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**Official Report
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(Hansard)**

A-34

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des débats
(Hansard)**

A-34

**Standing Committee on
Government Agencies**

Intended appointments

1st Session
43rd Parliament

Thursday 6 June 2024

**Comité permanent des
organismes gouvernementaux**

Nominations prévues

1^{re} session
43^e législature

Jeudi 6 juin 2024

Chair: David Smith
Clerk: Isaiah Thorning

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CONTENTS

Thursday 6 June 2024

Intended appointments.....	A-301
Ms. Trina Morissette	A-301
Ms. Melissa Shea	A-305

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Thursday 6 June 2024

Jeudi 6 juin 2024

The committee met at 0900 in room 151.

INTENDED APPOINTMENTS

MS. TRINA MORISSETTE

Review of intended appointment, selected by official opposition party: Trina Morissette, intended appointee as vice-chair, Licence Appeal Tribunal.

The Chair (Mr. David Smith): Good morning, everyone. The Standing Committee on Government Agencies will now come to order.

We are joined by staff from legislative research, Hansard, and broadcasting and recording.

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

Our first intended appointee today is Trina Morissette, nominated as vice-chair of the Licence Appeal Tribunal. Good morning.

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

You may proceed, ma'am.

Ms. Trina Morissette: Good morning, Mr. Chair, Mr. Vice-Chair and honourable members. My name is Trina Morissette. I'd like to start by thanking you for inviting me to appear before you today to discuss my qualifications for the appointment of full-time vice-chair at the Licence Appeal Tribunal. I also appreciate being able to attend virtually.

I welcome this opportunity to discuss my personal and professional experience and qualifications, and I believe that by the end of my presentation, you'll have confidence in knowing that I have the requisite skills and knowledge to serve in this position.

Pour ceux et celles qui préparent poser leurs questions en français, je suis parfaitement bilingue, et donc, ça me ferait plaisir de vous répondre dans la langue que vous choisissez.

I've had the privilege of serving as a full-time member of the Licence Appeal Tribunal since March 2023. In my current role, I've adjudicated case conferences, motions and hearings, and I've written over 700 reports, orders and decisions. I've heard matters by teleconference, video

conference and in writing, sitting as an adjudicator on my own and sometimes as a panel. I've also assisted in the training of new members, and I am a designated contact for general direction inquiries and mentoring to members.

My background is in law. I attended law school in French at the University of Ottawa and was called to the Ontario bar in 2001. I practiced law in both English and French for several years, providing legal analysis and strategic advice on matters pertaining to litigation in the areas of securities law, intellectual property law, crown liability, family law and general civil litigation.

Prior to the LAT, I served as vice-chair at the Health Professions Appeal and Review Board and was cross-appointed as member of the Health Services Appeal and Review Board. In these roles, I have adjudicated over a hundred matters in both official languages, with represented and non-represented parties, and wrote clear and reasoned decisions. I assisted with the triage, information and privacy role of the board by applying law and legal principles for the protection of privileged information and the disclosure of information to parties.

I also assisted the chair in the board's administration by serving in administrative duties such as the quality assurance of decisions and mentoring the new members.

Tribunal work is challenging. It requires making significant decisions based on evidence, criteria and legislation. Decisions are not always favourable. However, I believe the principles of fairness, transparency, timeliness and respect should never be compromised.

I've sharpened my legal analytical skills. I have excellent written and communication skills to effectively adjudicate and enhance organizational skills to ensure my workload is accomplished on time.

I love what I do as a member of the tribunal, but I wish to take on more of a leadership role as vice-chair with our team of dedicated, qualified adjudicators, to build on the tribunal's recent successes.

I thank you for your time and I am happy to answer your questions.

Merci de votre écoute.

The Chair (Mr. David Smith): Now, we turn to the government side for any comments or questions. MPP Holland, go ahead, please.

Mr. Kevin Holland: Thank you for joining us today and thank you for your interest in serving as the vice-chair of the Licence Appeal Tribunal. I noted through your remarks that you do have experience on the tribunal and

an extensive background, I think, that will serve you well in your new role if you are successful.

Outside of what you've already told us, what really motivates you to serve on this tribunal?

Ms. Trina Morissette: Well, I love law, and I'm really enjoying administrative tribunal work. As adjudicators, I feel that we serve the public and help them resolve some very important issues, all the issues that come before us.

I've always had a strong sense of community service, and the work that we undertake is an important piece to ensure that Ontarians are treated fairly and equitably. The role of vice-chair is an interesting one and an important one. I also enjoy challenges, and the position of vice-chair is one that I see not only as challenging but also fulfilling. I believe that the qualifications and the ability to manage that I have will serve me well in this position.

Mr. Kevin Holland: Thank you. I appreciate that.

I'm going to pass it on to my colleague, MPP Smith.

The Chair (Mr. David Smith): Go ahead, MPP Smith.

Ms. Laura Smith: Through you, Chair: First of all, thank you for being present here today, albeit virtually, and thank you for your service.

You talked about your experience; it also included training and mentoring. But how do you perceive the role of this tribunal in the justice system given your knowledge and experience within the legal?

Ms. Trina Morissette: The role is an important one. Tribunals Ontario has undertaken a lot of—especially the Licence Appeal Tribunal. They've done a lot to improve the services that they offer to the public. As a member, I'm proud to have been a small part of accomplishing this. We've reduced the backlog significantly.

