

COURT OF APPEAL FOR ONTARIO

B E T W E E N :

**MARC LEROUX AS LITIGATION GUARDIAN
OF BRIANA LEROUX**

Plaintiff
(Appellant)

- and -

**HER MAJESTY THE QUEEN IN RIGHT OF
THE PROVINCE OF ONTARIO**

Defendant
(Respondent)

Proceeding under the *Class Proceedings Act, 1992*

FACTUM OF THE DEFENDANT (RESPONDENT)
**(Appeal from the Orders of the Divisional Court dated March 26, 2021,
as amended June 23, 2021)**

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PART I – OVERVIEW

1. The Respondent (“Ontario”) submits that the Plaintiff’s appeal from the Order of the Divisional Court dated March 26, 2021, as amended June 25, 2021, setting aside the certification of the action as a class proceeding under the *Class Proceedings Act, 1992* (the “CPA”)¹ should be dismissed. The Divisional Court’s Order was correct and there is no basis to overturn it.

2. The claims in this action are in their very essence systemic in nature. There is no pleading of an improper act or omission by an identifiable Crown servant for whom the Crown could be found vicariously liable. The Plaintiff’s negligence claim is premised on the Crown itself having a common law duty of care owed to the Plaintiff with regard to how it has designed and managed its system for the allocation of available services and supports for developmentally disabled adults. The independent agencies who manage the actual application, prioritization and matching processes for this discretionary social program are not named as defendants.²

3. The majority of the Divisional Court correctly found that the negligence claim as pleaded is fatally flawed and does not disclose a reasonable cause of action as required by s. 5(1)(a) the CPA.³

4. First, the majority correctly applied s. 5(1)(a) of the *Proceedings Against the Crown Act* and clear Supreme Court jurisprudence that there is no direct liability against the Crown in tort, and that for a claim in tort to be made out against the Crown there must be a cognizable claim

¹ *Class Proceedings Act, 1992*, SO 1992, c 6, [s 5](#) [CPA].

² *Leroux v Ontario*, 2021 ONSC 2269 (Div Ct) [*Leroux* (Div Ct)], [para 15](#); Statement of Claim, Amended January 18, 2019 [Statement of Claim], at paras 15, 17, 28; *Leroux v Ontario*, 2018 ONSC 6452 (Div Ct) [*Leroux* (SCJ)] at [para 6](#).

³ *Leroux* (Div Ct) at [para 119](#).

against a Crown servant or agent for which the Crown is vicariously liable.⁴ The Supreme Court of Canada has described this as a “deeply entrenched principle in Canadian law”.⁵ Here, there is no pleading of a specific negligent act or omission by a named or identifiable Crown servant who owed the Plaintiff a duty of care that could give rise to a claim for vicarious liability against the Crown.

5. Second, the majority’s decision is on all fours with the *Wynberg* and *Wareham* cases, which confirmed that no private duty of care is owed by the Crown to individual users of a discretionary social program such as the one at issue here.⁶ The Plaintiff’s allegations are in substance that the government’s discretionary social program for developmentally disabled adults is, as a whole, inefficient and irrational; that it yields results that are inconsistent and arbitrary; and that class members are required to wait too long or for indeterminate periods for supports and services that they have requested.⁷ These broad systemic allegations do not give rise to individual claims in negligence. Further, as the majority found, the Crown does not owe a private duty of care to design a more competent or “non-negligent” social program.⁸

6. Third, the majority correctly found that the negligence claim is barred by core policy immunity at common law, because the claim in its essence concerns the manner in which the Crown has chosen to allocate scarce resources amongst applicants of varying needs who are each seeking a limited pool of resources.⁹ The ways in which the government has chosen to prioritize

⁴ *Leroux* (Div Ct), at [para 129](#); see also *Hinse v Canada (Attorney General)*, [2015 SCC 35](#) [*Hinse*]; *Ontario v Phaneuf*, [2010 ONCA 901](#) [*Phaneuf*].

⁵ *Leroux* (Div Ct) at [para 129](#), citing to *Canada (Attorney General) v Thouin*, 2017 SCC 46 [*Thouin*], [para 1](#).

⁶ *Leroux* (Div Ct) at [paras 134-139](#); see also *Wynberg v Ontario*, [2006 CanLII 22919](#) (ON CA), 269 DLR (4th) 435 [*Wynberg*]; *Wareham v Ontario (Ministry of Community and Social Services)*, [2008 CanLII 1179](#) (ON SC), 166 CRR (2d) 162 [*Wareham Sup Ct (Civ Div)*], aff’d [2008 ONCA 771](#) [*Wareham CA*].

⁷ Statement of Claim at paras 3–6.

⁸ *Leroux* (Div Ct) at [paras 130-131](#).

⁹ *Leroux* (Div Ct) at [paras 127-128](#).

applications and allocate its available resources amongst these competing applicants are by their very nature core policy decisions and policy matters. While the majority found it was not necessary to also make a finding as to whether the negligence claim is barred by s.11 of the *Crown Liability and Proceedings Act, 2019* (“CLPA”), it is submitted that s. 11 also bars the Plaintiff’s negligence claim.

