commission. Today, we have Ms. Jeanie Theoharis, nominated as vice-chair, Fire Safety Commission. Would you like to make another introductory statement, Ms. Theoharis?

**Ms. Jeanie Theoharis:** I would not. It would be the same as what I've just said already, so thank you, but no.

**The Chair (Mr. Will Bouma):** So then we'll move on to questions. The first round of 15 minutes will go to the official opposition members.

**Ms. Chandra Pasma:** Can I ask the same question that I asked right before you were cut off?

**The Chair (Mr. Will Bouma):** Sure.

**Ms. Jeanie Theoharis:** If you could just repeat the question, that would be great.

**Ms. Chandra Pasma:** Sure, I would love to. You mentioned that you see the cross-appointment strategy as about bringing expertise from one tribunal to another, and that you see your role as providing institutional knowledge, support and expertise to the chair, and you want these tribunals to be operating in an effective manner. The 2021 annual report indicates that the Human Rights Tribunal of Ontario made 16 decisions on the merits last year, when typically the HRTTO will issue around 130 decisions in a year, which means that the Human Rights Tribunal is operating at 12% of its typical capacity.

I'm wondering, first of all: Do you really have the ability to take on five additional part-time jobs in addition to the full-time role at the Human Rights Tribunal, when it's only operating at 12% of its typical capacity?

And secondly, what will be the institutional knowledge you bring to this appointment, given the experience at the HRTTO, to ensure that this tribunal is operating at more than 12% of its typical capacity?

**Ms. Jeanie Theoharis:** Thank you for the question and for repeating it.

What I would like to emphasize is that I have become a full-time associate chair at HRTTO in January of this year. The annual report relates to prior to my attending there.

I was the full-time associate chair of the Animal Care Review Board and Fire Safety Commission at the time I got my full-time appointment at the HRTTO. I was able to realize that I need to put my focus at the HRTTO and therefore made the recommendation to step down and allow myself—for succession planning, for expertise, for institutional knowledge—to stay on board as a part-time vice-chair. That's the reason why you see in my résumé and you see in my appointments stepping down as a full-time associate chair and part-time associate chair at the ACRB and also at the Fire Safety Commission, and therefore focusing my efforts on the Human Rights Tribunal appointment that I receive in January of this year.

I hope that answers your question.

0950

**Ms. Chandra Pasma:** I'm not sure it does.

Is the Human Rights Tribunal, then, operating at more than 12% of its typical capacity since you stepped down to focus on it?

**Ms. Jeanie Theoharis:** With all due respect, I am not here to talk about the statistics or my appointment at the Human Rights Tribunal. You asked whether or not I have been able to prioritize my work and my focus to ensure that I am able to conduct and do my job—I have just repeated to you, saying I stepped down as a full-time associate chair at the Animal Care Review Board and part-time associate

chair at the Fire Safety Commission so that I could focus at the Human Rights Tribunal.

**Ms. Chandra Pasma:** I also asked you what institutional knowledge you will be bringing from your experience at the Human Rights Tribunal to these new appointments, and I think the question of whether or not you've done anything about the 12% capacity speaks directly to what institutional knowledge you will or will not be bringing—

**Mr. Mike Harris:** Chair, point of order.

**The Chair (Mr. Will Bouma):** I apologize.

Point of order, Mr. Harris.

**Mr. Mike Harris:** Again, I believe it's asked and answered on this line of questioning. We're not here to talk about the tribunal that the opposition continues to bring up. We're here to talk about, in this case now, the Fire Safety Commission and also the ACRB.

**The Chair (Mr. Will Bouma):** Again, it's not a valid point of order, but I would urge all members to ask their questions as they can to the Animal Care Review Board and the Fire Safety Commission, which are before us today.

**Ms. Chandra Pasma:** With all due respect, the witness said that what she is bringing to this appointment is her institutional knowledge, and I think her institutional knowledge is therefore directly relevant to the question of the appointment, and I would like to know what institutional knowledge she is bringing about addressing capacity issues at the Human Rights Tribunal.

**Mr. Mike Harris:** That's a great question. I think you should ask that question.

**Ms. Chandra Pasma:** I just did, three times, Mike.

**Ms. Jeanie Theoharis:** I do want to emphasize that the institutional knowledge and the cross-appointment strategy that I'm speaking of relate to me being a vice-chair at the Animal Care Review Board and the Fire Safety Commission. That's where the cross-appointment strategy is—being able to leverage the opportunity for active adjudication at the Animal Care Review Board and at the Fire Safety Commission, ensuring that the associate chair, whenever an associate chair gets appointed, has the opportunity to conduct their work in how they want to lead their organizations. I want to be there for them. It's part of succession planning—being able to ensure that our tribunals are effectively running and have the requisite knowledge in place so that they can continue.

You can see from the annual reports that these tribunals are doing a fantastic job at meeting the needs of the public to address and dispute to resolve their issues. I want to be there for that individual in a capacity as a part-time vice-chair, not as a full-time member. My full-time commitment is to the Human Rights Tribunal.