The role of vice-chair is one that not only includes the role of a member, but also more on the leadership and administrative side. I think that it requires someone who's focused, someone who's disciplined, and I feel like I have shown that I can work in challenging, fast-paced and demanding environments. I'm disciplined. I strive to produce the best products that I can. I know how to prioritize and plan, and I know how to meet deadlines.

My legal background will serve me well. I have the experience in alternative dispute resolution, and, as I mentioned, in the past year, I've really sharpened my legal analysis skills. In 15 months, I was able to produce over 770 reports, orders and decisions.

It also takes someone who has really good organizational skills, and I have shown that I am organized. I can juggle numerous files and I have the ability to absorb a great amount of information in a very short period of time.

It also requires someone who has skills in leadership and management, and that's someone who is able to assess risks. It's identifying what training is required and who requires the training. It's recognizing when internal processes need to be reviewed and how they can be improved.

It also requires someone who's a good communicator and a good mentor, and I think that I have shown through my role as a member that I have those skills.

Ms. Laura Smith: You mentioned 700 cases, which is substantive, just in the last year and a half, is it?

Ms. Trina Morissette: Fifteen months.

Ms. Laura Smith: Fifteen months. Just curious: From beginning to end, from hearing a matter to the end of the line, how long would that take for you to produce a report?

Ms. Trina Morissette: What happens is—the process itself, the goal for the tribunal, is to have it done within 12 months, but there are different steps to each file. When I say 770, we're referring to case conferences. We're referring to—

Ms. Laura Smith: No, no. It's a wide scope; I get that.

Ms. Trina Morissette: Right. Basically, what it takes now, we're looking at—we've improved the timing from the filing of the application to the case conference, and the tribunal has also improved the timing of the case conference to the hearing itself. We've improved on the time that it takes to provide or issue a decision, but the goal is to have everything done within 12 months. I think, in the last annual report, I believe we've hit 74%.

Ms. Laura Smith: Thank you so much.

I think I'm going to go back to—we're going to MPP Amarjot Sandhu, please.

The Chair (Mr. David Smith): Recognizing MPP Sandhu. Go ahead, please.

Mr. Amarjot Sandhu: Good morning, Ms. Morissette. Thank you for appearing before the committee, and thank you for sharing your experiences with the committee.

My question is: How do you manage and prioritize large caseloads?

Ms. Trina Morissette: I'm sorry, could you repeat that?

Mr. Amarjot Sandhu: How do you manage and prioritize large caseloads?

Ms. Trina Morissette: I'm lucky that I have really good organizational skills. We get assigned a large amount of files, and what I am doing at the current time is that I am in what we call the duty team. There's a small amount of us that are in this team, and we deal mainly with motions and really quick decisions. What I have done is, I have created my own process where I input every single matter that comes in and the date it comes in. I keep track of when deadlines are due—

Failure of sound system.

Mr. Amarjot Sandhu: We lost you there.

The Chair (Mr. David Smith): We'll take a five-minute recess and come back, okay? Thanks.

The committee recessed from 0911 to 0916.

The Chair (Mr. David Smith): Okay, we can continue from where we left off after that short, brief technical problem. You may go ahead, Trina.

Ms. Trina Morissette: My apologies to everyone. I don't know if they're going to allow me the camera, but I can continue. I don't know how much of the response you did receive.

The Chair (Mr. David Smith): Whatever you've supplied so far, I think it's all captured.

Ms. Trina Morissette: Okay.

The Chair (Mr. David Smith): You may proceed. Anything? We will then turn to MPP Pang. Go ahead, sir.

Mr. Billy Pang: We just experienced some technical issues, so that's my question: How do you view the role of technology in enabling tribunal operations?

Ms. Trina Morissette: Well, at the moment, I don't appreciate it very much. But what I can say is technology has its good and its bad. Today we might be experiencing some glitches, but I've been in tribunal work for a few years now, and that was during the COVID days, and what I have seen is technology has actually been a positive. I believe it allows a lot more accessibility to the tribunal. It allows people who are residing in maybe rural areas, who wouldn't necessarily have the opportunity to participate if it's required to be in person, to attend by video conference. It allows also those that have accommodation issues to find other means of participating in their process.

On the side of the adjudicator, it's also helpful because as adjudicators, we're all over the province, and I think technology has also allowed for appointing other very qualified adjudicators who are in rural areas who may not also have had the opportunity to put their names forward.

Mr. Billy Pang: Thank you for your answer.

The next question is for MPP McGregor.

The Chair (Mr. David Smith): MPP McGregor, go ahead, please.

Mr. Graham McGregor: Thank you, Ms. Morissette. I'm sorry for the technology problems that you had, but glad we have you back now. I just want to thank you for putting your name forward.

I note your bilingualism; I think that's an asset for the tribunal. I see you're from Ottawa; I'm always a believer we need more Ottawa representation in the Ontario government.

My question is more about the impartiality of decisions. Can you speak about your experience so far on the Licence Appeal Tribunal and how you've maintained impartiality when you make decisions related to the function of the tribunal?

Ms. Trina Morissette: Thank you. Just on the French, I'm actually from northern Ontario, so I've been able to—

Mr. Mike Harris: Even better.

Mr. Kevin Holland: Even better.

Ms. Trina Morissette: From Sturgeon Falls, too.

For impartiality, what I do is that to ensure that I do have impartiality, I review the files and I make sure that I review both sides. I also ensure that parties are heard. Some of the parties are not represented by legal counsel. Those can be more challenging files, but having had my experience at HPARB, where most of the applicants there are not represented by counsel, I really think I've honed some great skills in finding ways to ensure that applicants are heard and are listened to. For example, I'll inquire whether translation is necessary and ensure that translation is there, or if they're French, I will speak to them in French.