7. The Divisional Court was correct to find that it was plain and obvious that the *Charter* s. 7 claim could not succeed. The Divisional Court unanimously concluded that the *Charter* s. 7 claim was untenable because the Plaintiff has failed to plead a *deprivation* of her life, liberty or security of the person. Applying this Court’s precedents in *Flora*, *Wynberg* and *Sagharian*, the Divisional Court correctly held that a delay in receiving a discretionary social benefit cannot constitute a deprivation under *Charter* s. 7. The Plaintiff’s *Charter* s. 7 claim is really a claim for a positive right to receive social benefits without delay. This Court’s authorities establish that *Charter* s. 7 does not protect such a right and therefore that the claim as pleaded cannot succeed.

8. It was not necessary for the Divisional Court to address the issues of commonality and preferable procedure in light of its other findings. However, it is submitted that the motion judge erred in finding the pleading raises common issues and that a class action is the preferable procedure. These findings cannot be reconciled with *R.G. v. The Hospital for Sick Children*, *Bennett v Hydro One Inc.* and *Cirillo v Ontario*.¹⁰ There are no common issues relating to individual placements. The circumstances of each class member and the reasons one might have been placed ahead of another will vary person by person and cannot be determined on a class-wide basis.

¹⁰ *RG v The Hospital for Sick Children*, [2018 ONSC 7058](#) (Div Ct) [RG]; *Bennett v Hydro One Inc et al*, [2018 ONSC 7741](#) (Div Ct) [Bennett]; *Cirillo v Ontario*, [2021 ONCA 353](#) [Cirillo].

9. Further, determinations of the issues pleaded regarding whether the system as a whole is inefficient or yields inconsistent or arbitrary results will not advance any individual claim. Individual class members would be required to wait for the common issues trial, and after it is concluded they would be no further ahead. A class action will simply result in delay and will not promote access to justice.

PART II – FACTS

A. The Claim

10. The Plaintiff seeks certification of this action on her own behalf and on behalf of all other adults in Ontario with developmental disabilities who were assessed and approved as eligible for services or supports under *Services and Supports to Promote the Social Inclusion of People with Development Disabilities Act, 2008* (“SIPDDA”) and were then placed on a Developmental Services Office (“DSO”) service registry, rather than being provided with the services or supports immediately.¹¹

11. The legislation which governs the government program for the delivery of services and supports for adults with developmental disabilities in Ontario is *SIPDDA*. *SIPDDA* provides a complete and comprehensive scheme in respect of the assessment for and provision of these developmental services.¹²

12. Under the legislative scheme, at the age of 18, an applicant may apply to a DSO for approval as eligible for the benefits at issue. It is important to note, however, that a determination

¹¹ Statement of Claim at paras 10-11.

¹² Statement of Claim at para 14.

of eligibility does not mean the applicant has an entitlement to such benefits, given that the benefits program at issue is a discretionary program, and not an entitlement program.¹³

13. This class action pertains to three specific services and supports funded pursuant to the *SIPDDA* and *Ministry of Community and Social Services Act* (“*MCSSA*”): (1) residential services and supports; (2) caregiver respite services and supports; and (3) direct funding through the Ministry of Children, Community and Social Services referred to as Passport funding that provides capped funding to purchase *SIPDDA* services and supports.¹⁴

14. The Plaintiff pleads that the Minister is given power for the overarching administration, supervision, and management of the assessment for and provisions of developmental services prescribed under the 2008 *Disabilities Act*. Under the Act, benefits are discretionary.¹⁵

15. Contrary to paragraph 38 of her factum, the Statement of Claim does not assert that class members have an “entitlement” to the supports and services claimed. Rather, the pleading refers to applicants having been approved as “eligible” for supports and services.¹⁶ This is an important distinction. As the majority correctly noted, the fact that an applicant may be found to be eligible for benefits is entirely different than the applicant being entitled to benefits, particularly in an environment where demand significantly outstrips supply.¹⁷

16. The Plaintiff advances two causes of action: negligence and breach of s. 7 of the *Charter*. The Plaintiff’s allegations all relate to the manner in which the Crown has, broadly speaking, devised and administered its system for the prioritization of applicants and the allocation of a

¹³ *Services and Supports to Promote the Social Inclusion of People with Development Disabilities Act, 2008*, SO 2008, c 14 (“*SIPDDA*”), [s. 9](#); *Leroux* (Div Ct) at [paras 125-127](#).

¹⁴ Statement of Claim at paras 11, 16.

¹⁵ Statement of Claim at para 21; *SIPDDA*, [s. 9](#).

¹⁶ Statement of Claim at paras 3, 11, 18, 23.

¹⁷ *Leroux* (Div Ct) at [paras 126-127](#).

limited pool of resources amongst those competing applicants. In other words, the claims concern the Crown's overall design and public administration of a benefits program. Significantly, the action does not name as a defendant any of the independent Development Service Offices who perform the role of processing applications, performing the prioritization of applications based upon ministry-approved guidelines and coordinating the matching of applicants to available services and supports.¹⁸

17. As the majority noted, it is implicit that under a discretionary social program with a limited pool of resources there will likely be persons eligible for benefits who wait for those benefits, or who do not receive them at all.¹⁹ In other words, the fact that some applicants are required to wait does not in and of itself mean that any Crown servant acted negligently.