**Ms. Chandra Pasma:** I have one last question before I pass it to my colleague, but this is also about institutional knowledge. You are also appointed to the Landlord and Tenant Board, which also has long delays and has a Digital First strategy, which has resulted in many tenants not being able to participate in hearings, in addition to many tenants and landlords being incredibly frustrated about how long it's taking for them to get a hearing. I'm wondering

what institutional knowledge you will bring from that tribunal to these appointments.

**Ms. Jeanie Theoharis:** Again, I have over 16 years of experience in adjudication. I have been able to see different approaches, different ways of conducting matters, understanding the legislation, the people, and looking to work with individuals to resolve things efficiently and effectively. I leverage it based on my 16 years. I've been with the tribunal world since 2006, first appointed as a member, thereafter as a vice-chair, and most currently as an associate chair. Those 16 years have provided me with the experience necessary and required to ensure I can help others also gain that experience and learn and teach.

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

**Ms. Doly Begum:** Ms. Theoharis, again, I'm glad to be able to ask a few questions on the other appointment as well. Thank you for your answers.

Can you tell us how many tribunals you will be working on, altogether?

**Ms. Jeanie Theoharis:** In terms of—

**Ms. Doly Begum:** Once you get the appointment for both the Animal Care Review Board and the Fire Safety Commission, how many will it be, altogether?

**Ms. Jeanie Theoharis:** In terms of my full-time appointment, it's just with the Human Rights Tribunal. In terms of part-time appointments—I can check—it would be the Animal Care Review Board, the Fire Safety Commission, the Licence Appeal Tribunal, the Landlord and Tenant Board, and the Ontario Civilian Police Commission.

I want to perhaps give an example to understand that administrative law principles are similar and consistent throughout the different tribunals. Natural justice, procedural fairness, fair hearing, active adjudication, dealing with self-represented individuals—those are aspects that apply, regardless of what tribunal you're at.

What I am able to address and provide to the tribunals, and to members of these various tribunals, is insight on how I've approached it at a Landlord and Tenant Board hearing, how I've approached it at the Fire Safety Commission, how I've approached a similar situation at the Animal Care Review Board or any of the other tribunals. That is the opportunity where being on these different tribunals, and being able to talk to your peers and teach and educate and share those best practices with your peers, is invaluable. We need to be able to understand the different nuances of the different legislation, the different nuances of the parties before us, and how to interact with that.

An example would be, for instance, a self-repped individual who comes at the last minute to a hearing and asks for an adjournment. It doesn't matter whether you're at the Landlord and Tenant Board or whether you're at any of the other tribunals, the Animal Care Review Board or the Fire Safety Commission. First and foremost, as adjudicators, you have to look at your legislation. You have to understand the legalities of natural justice and procedural fairness. How do you get that information from the individual? Those are all similar, regardless of the name of the tribunal that you're sitting under. I can type a letter at

corporation A; I can take that same skill set and go to corporation B. I'm not focused on only one aspect of a tribunal.

You have to understand that administrative law is broad. We have 13 tribunals under Tribunals Ontario. Why not leverage that opportunity to understand the broad spectrum of the legislation or of the administrative law principles—natural justice; procedural fairness—for the benefit of the people of Ontario, so they get consistency, they understand and they are provided with dispute resolution systems and resolutions in a timely and effective manner? That's the importance that we have to consider here. Administrative law principles apply to all tribunals; they're not focused on just one.

**Ms. Doly Begum:** How much time do I have, Chair?

**The Chair (Mr. Will Bouma):** Four minutes.

**Ms. Doly Begum:** Thank you very much for that.

I was quite impressed by your answer, because I do believe that you can relate and share your knowledge from one to another, and understanding the legality and the legislation is extremely important. It is not, I would say, the knowledge that you take from one to another that we're questioning, but rather: Do you have the capacity, as well as the kind of institutional knowledge and the experience that you bring in, that would help make these tribunals even more effective? I think efficiency is probably the best way to describe it right now, in terms of what we're facing, especially with the Human Rights Tribunal and the Landlord and Tenant Board tribunal. The difficulties I hear from tenants, as well as small landlords, and the horrifying stories of what is going on with the delays, and people who, for example, are waiting for hearings for eight months, for more than a year—it has been extremely difficult for them to survive. People have lost their homes. People have defaulted on their mortgages. It's a really difficult time.

**1000**

You have a very important job, which is why we want to make sure that you're able to take this on, because the two of them that you are going to be appointed for are equally important—and it applies to all tribunals, that knowledge and the 16 years that you spoke about. It applies to all of those, which is why I want to, and I know my colleagues want to understand if, simply put, you are able to commit to all of them and bring that level of efficiency, effectiveness and dedication and the passion that you, frankly, have to all of them, because we are facing a lot of backlogs, we are facing a lot of delays, and people are struggling in this province.

Having more than 8,000 cases backlogged, for example, is something concerning. I know that you started recently, so you do have a lot that you will be working on, and there are a lot of expectations, which is why my colleagues and I want to see that commitment. We do see the dedication and the passion, and we want to be able to understand if you would be able to take that on. So if you have any other final remarks, I would love to hear that.