0920

For impartiality, I'll make sure that I ask them if they have any questions. If they have any questions, I make sure to answer them. I'll ask them questions, too.

But for impartiality, also, I focus on the law. The law is clear. It tells us what our role is, what our guidelines are. I

review the evidence; I approach it objectively. Based on the evidence and the legal tests required to apply that evidence—

The Chair (Mr. David Smith): That concludes the time for the government side.

We'll now turn to the opposition. You may go ahead, MPP Pasma.

Ms. Chandra Pasma: I have a cold, so I'm going to leave the mask on. I'm still friends with MPP Glover, but he's a caregiver for someone who's immunocompromised, so that's why there's a little extra space between us. But I hope you can still hear me okay.

Thank you very much for being here this morning, Ms. Morissette. I know it's not always the most comfortable process, but it's an important part of the public appointments process in Ontario so that people can have confidence that appointments are being made based on merit rather than connections to the government.

It's particularly of interest to the people of Ottawa since there is a history of unsuccessful Conservative candidates receiving lucrative government appointments. My predecessor, Jeremy Roberts, is now a vice-chair on the Licence Appeal Tribunal despite having no experience with adjudication—

Mr. Graham McGregor: Point of order, Chair.

The Chair (Mr. David Smith): Point of order on the floor. Go ahead, please.

Mr. Graham McGregor: Point of order: I think that the member knows well—I believe the member has been on the committee for quite a while—the purpose of the committee is to talk about Trina Morissette and Trina's qualifications to be on the Licence Appeal Tribunal as a vice-chair, not to re-litigate past appointments. I think out of respect for the public, respect for the tribunal and respect for our applicant, we'd just ask the member to direct their questions toward the applicant we have in front of us.

Ms. Chandra Pasma: Well, don't worry; the question is for the applicant before us.

The Chair (Mr. David Smith): Cross-talking—don't worry about it. I think the point of order is not really sufficient at this time, so you may proceed.

Ms. Chandra Pasma: Thank you, Chair.

There was also recently Sean Webster, the candidate in Kanata-Carleton who received an appointment as the director of the Ontario office, which—it's interesting that we need an Ontario office in Ontario.

But I'm wondering, given this track record on the part of the government and the disappointment on the part of the people of Ottawa that there is this track record, why you would not have disclosed in your application that you were a previous Conservative candidate in Ottawa Centre and that you worked for two federal Conservative ministers. Why did you not consider that important and relevant information?

Ms. Trina Morissette: I did disclose that I worked for the government. And for the candidacy, I didn't feel it was relevant to the position itself. I know that it is public knowledge, so it's nothing that I was trying to hide.

Ms. Chandra Pasma: You've said you worked for the Canada Revenue Agency, which makes it sound like you worked on the bureaucratic side and not like you worked for the minister. And yet previously, in 2017, the Commissioner of Lobbying, Karen Shepherd, tabled a report saying that you had breached the prohibition on lobbying because you had been an employee of two Conservative ministers. So you weren't supposed to be lobbying, and yet you did lobby during that five-year prohibition period. So it looks like a track record of not disclosing relevant information while engaging in lobbying or applying for government appointments.

Ms. Trina Morissette: Sorry; is that a question?

Ms. Chandra Pasma: Well, if you'd like to answer it, please feel free. If you'd like to leave it—

Ms. Trina Morissette: Absolutely, thank you. I just wanted to give you an opportunity to finish.

I really appreciate you raising that question about the report. In November 2017, the Commissioner of Lobbying did publish a report which found that I was in violation of the Lobbying Act while I was employed at the Canadian Red Cross. It concluded that I engaged in lobbying activity as a designated public office holder in 2014.

I do believe in accountability. Now, what led to this report is that two months into my employment, I contacted the commissioner's office because I realized I might have misinterpreted the act. After receiving confirmation from her office, I immediately self-declared my error, and I resigned from my position within a month.

I do believe in accountability. I believe in integrity. I believe in transparency.

Ms. Chandra Pasma: So then why not disclose that you worked for Conservative ministers in making your application?

Ms. Trina Morissette: That was not something that was done purposefully. But what I try to do when I work at the tribunal is, as you know, it's important to stay impartial. It's important to stay away from—we do have some duties when it comes to political activity, so I try to stay away from that as much as possible.

I want to appear, at the very least, to be independent and to have no affiliations. I wasn't trying to hide anything. It was just something that I wanted to put forward as being someone who is independent.

Ms. Chandra Pasma: Well, I certainly appreciate the importance of impartiality and independence, but as you say, you wanted to "appear." But don't you think it's actually relevant to people who are appearing before the Licence Appeal Tribunal what your past employment actually is, not what you wish it to appear like?

Ms. Trina Morissette: No, that's not correct. I did put in there that I worked for those departments, and I was employed by the department. I worked in the minister's office, and I didn't hide that. Like I said, it's public knowledge. There was no intent to try to hide anything.

Ms. Chandra Pasma: Well, one of the reasons I'm concerned is because there has been concerns about impartiality at the Licence Appeal Tribunal already. The Ontario Trial Lawyers Association has called for an

investigation into the impartiality of the Licence Appeal Tribunal because there was an adjudicator who continued to make rulings on insurance cases after accepting a position with an insurer, including some that involved her future workplace. So how, as a vice-chair, are you going to be able to address concerns about impartiality when you, yourself, haven't disclosed your past employment record fully?