18. The claims asserted in the Plaintiff's pleading are focused entirely on the outcomes of the prioritization and matching processes in the system and allege that the system as a whole is inefficient, irrational, and arbitrary and yields results that are inconsistent and arbitrary.²⁰

19. With respect to the *Charter* claim, the Plaintiff alleges that the DSO assessment process, coupled with an unreasonable and indeterminate denial of such services via DSO waitlists, violates the right of the class to life, liberty, and security of the person, contrary to section 7. The Plaintiff pleads the class is entitled to damages pursuant to section 24(1) of the *Charter*.²¹

B. Decision on the Class Certification Motion

20. On December 14, 2018, the motion judge released his decision certifying the Plaintiff's negligence claim and her claim for breach of s. 7 of the *Charter* as a class action. With respect to

¹⁸ Statement of Claim at paras 17, 28; *Leroux* (SCJ) at [para 6](#).

¹⁹ *Leroux* (Div Ct) at [para 127](#).

²⁰ Statement of Claim at paras 6, 24, 29.

²¹ Statement of Claim at para 51.

the requirement under s. 5(1)(a) of the *CPA* that the action disclose a reasonable cause of action, the motion judge found that it was not plain and obvious that the negligence and *Charter* claims had no chance of success. However, he struck the Plaintiff's claim for breach of fiduciary duty on the basis that the claim was not tenable.²²

C. Appellate Review of the Certification Motion Decision by the Divisional Court

21. The Crown appealed from the motion judge's certification order and on March 26, 2021 the Divisional Court released its decision. The panel unanimously concluded that there was no reasonable cause of action for breach of s. 7 of the *Charter*, and the majority further concluded the Plaintiff had not pleaded a reasonable cause of action in negligence.²³ Accordingly, the Divisional Court ordered that the certification of the action be set aside and that the action be dismissed.

22. Following the release of the Divisional Court's reasons, this Court released its decisions in *Francis v Ontario* and *Cirillo v Ontario*.²⁴ Both matters concerned proposed class certification of claims in negligence. On June 23, 2021, after considering the parties' supplementary submissions, the Divisional Court released its supplementary reasons affirming its earlier decision. In particular, the Court correctly concluded that *Francis* and *Cirillo* applied settled law and did not extend the law in any way material to this case, noting that the "assessment of a negligence claim against the state involves close examinations of the underlying pleaded facts and the nature of the claims."²⁵

²² *Leroux* (SCJ) at [para 41](#).

²³ *Leroux* (Div Ct) at [para 119](#).

²⁴ *Francis v Ontario*, [2021 ONCA 197](#) [*Francis*]; *Cirillo*.

²⁵ *Leroux v Ontario*, [2021 ONSC 4468](#) [*Leroux* (Div Ct supplementary reasons)] at [para 11](#); see also *Her Majesty the Queen in Right of Ontario v Madan et al*, 2022 ONSC 1538 at paras [47–51](#) [*Madan*].

23. The Court also found that while it was within the Court's discretion to dismiss the action notwithstanding that the certification motion judge did not have a dismissal motion before him respecting the Plaintiff's personal claims, as a matter of fairness the Court amended its decision to delete its order dismissing the action.²⁶

PART III – RESPONSE TO QUESTIONS ON APPEAL

24. Contrary to the Plaintiff's characterization of the question on appeal, the Divisional Court did not strike the claim and dismiss the action.

25. In the supplementary reasons released by the Divisional Court on June 23, 2021, the Court expressly stated that:

The panel will amend the decision rendered in March 2021 to delete the order that the proceeding be dismissed and in its place order that the appeal is allowed and the order certifying the proceeding as a class proceeding is set aside.²⁷

A. The Standard of Review

26. The issue of whether the majority of the Divisional Court erred by setting aside the certification decision based on their finding the claim does not disclose a tenable cause of action pursuant to section 5(1)(a) of the *CPA* is a question of law determined on a correctness standard.

27. The issues of whether the motion judge erred by finding the claim gave rise to common issues and that a class action proceeding is the preferable procedure are questions of mixed fact and law subject to deference absent an extricable error of law which is reviewable on a correctness standard.²⁸

²⁶ *Leroux* (Div Ct supplementary reasons) at [para 13](#).

²⁷ *Leroux* (Div Ct supplementary reasons) at [para 12](#).

²⁸ *Excalibur Special Opportunities LP v Schwartz Levitsky Feldman LLP*, [2015 ONSC 1634](#), rev'd [2016 ONCA 916](#).

B. The Divisional Court correctly determined that the Cause of Action Criterion under section 5 (1)(a) of the *Class Proceedings Act* was not met

- i. *The Divisional Court properly articulated and applied the test to assess the Plaintiff's Claims*

28. The Plaintiff argues that the Divisional Court incorrectly engaged in a consideration of the merits of the claim because it failed to articulate and apply the test under section 5(1)(a) of the *CPA*.