**The Chair (Mr. Will Bouma):** About a minute and 10 seconds left for the response.

**Ms. Jeanie Theoharis:** Thank you. What I would like to say in response to that is, the Adjudicative Tribunals Accountability, Governance and Appointments Act—ATAGAA, as we all know it by—established the clustering so we could have operations be working effectively and efficiently for the benefits not just for our operational but in terms of the people before us. Making sure that they're accessible, meaningful participation, fairness and independence of our decision-makers, transparency, plain-language efforts, accountability, accessibility, anything that relates to promote the public confidence of the people of Ontario—that is what I'm striving for, whether it's the Human Rights Tribunal, which is my full-time appointment, but all the other tribunals, because, as you said, every tribunal is important. We can't just focus on the big ones; we need to focus on everybody. That includes ACRB and FSC, which are smaller in comparison but equally as important and equally as deserving of the expertise and knowledge that I for 16 years have presented.

**The Chair (Mr. Will Bouma):** That concludes the time available.

I'll turn to the government side. Mr. Harris.

**Mr. Mike Harris:** We firmly believe that all questions have been asked and answered. No further questions from the government side, Mr. Chair.

**The Chair (Mr. Will Bouma):** We will move, then, on to concurrences.

We will now consider the intended appointment of Jeanie Theoharis, nominated as vice-chair of the Animal Care Review Board.

We have a motion from Mr. Harris.

**Mr. Mike Harris:** I move concurrence in the intended appointment of Jeanie Theoharis, nominated as vice-chair of the Animal Care Review Board.

**The Chair (Mr. Will Bouma):** Concurrence in the appointment has been moved by Mr. Harris. Any discussion? Seeing none, are members ready to vote? All those in favour, please raise your hands. That's unanimous. Carried.

We will now consider the intended appointment of Jeanie Theoharis, nominated as vice-chair of the Fire Safety Commission.

Do we have a motion? Mr. Harris.

**Mr. Mike Harris:** I move concurrence in the intended appointment of Jeanie Theoharis, nominated as vice-chair of the Fire Safety Commission.

**The Chair (Mr. Will Bouma):** Concurrence in the appointment has been moved by Mr. Harris. Any discussion? Seeing none, are members ready to vote? Then I will call the vote. All those in favour, please raise your hands. Again, it's unanimous. Carried.

Thank you very much, Ms. Theoharis, for joining us. We appreciate your testimony. You can stay on or go about your day.

**Ms. Jeanie Theoharis:** Thank you so much for this opportunity.

**The Chair (Mr. Will Bouma):** Before we adjourn, I would like to raise with the committee the issue of virtual appearances. I know from speaking to the Clerk that, previously, we would allow people to attend virtually through phone. We now have different technologies, and the rooms have been set up for it.

On March 1, 2022, the committee agreed to permit intended appointments to appear via Zoom at the discretion of the subcommittee. I would just like to seek to reaffirm this agreement, or amend it, at the discretion of the committee Clerk or the Chair.

I would like to open the floor for a conversation about that. Here we can be casual—we don't need to recognize anyone. We'll start with Ms. MacLeod.

**Ms. Lisa MacLeod:** MPP Pasma may agree—and same with MPPs Holland and Bourgooin: We come from quite a distance away. This committee represents all agencies, boards and commissions that represent all of Ontario, and in the past it has been very difficult for those from either the nation's capital, from northern Ontario or even from southwestern Ontario to get here. It's also very expensive—it's a full-day trip; it's possibly a hotel room; it's meals and other sundries.

So I think one of the benefits—"silver linings" is maybe a better word—of the recent pandemic is the increase in technology, in the way for us to connect in a better and more effective way. When I think about when I was minister and looking at the variety of agencies, boards and commissions that we were responsible for, it was very difficult to try to get them to appear in person. So my personal support is for the ability for our intended appointees to be able to appear as they did today.

**The Chair (Mr. Will Bouma):** Good. So, without further discussion, we have consensus that we would like that to be able to continue.

The only question that I have is: Would we prefer that it's by the subcommittee, or at the discretion of the committee Clerk or the Chair? Right now, I think it's a subcommittee decision to do that. Is everyone comfortable with that, or would you like it to just be between myself and the Clerk?

**Mr. Mike Harris:** I think the Chair and the Clerk, because you would have a little bit better knowledge of where people are coming from and who has the ability to be here in person or not.

**The Chair (Mr. Will Bouma):** So we have consensus on that also. Then we will leave that to the discretion of the committee Clerk or the Chair. We have each other's cellphone numbers.

**Mr. Mike Harris:** Just to clarify: If someone did want to come and be here in person, they could and that's no problem.

**The Chair (Mr. Will Bouma):** We wouldn't stop them. Perfect.

**Mr. Mike Harris:** Okay.

**The Chair (Mr. Will Bouma):** That concludes our business today. The committee now stands adjourned.

*The committee adjourned at 1008.*



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