Ms. Trina Morissette: I know what my responsibilities are. I've followed the conflict of interest. I've followed the code of conduct. I know what the Public Service of Ontario Act requires when it comes to political activity. I know what my responsibilities are once I do leave the tribunal. I sign an attestation every single year for the code of conduct. I—

Failure of sound system.

Mr. Chris Glover: Did we lose her again?

Ms. Chandra Pasma: I think we did.

The Chair (Mr. David Smith): Can you hear us? Ms. Morissette, can you hear us?

Mr. Chris Glover: Can we stop the clock?

The Chair (Mr. David Smith): Ms. Morissette, can you hear us?

Ms. Trina Morissette: Sorry, they had me on mute. Yes, I can.

The Chair (Mr. David Smith): Okay, you're back. You may carry on.

Ms. Trina Morissette: Yes, so I'm not sure how much you heard of that, but the summary is just that I take pride in what I do. I'm responsible for what I do, and I intend to follow every single requirement from the code of conduct and the conflict of interest. I can't speak for someone else.

Ms. Chandra Pasma: I'm going to turn over the rest of my time to MPP Glover.

The Chair (Mr. David Smith): MPP Glover.

Mr. Chris Glover: Thank you very much, Ms. Morissette, for putting your name forward. I'm going to ask some quick, uncomfortable but necessary questions.

Have you ever been a member of the Progressive Conservative Party provincially or federally?

Ms. Trina Morissette: Yes.

Mr. Chris Glover: Which? Or both?

Mr. Trina Morissette: Both.

Mr. Chris Glover: Okay. Have you ever donated to the Conservative Party federally?

Ms. Trina Morissette: Yes.

Mr. Chris Glover: And provincially?

Mr. Trina Morissette: Yes.

Mr. Chris Glover: And you've been a candidate for the Conservative Party in which election?

Ms. Trina Morissette: In 2007.

Mr. Chris Glover: Okay. Is that the only time that you've been a candidate?

Ms. Trina Morissette: Yes.

Mr. Chris Glover: Okay. Have you worked on other Conservative election campaigns?

Ms. Trina Morissette: I have.

Mr. Chris Glover: Yes. Can you list them, or is there—

Ms. Trina Morissette: Oh, well, there are several. What I can say is that it started when I was in my early twenties. I actually worked for a Liberal candidate, Jean-Marc Lalonde, who I actually ended up working for afterwards. After that, I've worked on several provincial campaigns, whether it be Chris Stockwell—and here in the Ottawa area, I always help out during the campaigns, and federally as well, Pierre Poilievre's campaign. I've worked on Mr. Galipeau's campaign. There were several.

0930

Mr. Chris Glover: Okay. So Mr. Poilievre's leadership campaign?

Failure of sound system.

Mr. Chris Glover: Ms. Morissette, can you hear me?

The Chair (Mr. David Smith): This call has dropped again.

Mr. Chris Glover: Okay.

The Chair (Mr. David Smith): Can you hear us, Ms. Morissette?

Mr. Chris Glover: Please stop the clock again. How much time is left on the clock?

Interjection.

Mr. Chris Glover: Five minutes?

Interjection: And 20 seconds.

Mr. Chris Glover: Okay.

The Chair (Mr. David Smith): Ms. Morissette, can you hear us?

Ms. Trina Morissette: In summary, I can say that I have worked on several provincial and federal campaigns.

Mr. Chris Glover: Did anyone ask you to apply for this position?

Ms. Trina Morissette: No. As I said, I'm currently a member of the tribunal. I saw that there was an opening for a vice-chair full-time position. I did enjoy my time as a member, but I felt like I wanted to give more. I wanted more of a leadership role, and so I applied online through the portal. I was then asked to provide additional information, and I did so. I went through the interview process, which was followed by a written exercise, and so I feel that I've gone through a very vigorous process.

Mr. Chris Glover: Okay. When you first applied to be a member of the tribunal, did anyone ask you to apply for that position?

Ms. Trina Morissette: No. That is something else that I did see online, and that was of interest to me.

Mr. Chris Glover: Sorry, I missed—I wasn't able to hear some of that. Did you say you saw it online?

Ms. Trina Morissette: Yes, I saw it online. I was at the Health Professions Appeal and Review Board at the time and my appointment was going to be up soon, so I was looking online for something because I've always wanted to do more of a tribunal work than board work, and so when I saw the opportunity, I applied.

Mr. Chris Glover: Okay. And you've been on both the Health Professions Appeal and Review Board and the Health Services Appeal and Review Board. What prompted you to apply for those boards?

Ms. Trina Morissette: The whole appointment process I've been aware of for a very, very long time, and I always

knew at some point it was something that I wanted to try. After my last position, I was taking care of my grandmother, and I was trying to think of what I could do, and I felt like it was the right time. I've always been interested in this, and that's what led me to apply to the board.

Mr. Chris Glover: Okay. Those are all my questions.

The Chair (Mr. David Smith): Thank you. That concludes the time available, or the time that's used. Thank you very much for your presentation.

Ms. Trina Morissette: Thank you very much.

MS. MELISSA SHEA

Review of intended appointment, selected by official opposition party: Melissa Shea, intended appointee as member, Licence Appeal Tribunal.

The Chair (Mr. David Smith): We now will move to our second intended appointment today, Ms. Melissa Shea, nominated as member of the Licence Appeal Tribunal.

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

Ms. Melissa Shea: Okay. Thank you. Thank you, Mr. Chair and members of the committee—I'm sorry. First of all, I suppose I should check if anyone can hear me. It sounds like—yes. Okay.