29. This submission is entirely without merit. At paragraphs 48-49, the Divisional Court correctly articulated the test to determine whether the Plaintiff's claim discloses a reasonable cause of action:²⁹

While this is an appeal in relation to a certification motion, in essence the principles relating to motion to strike a pleading under Rule 21 of the *Rules of Civil Procedure* equally apply. On a motion to strike a claim where it is alleged the claim discloses no cause of action, it is well settled that the court must accept the facts alleged as proven and must read the statement of claim generously with allowance for inadequacies for drafting deficiencies... [emphasis]

30. These legal principles are well established and incontrovertible. As confirmed in the Supreme Court of Canada's decision in *R v Imperial Tobacco* and more recently in *Atlantic Lottery Corp. Inc. v. Babstock*, if a claim as pleaded has no reasonable prospect of success, it should not be allowed to proceed to trial.³⁰ The Divisional Court properly considered the Plaintiff's claim and facts pleaded therein and exercised its "gatekeeping" function to determine the claim in negligence did not disclose a tenable cause of action.³¹

²⁹ *Leroux* (Div Ct) at [paras 48-49](#).

³⁰ *Atlantic Lottery Corp Inc v Babstock*, [2020 SCC 19](#) [*Atlantic*].

³¹ *R v Imperial Tobacco Canada Ltd*, [2011 SCC 42](#) [*Imperial Tobacco*].

- ii. *The Divisional Court correctly found that the Crown cannot be directly liable for claims in negligence*

31. The Plaintiff's factum is focused almost entirely on the policy/operational analysis that the Divisional Court engaged in and effectively ignores the fact that she must also establish that a private duty of care was owed by the Crown in the first place.

32. In fact, the Plaintiff's factum ignores entirely the following finding of the majority that the claim is untenable because it purports to assert a direct claim in negligence against the Crown:

At common law, the Crown has no direct liability in tort. Tort claims against the Crown are creatures of statute, and generally require a cognizable claim against a Crown servant or agent for which the Crown is vicariously liable: *Proceedings Against the Crown Act, R.S.O. 1990, c. P.27 s. 5(1)(a)*; *Hinse v Canada (Attorney General)*, 2015 SCC 35; *Ontario v. Phaneuf*, 2010 ONCA 901. This immunity is “deeply entrenched” in Canadian law and can only be overcome by “clear and unequivocal language” in a statute: *Canada (Attorney General) v Thouin*, 2017 SCC 46, at para. 1. There is no such statutory language in Ontario law.³²

33. This finding follows the well-settled law that there can be no direct claim against the Crown in tort, and this immunity is deeply entrenched in Canadian law and can only be overcome by clear and unequivocal language in a statute.³³ No such statutory language applies in this case, nor does the Plaintiff plead that it does.

34. Here, the Plaintiff's claims are clearly made against the Crown itself directly and relate to its public administration of a discretionary social program. There is no pleading of one or more specific or identifiable Crown servants having engaged in particular acts or omissions which could give rise to a vicarious liability claim against the Crown by the Plaintiff or any individual class member.

³² *Leroux* (Div Ct) at [paras 129](#); see also *Hinse* and *Thouin*.

³³ *Ibid*; see also *Madan* at [paras 38–42](#).

35. This case is entirely distinguishable from *Francis*, in which the court found that the relevant Crown servants were the prison Superintendents who, while not named specifically, were identifiable and were found engaged in the specific conduct at issue in that case for whom the Crown could be vicariously liable.³⁴

iii. *The Divisional Court correctly found the Crown does not owe a duty of care to the Plaintiff*

36. The Divisional Court also correctly found the claim in negligence is not tenable for the following reasons:

- The Crown does not owe a private duty of care for competent public administration to individual benefit claimants. If any duty were to arise from a discretionary benefits program, it would be owed to the public as a whole, rather than to individual users of the program;³⁵
- Not only do discretionary social programs that involve the allocation of limited resources and the balancing of competing interests not give rise to a private duty of care to individual users of the program under the first step of the *Anns* test, but any such duty would be negated under the second step in the *Anns* analysis because the decisions in issue involve government policy;³⁶
- Claims relating to the failure to provide timely benefits under a social program are essentially systemic in nature, which is not sufficient to establish proximity giving rise to a private duty of care;³⁷ and
- Government conduct in having provided programs for one age group does not create duties to provide different programs to different age groups.³⁸

37. As the majority found, this case is on all fours with the *Wynberg* and *Wareham* decisions of this Court.³⁹ *Wynberg* concerned age limits placed upon benefits for autistic children. *Wareham*

³⁴ *Francis*.

³⁵ *Leroux* (Div Ct) at [para 134](#).

³⁶ *Ibid*.

³⁷ *Ibid*.

³⁸ *Leroux* (Div Ct) at [para 138](#).