Thank you, Mr. Chair and members of the committee and good morning. I'd like to start by thanking you for inviting me here this morning and to say what an honour it is to be under consideration for this appointment as a member of the Licence Appeal Tribunal.

My name is Melissa Shea. I am a licensed architect and a certified project management professional. With nearly 20 years' experience working in the construction industry, I worked my way up, including a job working night shift at a sawmill, and as a carpenter's assistant building log homes in my hometown in rural Alberta to pay my way through university. My past roles as an architect include senior associate at an architecture firm in Toronto, as well as project manager roles, prior to that, leading construction projects primarily in the GTA.

As an architect, I have extensive experience interpreting and applying laws, serving the public interest and addressing health and safety matters, as well as understanding the professional and human context in which the Licence Appeal Tribunal operates here in Ontario. I'm familiar with decision-making within a legal framework, have had to be well organized—including understanding the complex details of cases—and have maintained an ethical professional practice.

As a licensed architect with experience leading large projects and construction meetings, I'm familiar with legislation and regulations related to the Licence Appeal Tribunal, including the Building Code Act. Through work

in residential construction, I've become familiar also with the New Home Construction Licensing Act and the Ontario New Home Warranties Plan Act. I've become familiar with helping clients navigate the complexities of law as they move forward with their projects. As a licensed architect, I've gained experience in negotiation and conflict-resolution, working effectively with others in resolving disputes involving multiple stakeholders and large financial interests, and resolving compensation claims.

With an education including an undergraduate degree in English, I am proficient in analyzing written evidence and providing written decisions based on sound reasoning. My education culminated in a master's of architecture degree from the University of Waterloo. As a proud Canadian, I've also worked to become fluent in French, including a year working in Paris, France, at an architecture firm there.

I'm a member in good standing with no disciplinary history with the Royal Architecture Institute of Canada, the Ontario Association of Architects and the Project Management Institute.

I've also committed to giving back to the community through volunteer work and have gained experience serving as a member of the University of Waterloo research advisory council, as board member with the Burlington Symphony Orchestra, as board member for Architectural Conservancy Ontario and as board member and vice-president of St. Matthew's Bracondale, which provides 148 units of non-profit housing for women leaving abusive situations and for low-income seniors.

I've gained experience, as chair of meetings, making decisions and dealing with and resolving conflict. As board member, I've gained experience operating within board rules and procedures and governance frameworks, ensuring we follow organization mandates and current legislation. Also as a board member, I've made timely decisions while maintaining fairness, cultivating courtesy and respect for others, and maintaining transparency and accountability within organizations.

Once again, thank you for inviting me here today. I'll repeat that it's an honour to be under consideration. I'd be pleased to answer any questions you might have.

The Chair (Mr. David Smith): Thank you, ma'am.

MPP Harris, go ahead please.

Mr. Mike Harris: Thank you, Melissa, for being here today. You talked a little bit about public service in your remarks. I just wanted to ask you: What role has public service played in your career? How has it influenced what you've done? And how do you intend to bring some of that experience to the Licence Appeal Tribunal?

Ms. Melissa Shea: As I said, I have a lot of experience as a board member. I've really enjoyed the work serving the community. I've done a lot of volunteer work in the past, and I think that I will bring that dedication and that idea of service to a potential appointment with Tribunals Ontario.

As I said, I really enjoy serving the community, and obviously in this role, it would be very similar in some ways to a board member role, understanding governance

frameworks, understanding the rules and procedures of a tribunal, and working within current legislation: understanding laws, applying those laws, and maintaining fairness and transparency.

Also, as a senior associate, as an architect, I have enjoyed the complexity of dealing with large projects and laws, working as quickly as possible, keeping projects on time. I think I can apply that here as well.

Mr. Mike Harris: Okay. Thank you.

The Chair (Mr. David Smith): Anyone else? MPP Smith, go ahead, please.

0940

Ms. Laura Smith: Thank you, and through you—and it's Shea, correct? It's Melissa Shea?

Ms. Melissa Shea: Yes.

Ms. Laura Smith: Thank you so much for being here, in person. We appreciate that.

You talked about quite a bit of your experience. You've chaired the meetings, and you talked about the transparency and the environment that you tried to create within the frameworks of your capacity. How would you maintain fairness and equity in your hearings?

Ms. Melissa Shea: Yes, as I said, I have made an effort in the past to maintain fairness. Obviously, fairness is a huge part of being a member of a board and also a member of Tribunals Ontario.

Obviously, understanding personal bias is a big part of that. I think leaving bias at the door is a very important aspect of this role. In the past, I've made efforts to understand my own bias—biases we all have—and I'm committed to continuing that work and leaving that bias at the door.

Also, I think cultivating empathy and respect for others is absolutely important. I think, in this role, obviously, understanding that many people might be unrepresented, they may be representing themselves—having some patience with that idea and being clear with communication. I know that, as an architect, navigating complexities of law with clients has been a challenge. Obviously, clients hire architects for a reason. It's not possible to do it yourself—

Ms. Laura Smith: Do you think that's an advantage to you, given your experience in architecture?

Ms. Melissa Shea: Yes, and I think that understanding and empathizing with someone approaching a tribunal is absolutely something that I've done in my past and something I'll continue to do. I hope that answers your question.

Ms. Laura Smith: I'm going to pass the torch over to MPP McGregor.

The Chair (Mr. David Smith): MPP McGregor, go ahead, please.

Mr. Graham McGregor: I'm just waiting for my mike to come on. Oh, there we go.