³⁹ *Leroux* (Div Ct).

concerned claims that claimants had experienced delays in the processing of their ODSP benefits. In both cases this Court found no duty arose given that the claims concerned the allocation of public funds, the balancing of competing interests, and public policy.⁴⁰

38. In her factum, the Plaintiff references a finding by Justice Belobaba that “representations must have been made.”⁴¹ Justice Belobaba appears to have relied upon this finding as constituting sufficient proximity between the Crown and each class member to ground a duty of care.⁴² Justice Edwards referenced and relied upon this finding in his dissent.⁴³ However, both judges erred in relying on this finding because nowhere in the Statement of Claim is there a reference to a requisite representation ever having been made.⁴⁴

iv. The Divisional Court correctly found that the negligence claim is barred by core policy immunity

39. The Plaintiff’s primary argument is that this Court should grant the appeal because the Divisional Court’s finding that core policy immunity applies to the Plaintiff’s negligence claims is new and ground-breaking, and because its finding is a departure from the policy/operational analysis approved in the 1994 case of *Brown v British Columbia (Minister of Transportation and Highways)*.⁴⁵

40. There is also no merit to these submissions. In *R v Imperial Tobacco*, the Supreme Court moved away from the “operational/policy” approach. The Court concluded that the “policy/operational” test was unworkable: “The main difficulty with the policy/operational

⁴⁰ *Ibid*; see also *Wynberg* at [para 257](#); *Wareham CA* at [paras 25–26](#).

⁴¹ Appellant’s Factum at para 32.

⁴² *Leroux* (SCJ) at [para 31](#).

⁴³ *Leroux* (Div Ct) at [paras 25, 75](#).

⁴⁴ Statement of Claim; *Leroux* (SCJ); *Leroux* (Div Ct).

⁴⁵ *Brown v British Columbia (Minister of Transportation and Highways)*, [1994 CanLII 121](#), [1994] 1 SCR 420.

approach is that courts have found it notoriously difficult to decide whether a particular government decision falls on the policy or operational side of the line.”⁴⁶

41. Having identified the inadequacies of the “policy/operational” distinction, the Court formulated a better approach: “Instead of defining protected policy decisions negatively, as “not operational”, the majority in *Gaubert* defines them positively as discretionary legislative or administrative decisions and conduct that are grounded in social, economic, and political considerations.”⁴⁷ In other words, the test focuses instead on the characteristics of the policy decision in question.

42. The Court went on to hold that: “core policy” government decisions protected from suit: “are decisions as to a course or principle of action that are based on public policy considerations, such as economic, social and political factors, provided they are neither irrational nor taken in bad faith.”⁴⁸

43. At paragraphs 20-21 of the decision, the Divisional Court cited excerpts of the Statement Claim which demonstrate the claim is based on policy decisions of government concerning the allocation of limited resources, including:

The Crown acted negligently by breaching its duty of care in its operation or management of service registries by:

- a. Failing to have a consistent and rational scheme of prioritization for Class Members on the service registries;
- b. Failing to establish a maximum time period for which Class Members would remain on the service registries for Developmental Services; and
- c. Failing to create a cohesive system to rationally and efficiently allocate pre-existing resources to Class Members on DSO service registries Waitlists.⁴⁹

⁴⁶ *Imperial Tobacco* at [para 78](#).

⁴⁷ *Imperial Tobacco* at [para 87](#).

⁴⁸ *Imperial Tobacco* at [para 90](#).

⁴⁹ *Leroux* (Div Ct) at [paras 20–21](#); see also Statement of Claim at para 24.

44. The Divisional Court correctly followed the approach to the core policy immunity analysis established in *Imperial Tobacco* and determined that the Plaintiff's negligence claim clearly concerned the decisions and activities of government that engaged social, political, and economic considerations.

45. In particular, the Divisional Court observed that:

This case is not about the plight of developmentally disabled Children and Adults. It is about where the authority lies to develop, design, implement and operate provincial benefits schemes for developmentally disabled persons, and the role of the courts in reviewing the actions of the Legislature and statutory delegates in exercising authority and making decisions respecting benefits for developmentally disabled persons.

...

The principles involved here have even broader application and concern, for at their heart, they concern the proper role of the courts in a constitutional democracy to safeguard the Rule of Law, while according the Legislature and its delegates their proper and robust roles in addressing complex social problems with limited resources.⁵⁰

Further:

Since the plaintiff does not challenge Ontario's authority to establish an Eligibility Program, it is implicit that there may be, and likely will be, persons eligible for benefits who wait for those benefits, or who do not receive them at all.... Devising and administering a system to do this is, at its core, public administration of a benefits program. The resulting system determines allocation of resources among competing benefit claimants to a limited pool of resources.⁵¹

46. The Divisional Court's analysis that the government's role in devising and administering a complex system to allocate scarce resources amongst competing benefit claimants concern matters of public policy subject to core policy immunity is clearly consistent with the well-settled approach set out by the Supreme Court in *Imperial Tobacco*.⁵²

⁵⁰ *Leroux* (Div Ct) at [paras 121–122](#).

⁵¹ *Leroux* (Div Ct) at [para 127](#).

⁵² *Imperial Tobacco* at [para 90](#).

47. The Divisional Court's analysis is also consistent with the most recent decision by the Supreme Court of Canada on this issue in *Nelson v Marchi*, which clarifies how to distinguish core policy decisions:

We conclude that the rationale for core policy immunity serves as an overarching guiding principle. Core policy decisions are immune from negligence liability because each branch of government has a core institutional role and competency that must be protected from interference by the other branches. We identify four factors from this Court's jurisprudence that help in assessing the nature of a government's decision: (1) the level and responsibilities of the decision-maker; (2) the process by which the decision was made; (3) the nature and extent of budgetary considerations; and (4) the extent to which the decision was based on objective criteria. The separation of powers rationale animating the immunity guides how the factors weigh in the analysis.⁵³

48. Although the Plaintiff has failed to plead any decisions made by the Crown which could give rise to an action in negligence, the Plaintiff's bald allegations that the Crown irrationally administered, managed, or supervised DSO Waitlists really seek to impugn core policy decisions regarding the allotment of funding and limited resources, for which the government is immune from liability.

49. These government decisions which necessarily balance competing interests and require value judgments are within the purview of the legislature. The Plaintiff cannot obtain the remedies it seeks by asking this Court to tread on the discretion of the legislature and substitute its own judgment as to how the Crown ought to deliver the services and funding.⁵⁴

50. No matter which case is applied, the Divisional Court properly determined, based on the facts of the claim before it, that the claim is barred because it concerns policy decisions of the government.

⁵³ *Nelson (City) v Marchi*, 2021 SCC 41 at [para 3](#) [*Nelson*].

⁵⁴ *Nelson* at [para 65](#).

v. *Decisions respecting policy matters are also now expressly barred by the CLPA*

51. The Divisional Court decided that it was not necessary for the Court to decide the appeal based on the application of the *CLPA* but noted that:

“Devising, managing and implementing” a benefits scheme is an aspect of public administration squarely within the realm of “core policy decisions” and is protected by common law Crown immunity.⁵⁵

52. These immunity provisions are intended to clarify the scope of the Crown’s common law immunity for such decisions.⁵⁶

53. Subsection 11(4) of the *CLPA* bars any claim in negligence against the Crown respecting a good faith decision (or a purported failure to make a decision) respecting a policy matter.⁵⁷ The detailed definition of “policy matter” set out at s. 11(5) of the *CLPA* includes:

- 1) the creation, design, establishment, redesign or modification of a program, project or other initiative;
 - 2) the funding of a program, project or other initiative; and
 - 3) the manner in which a program, project or other initiative is carried out.⁵⁸
- [Emphasis added]

54. Even if this Honourable Court finds that the claim does not attack funding and resource allocation issues, Crown decisions respecting (a) the design, redesign or modification of the Developmental Services program, including the program’s prioritization of the needs of the participants (*i.e.*, waiting lists), and (b) the manner in which the Developmental Services are to be delivered, are expressly immune from liability under s. 11(4) and (5) of the *CLPA*.⁵⁹

⁵⁵ *Leroux* (Div Ct) at [paras 133](#).

⁵⁶ Ontario, Legislative Assembly, *Official Report of Debates (Hansard)*, 42nd Parliament, 1st Session, Vol 94 (April 16, 2019) at p. 4401 (Hon Caroline Mulroney), See Appendix

⁵⁷ *Crown Liability and Proceedings Act, 2019*, SO 2019, c 7, Sch 17, [s. 11\(4\)](#) [*CLPA*].

⁵⁸ *CLPA*, [s 11\(5\)](#).

⁵⁹ *CLPA*, [ss 11\(4\), 11\(5\)](#).

55. The *CLPA* confirms that the Plaintiff's allegations in negligence are not justiciable and removes any ambiguity regarding the viability of such claims.

vi. There is no viable section 7 of the Charter Claim

56. To establish a breach of *Charter* s. 7, a claimant must prove: (1) that the law or state action deprives the claimant of life, liberty, or security of the person; and (2) that this deprivation is contrary to the principles of fundamental justice.⁶⁰ It is plain and obvious that the Appellant cannot establish either part of the test, even taking the facts pleaded to be true. The Divisional Court made no error in dismissing the *Charter* s. 7 claim.⁶¹

a) No deprivation of life, liberty or security of the person

57. Section 7 of the *Charter* restricts the state's ability to *deprive* individuals of their life, liberty, or security of the person. If a claimant cannot establish a state deprivation of life, liberty or security of the person, "the s. 7 analysis stops there."⁶² Any delays in the provision of discretionary social services and supports are not a deprivation of an interest protected by *Charter* s. 7.

58. In *Flora*, this Court held that where "the government elects to provide a financial benefit that is not otherwise required by law, legislative limitations on the scope of the financial benefit provided do not violate s. 7."⁶³ In *Wynberg*, this Court held that, where the government has chosen to provide a benefit to some recipients, "this choice, standing alone, does not create a constitutional

⁶⁰ *Canada (Attorney General) v Bedford*, 2013 SCC 72 at [para. 93](#); *Carter v Canada (Attorney General)*, 2015 SCC 5 at [paras 54-55, 70](#).

⁶¹ *Leroux* (Div Ct) at [paras 117-119](#).

⁶² *Blencoe v British Columbia (Human Rights Commission)*, [2000 SCC 44](#) at para 47.