Good morning, Ms. Shea. Thank you for putting your name forward—very impressive resume from a career perspective, from a volunteering perspective and an educational one. I think that's important. I also note that you are bilingual. Is that correct?

Ms. Melissa Shea: Yes. My French is rusty, but I have made efforts to become bilingual, yes.

Mr. Mike Harris: It's probably better than his—don't worry.

Mr. Graham McGregor: It's certainly better than the member for Kitchener–Conestoga. I'll remind the member it's my time on the microphone.

I also want to echo my colleague: Thanks for being here in person. We had some technology problems earlier in the committee, and I think in government writ large, we're going through a bit of a digital revolution, kind of catching up with where technology is, frankly. In any of the organizations that you have been a part of, have you been through a digital transformation, and what did you learn through that experience? Can you comment on that?

Ms. Melissa Shea: Sure. Yes, like many people here, I went through a pandemic, and obviously, working in architecture, working on boards, we all moved to digital work. So yes, I've successfully done that. There were some difficulties associated with that. There are still ongoing difficulties associated with that. Obviously, being in person really alleviates a lot of the problems with breakdowns with Internet and things like that.

But yes, I've been part of the struggles we're all facing, in terms of the digitization revolution and reasonably successfully managed it—obviously with ongoing issues like we all face.

Mr. Graham McGregor: For sure. Thank you, Chair.

The Chair (Mr. David Smith): MPP Pang, go ahead, please.

Mr. Billy Pang: Thank you, Mr. Chair, through you: Melissa, if you're being appointed to the LAT, you need to keep improving yourself. So what do you think the role of continuing education and professional development plays in your career?

Ms. Melissa Shea: Yes, obviously, continuous learning is important for everyone. We all have to keep growing and keep up with the changes that are happening around us.

As an architect, obviously, I am required to complete continuing education every year and have done so. That includes coursework and volunteer work. So yes, I've kept on top of that. As I mentioned, I have no disciplinary history, so I have done that every year I've been an architect, and I will continue to do so, yes.

Mr. Billy Pang: Thank you very much.

The Chair (Mr. David Smith): Go ahead, MPP Sandhu.

Mr. Amarjot Sandhu: Thank you, Ms. Shea, for appearing before the committee and for your presentation. What are your long-term professional goals? And how does serving on this tribunal fit into them?

Ms. Melissa Shea: Thank you. I think, obviously, as an architect, I've been interested in building. I think building is also sort of metaphoric. I think I also am interested in building society, giving back and building relationships. I think as a member of Tribunals Ontario, I would also continue with that work.

I'm very much interested in the law. As an architect, I have dealt with the law, of course, on an ongoing basis and

used that as a tool to help projects come to fruition on time and on budget.

I think the future is unknown for all of us. I continue to do the work that I enjoy, and that's sort of where it has led me so far. I think I see that overlapping with the work of a member of Tribunals Ontario. As I said, the future is unknown, but I'll probably continue to work in those two things, yes.

Mr. Amarjot Sandhu: Thank you.

The Chair (Mr. David Smith): MPP Dixon.

Ms. Jess Dixon: Ms. Shea, you talked a little bit about your understanding of the patience and frustration that can come with self-represented litigants, that type of thing. Can you talk a little bit about what you think are the most important qualities that a tribunal member would have, in your opinion?

Ms. Melissa Shea: Yes. Obviously, in dealing with people who are appearing in front of a tribunal, many of them are appearing perhaps for the first time, or perhaps they're unrepresented. Obviously, having empathy for that situation, for the complexities that they may be facing that are absolutely new to them—so a clear and open process, a transparent process.

I have a degree in literature, I have a degree in English, so communication has always been something that I've focused on, something I enjoy—so clear and modern English in speaking with people, understanding, of course, that they may be having language issues and having patience with that.

As I said, empathy is a big part of that. Having worked abroad myself, I know what it's like to struggle in a difficult career in an architecture firm abroad. My French is not perfect, so I have empathy with people who don't speak English perfectly and who may be struggling with that.

I think clear communication and clear English help with that. Having patience helps with that. I think communication is probably the first thing I would lean on, the first tool in my wheelhouse to deal with that.

Ms. Jess Dixon: Thank you.

The Chair (Mr. David Smith): Any further questions from the government side? We have one minute—

Mr. Mike Harris: I think we're probably good, Chair.

The Chair (Mr. David Smith): Thank you.

We now turn to the opposition. MPP Glover, go ahead, please.

Mr. Chris Glover: Thank you, Ms. Shea, for putting your name forward. I heard at the beginning that you used to build log homes.

Ms. Melissa Shea: Yes, that's true.

Mr. Chris Glover: I used to build log homes with my uncle up in Uxbridge. Were you building round or square?

Ms. Melissa Shea: Round.

Mr. Chris Glover: Oh, okay. We were building square. I think it's a little simpler.

Anyway, thank you for putting your name forward. What was your main motivation for this appointment?

Ms. Melissa Shea: As I said, I've always been interested in serving the public. I've served as a board member,

as a volunteer. I think that that sentiment is what drove me to move forward with putting my name forward.

I enjoy working with the public. I enjoy navigating laws. I enjoy complex processes, difficult meetings. As an architect, as a senior associate at an architecture firm and in my work as an architect project manager, I've really enjoyed high conflict, which maybe sounds a little strange, but I do enjoy those situations. I enjoy difficult discussions. I enjoy coming to a resolution. I enjoy keeping things on time.

I think that I would bring those things to the table here and very much enjoy continuing with those skills.

0950

Mr. Chris Glover: Do you have any expertise in the laws surrounding the Licence Appeal Tribunal?

Ms. Melissa Shea: Yes. As I mentioned, I have experience with, for example, the Building Code Act obviously, the New Home Construction Licensing Act, the Ontario New Home Warranties Plan Act, among others, yes.

Mr. Chris Glover: Okay. So, the issues that come before the board are extremely complex and require experience and subject matter expertise in dealing with the legal issues and mediation. Could you explain what background experience you have in alternative dispute resolution practices?

Ms. Melissa Shea: Sure. As I mentioned, I'm a licensed architect, a former senior associate at an architecture firm in Toronto. During the process of building a building, there are many issues to resolve and going into litigation is the most expensive way to resolve those things. In a day-to-day way, there are so many stakeholders in a project. There are municipal authorities, government authorities. There are client concerns. There are concerns for public safety. There are concerns with contractors and how to get things built.

With so many stakeholders, there are of course many, many conflicts that arise and the architect's job is often as a hub to resolve those issues. So I would say, my work as an architect has made me quite familiar with conflict resolution in sort of an informal environment, although I've also dealt with more formal environments of conflict resolution as well.

Mr. Chris Glover: Thank you. The LAT has come under fire from the Ontario Trial Lawyers Association with serious conflict-of-interest allegations. It has been reported that there have been LAT adjudicators who have made insurance-friendly decisions and then accepted offers of employment from insurance companies. As a member of the LAT, how will you approach and find solutions for these kinds of allegations?

Ms. Melissa Shea: I can't speak for anyone else, any sorts of prior conflicts of interest. I can only speak about my own. I have had a look at my conflicts of interest and potential conflicts of interest, and I've spoken with Tribunals Ontario staff and executive chair Sean Weir to resolve those conflicts of interest, and have created a plan for resolving those, including my immediate resignation, should I be appointed, from my position with the Archi-

tectural Conservancy of Ontario and recusal from two years' worth of potential cases in regard to the ACO, as an example of that. I remain committed to eliminating conflicts of interest and maintaining fairness for the people of Ontario.

Mr. Chris Glover: So with the LAT hearings, there's often a power imbalance between large organizations and individual applicants. How would you balance or ameliorate the power imbalance?

Ms. Melissa Shea: Well, I guess your question is about fairness, and I share your concerns in regard to fairness. As I said, as an architect, my job has been to represent clients who can't represent themselves. That's why you hire an architect, to deal with complex legal issues, complex issues, and I think that having patience and understanding for those people, cultivating empathy and understanding that those people may be struggling with the process is a large part of that.

Mr. Chris Glover: Okay. Do you have any expertise in insurance law?

Ms. Melissa Shea: As an architect, I do maintain insurance, but I would not consider myself an expert—

Mr. Chris Glover: But not in adjudicating decisions.

Ms. Melissa Shea: No.

Mr. Chris Glover: Okay. Many of the cases that come before the LAT involve insurance law. How will you develop that expertise to make decisions?

Ms. Melissa Shea: Well, I'm not currently a member of the tribunal. I don't know how casework is allocated. Should I be allocated a case on insurance law, I will apply the same experience I've gained in the past as an architect. I have read many laws. I have made efforts to understand many laws. I would make an attempt to familiarize myself with whatever law I was required to familiarize myself with and to apply that law as I've applied laws before.

Mr. Chris Glover: Okay. The Licence Appeal Tribunal is currently falling behind on three key performance indicators for 2022-23. One of the goals is to have decisions issued within 90 calendar days from the conclusion of the hearing. The target is to have 80% of those hearings within 90 days of those decisions. Within 90 days, the actual percentage is 71%. The percentage of cases within 12 months to be resolved, the case life cycle: The target here is 80% and the actual percentage is 74%. And the percentage of cases that are resolved through alternative dispute resolution: The goal here is 80%, but the actual percentage is 44%.

What expertise do you offer to help the LAT to reach these goals around issuing decisions more quickly, resolving cases more quickly and also resolving cases through alternative dispute resolution?

Ms. Melissa Shea: I can't speak to what's currently happening in the tribunal; I'm not currently a member. But what I can offer is my experience in the past dealing with large caseloads. Obviously, as an architect I've handled multiple projects at once—up to 66 projects. Obviously, I'm used to dealing with complexity. I'm used to dealing with speed. I'm used to dealing with providing projects on

time, according to contract. So I can offer that, as well as my work ethic.

Mr. Chris Glover: Thank you. I'll pass it to my colleagues.

The Chair (Mr. David Smith): MPP Pasma, go ahead.

Ms. Chandra Pasma: Thank you, Chair. I hope you can hear me. I have a cold that I'm trying not to share, so that's why the mask is on.

Thank you very much for being here this morning, Ms. Shea. I know it's not always the most comfortable experience to come before the committee, but it's an important part of our public appointments process in Ontario so that people can believe that our appointments are being made based on merit and not on connections to the government. It's not always a process that the government allows us to engage in, so we're very grateful that you're here this morning.

Mr. Mike Harris: We literally meet every Thursday at 9 a.m. to do this.

Ms. Chandra Pasma: Oh, thank you for the commentary, MPP Harris.

I want to return to one of the questions that my colleague MPP Glover raised, which has to do with the fact that the tribunal is not meeting its targets for timeliness on cases: both case decisions being issued within 90 days from the conclusion of a hearing and the percentage of cases that are resolved within the 12-month case life cycle. Of the various topics that the tribunal deals with, including automobile insurance, liquor, cannabis and new home construction, you only have experience with the new-home-construction part. You also have no adjudicative experience, correct?