⁶³ *Flora v Ontario Health Insurance Plan*, 2008 ONCA 538 at [para 108](#) [*Flora*].

obligation on [the government] to provide the same or similar programming on a more widespread basis.”⁶⁴ In *Sagharian*, this Court struck a *Charter* s. 7 claim on its pleadings, holding that wait lists for accessing or using a social program did not constitute a deprivation under s. 7 because “Government action in not providing specific programs to the appellants cannot be said to deprive the appellants of constitutionally protected rights.”⁶⁵

59. The Divisional Court correctly applied these binding precedents to strike the *Charter* s. 7 claim. *Sagharian* in particular is directly applicable, as it was a pleadings motion to strike a *Charter* s. 7 claim alleging that wait lists for the use of or access to social services deprived the claimants of security of the person. The Appellant does not attempt to distinguish these authorities or to argue that they were incorrectly decided; indeed, the Appellant does not cite *Sagharian* or *Flora* in her factum at all.

60. This Court has also held that “in the absence of a constitutional right that requires the government to act in the first place, there can be no constitutional right to the continuation of measures voluntarily taken, even where those measures accord with or enhance *Charter* values.”⁶⁶ If the repeal or cancellation of a discretionary social benefit does not constitute a deprivation under *Charter* s. 7, it cannot be said that a *delay* in receiving a discretionary social benefit constitutes such a deprivation.

⁶⁴ *Wynberg* at [para 220](#), leave to appeal to SCC refused [2007 CanLII 11900](#).

⁶⁵ *Sagharian v Ontario (Education)*, 2008 ONCA 411, at [paras 51-53](#) [*Sagharian*], aff’g 2007 CanLII 6933, 154 CRR (2d) 85 (Gen. Div) at [paras 41-42](#).

⁶⁶ *Lalonde v Ontario (Commission de restructuration des services de santé)*, 2001 CanLII 21164 (CA), 208 DLR (4th) 577 at [para 94](#); *Flora* at [paras 103-104](#); *Ferrel v Ontario (Attorney General)*, [1998 CanLII 6274](#) (ON CA), 168 DLR (4th) 1 at para 36.

61. As the Divisional Court correctly noted,⁶⁷ the Appellant’s claim is really a positive rights claim to receive without delay certain benefits that are said to enhance her security of the person.

However, as the Supreme Court held in *Gosselin*:

Section 7 speaks of the right not to be deprived of life, liberty and security of the person, except in accordance with the principles of fundamental justice. Nothing in the jurisprudence thus far suggests that s. 7 places a positive obligation on the state to ensure that each person enjoys life, liberty or security of the person. Rather, s. 7 has been interpreted as restricting the state’s ability to deprive people of these.⁶⁸

62. *Charter* s. 7 does not include a right to the provision of life-saving medical treatment,⁶⁹ to a minimum level of social assistance,⁷⁰ to the provision of therapeutic services for children with autism,⁷¹ or to the provision of adequate shelter.⁷² It would be anomalous if s. 7 included a right to receive discretionary social services without delay.

63. The Appellant is incorrect to allege that this case involves “state interference with an individual’s basic living necessities such as shelter, sustenance and safety.”⁷³ As the Divisional Court noted, adults with disabilities may apply for ODSP, which “is an entitlement program which provides an individual with direct funding that will provide for payment of basic needs such as food, clothing and shelter.”⁷⁴ The Appellant’s entitlement to ODSP funding for her basic living necessities is not at issue in this case. Instead, this case is about discretionary benefits above and beyond those provided by ODSP’s funding for basic needs.⁷⁵ State interference with the basic necessities of life is simply not a question that arises in this case.

⁶⁷ *Leroux* (Div Ct) at [paras 113-116](#).

⁶⁸ *Gosselin v Quebec (Attorney General)*, 2002 SCC 84 at [para 81](#) [*Gosselin*].

⁶⁹ *Flora* at [para 108](#).

⁷⁰ *Gosselin; Masse v Ontario* (1996), 1996 CanLII 12491 (ON SCDC), 134 DLR (4th) 20 at [paras 69-73](#), O’Driscoll J and at [paras 165-173](#), O’Brien J, concurring.

⁷¹ *Wynberg* at [para 218](#), leave to appeal to SCC refused [2007 CanLII 11900](#).

⁷² *Tanudjaja v Canada (Attorney General)*, 2013 ONSC 5410 at [para 59](#).

⁷³ Appellant’s factum at para 55.

⁷⁴ *Leroux* (Div Ct) at [para 13](#).

⁷⁵ *Leroux* (Div Ct) at [para 15](#).