Ms. Melissa Shea: I've never held the title of adjudicator, no, but I have resolved conflict before.

Ms. Chandra Pasma: I'm just wondering, given that you're going to need to get up to speed on a lot of different areas: How are you going to be able to contribute to the Licence Appeal Tribunal actually improving on meeting these timeliness targets?

Ms. Melissa Shea: As I've said in response to a previous question, I have a great work ethic. I can offer that. I also offer my past experience as an architect and senior associate in navigating the complexities of law, to make sure projects come in on time and on budget. I can't speak to what's happening currently in the tribunal as I'm not currently a member, so I don't know exactly what's happening in terms of timelines, but I absolutely can offer my past experience navigating the law, resolving very complex disputes involving multiple stakeholders and resolving compensation claims, which I understand is a large part of the work of the tribunal. For example, Tarion home warranty claims: I understand that's one of the largest parts of the tribunal in terms of what they deal with.

So, I do have a lot to bring to the table, but I can't speak to what's currently happening in terms of the timelines. Again, I can offer my work ethic. I can offer my past as an

architect dealing with complex legal issues. That's what I can offer.

Ms. Chandra Pasma: Thank you. I'm guessing, as an architect, you have not had a lot of experience engaging with low-income people who need dispute resolution.

Ms. Melissa Shea: Actually, I have. I've done some pro bono work as part of my job as senior associate at an architecture firm in Toronto. We did pro bono housing work. We also dealt with some housing co-ops. We did some housing co-op work. As I said, I'm also a board member for St. Matthew's Bracondale. We manage 148 units of non-profit housing for women leaving abusive situations and for low-income seniors. So I actually would say that I do have considerable expertise in dealing with people of low income who are struggling, and I have compassion for those people. I understand it can be difficult.

1000

Ms. Chandra Pasma: The reason I ask is because one of the challenges that we hear frequently with the tribunals is that the digital-first approach disadvantages people who are lower income, who are less likely to have access to Internet, who are less likely to have access to counsel, and who are therefore trying to navigate these processes in very unequal circumstances. It's very challenging to follow along on the phone with what's happening, particularly if you don't have an advocate. So how will you offset these challenges to ensure that lower-income people without access to the Internet are receiving fair hearings?

Ms. Melissa Shea: I can't speak, again, to what's currently happening in the tribunal. I haven't been onboarded yet; I'm not currently a member of the tribunal.

However, if it's a question of accessibility, I remain committed to accessibility. I'm compassionate. I understand people have difficulty accessing it. Obviously, the tribunal does have accessibility policies; I will be following those. Obviously, the sooner people can reach out to ensure that they have access to the tribunal properly, the better. I know that the tribunal does have policies and I will be following those in regard to accessibility and clear communication as well, ensuring people understand that they can access those services and there are methods to work around any difficulties they may be facing. I guess that's what I have to offer there.

Ms. Chandra Pasma: Thank you. I'm just going to ask you some quick, uncomfortable but necessary questions.

Have you ever been a member of the Progressive Conservative Party provincially?

Ms. Melissa Shea: I have not.

Ms. Chandra Pasma: What about the Conservative Party federally?

Ms. Melissa Shea: No.

Ms. Chandra Pasma: Have you ever donated to the Conservative Party federally or provincially?

Ms. Melissa Shea: I have not.

Ms. Chandra Pasma: Have you ever worked on a Conservative election campaign?

Ms. Melissa Shea: I have not.

Ms. Chandra Pasma: Did anyone ask you to apply for this position.

Ms. Melissa Shea: No.

Ms. Chandra Pasma: Have you ever sat at the Premier's table at a family wedding?

Ms. Melissa Shea: Sorry, I couldn't hear that.

Ms. Chandra Pasma: Have you ever sat at the Premier's table at a family wedding?

Ms. Melissa Shea: Oh. No, I have not.

Ms. Chandra Pasma: Okay. Thank you very much, Ms. Shea.

The Chair (Mr. David Smith): That concludes the time available here. I want to thank you for your presentation.

We will now consider the intended appointment for Trina Morissette. I recognize MPP Harris. Go ahead, please.

Mr. Mike Harris: I move concurrence in the intended appointment of Trina Morissette, nominated as vice-chair of the Licence Appeal Tribunal.

The Chair (Mr. David Smith): Any discussions? Are the members ready to vote?

Ms. Chandra Pasma: Recorded vote, Chair.

Ayes

Harris, Holland, McGregor, Pang, Sandhu, Laura Smith.

Nays

Glover, Pasma.

The Chair (Mr. David Smith): That's carried.

We have now the second appointment: Melissa Shea, nominated as a member of the Licence Appeal Tribunal. MPP Harris, go ahead, please.

Mr. Mike Harris: I move concurrence in the intended appointment of Melissa Shea, nominated as member of the Licence Appeal Tribunal.

The Chair (Mr. David Smith): Any discussions? Are members ready to vote? All those in favour? I guess it's concluded—everyone. So that motion carries.

The deadline to review the intended appointments selected from the May 17, 2024, certificate is set to expire on June 16, 2024. Is there unanimous consent to extend the certificate by 30 days?

The Chair (Mr. David Smith): I hear all noes, so I guess—

Ms. Chandra Pasma: No, there were yeses.

The Chair (Mr. David Smith): There were yeses? I heard a no.

Thank you very much. That concludes the business today. This committee now stands adjourned.

The committee adjourned at 1004.

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Mr. Mike Harris (Kitchener–Conestoga PC)

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Mr. Graham McGregor (Brampton North / Brampton-Nord PC)

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