64. The Appellant is also incorrect to allege that being made to wait for social services and supports amounts to interference with her psychological integrity or her right “to make decisions concerning one’s body free from state interference.”⁷⁶ As this Court explained in *Wynberg* and *Flora*,⁷⁷ section 7 is engaged by state action that prohibits a person from making decisions concerning their health (as in *Chaoulli* or *Morgentaler*) or that directly interferes with the parent-child relationship (as in *G.J.*), but this is very different from a failure (or delay) by the state to extend a benefit or social service. While the court is required to accept the *facts* pleaded as true for the purposes of the motion, it is not required to accept the plaintiff’s legal theory. Here, the Appellant’s legal argument on what could constitute a deprivation under *Charter* s. 7 is refuted by this Court’s jurisprudence on this issue.⁷⁸

65. The Appellant asserts that “only Regional Senior Justice Edwards grappled with the sustainability of the *Charter* claim” and that “the section 7 claim was struck by the Divisional Court (without any reasons by the majority)”.⁷⁹ This is incorrect. The majority of the Divisional Court (per Corbett and Penny JJ) stated that “We agree with our colleague that the motion judge erred in certifying the *Charter* claims.”⁸⁰ The reasons of Edwards RSJ are the unanimous reasons of the Divisional Court on the *Charter* claim.⁸¹

⁷⁶ Appellant’s Factum at para 58.

⁷⁷ *Wynberg* at paras 221-224; *Flora* at paras 106-107.

⁷⁸ See also *Tanase v College of Dental Hygienists of Ontario*, 2021 ONCA 482 at para 45; *Scott v Canada (Attorney General)*, 2017 BCCA 422 at paras 83-90 [*Scott*], leave to appeal to SCC refused [2018 CanLII 80680](#); *Kreishan v Canada (Citizenship and Immigration)*, 2019 FCA 223 at paras 136-141, leave to appeal to SCC refused [2020 CanLII 17609](#).

⁷⁹ Appellant’s Factum at paras 51, 53.

⁸⁰ *Leroux* (Div Ct) at para 119.

⁸¹ *Leroux* (Div Ct) at paras 7, 8(a).

66. The Appellant also asserts that the Divisional Court erred because it “improperly relied upon merits decisions” to conclude that the claim had no reasonable prospect of success.⁸² This argument is baseless. The Supreme Court has held that a motion to strike:

operates on the assumption that the claim will proceed through the court system in the usual way — in an adversarial system where judges are under a duty to apply the law as set out in (and as it may develop from) statutes and precedent. The question is whether, considered in *the context of the law and the litigation process*, the claim has no reasonable chance of succeeding.⁸³

67. It is irrelevant whether the precedents relied on by the Divisional Court in assessing the s. 7 claim’s chance of success were decisions made after a hearing of the evidence or after a motion to strike. The question was whether the claim as pleaded is tenable in light of the law of the Constitution as set out in those binding precedents. There is not one law of the *Charter* for “merits” decisions and a different law of the *Charter* on a motion to strike. In any event, the most applicable precedent relied on by the Divisional Court, *Sagharian*, was a decision on a motion to strike.⁸⁴ So too were the decisions in *Abarquez*, *Cosyns* and *Tanudjaja*, all relied on by the Divisional Court in striking this claim.⁸⁵

68. Nor can the Appellant avoid the dismissal of the *Charter* s. 7 claim simply by asserting the need for “flexibility when interpreting section 7.”⁸⁶ If such an assertion were sufficient, no *Charter* s. 7 claim could ever be struck. But this Court and other appellate courts have struck out claims for positive rights under *Charter* s. 7 on their pleadings by applying settled precedents.⁸⁷ Indeed, the Supreme Court has recently confirmed that:

⁸² Appellant’s Factum at para. 56.

⁸³ *Imperial Tobacco* at [para 25](#).

⁸⁴ *Leroux* (Div Ct) at [para 110](#).

⁸⁵ *Leroux* (Div Ct) at [paras 110, 116](#).

⁸⁶ Appellant’s Factum at para 64.

⁸⁷ *Sagharian* at [para 52](#), aff’g 2007 CanLII 6933 (Gen. Div) at [paras 41-42](#); *Scott* at [paras 83-90](#), leave to appeal to SCC refused [2018 CanLII 80680](#); *Cosyns v Canada (Attorney General)*, 1992 CanLII 8529 (ON SCDC), 88 DLR (4th) 507 at [para 18](#).

...a claim will not survive an application to strike simply because it is novel. It is beneficial, and indeed critical to the viability of civil justice and public access thereto that claims, *including novel claims*, which are doomed to fail be disposed of at an early stage in the proceedings...If a court would not recognize a novel claim when the facts as pleaded are taken to be true, the claim is plainly doomed to fail and should be struck. In making this determination, it is not uncommon for courts to resolve complex questions of law and policy.⁸⁸

b) In the alternative, no inconsistency with fundamental justice is pleaded

69. In any event, the Plaintiff has not pleaded that any such deprivation is contrary to the principles of fundamental justice. Indeed, the Statement of Claim does not mention the principles of fundamental justice at all, let alone plead any inconsistency with any recognized principle of fundamental justice.⁸⁹ This Court has held that “To establish a breach of s. 7 of the *Charter*, the pleadings must, at a minimum, set out both a deprivation of life, liberty or security of the person and a violation of the principles of fundamental justice.”⁹⁰ This is a second and sufficient reason why it is plain and obvious that the *Charter* s. 7 claim cannot succeed.

C. The Divisional Court Provided Adequate Reasons

70. There is also no merit to the Plaintiff’s argument that the Divisional Court did not provide adequate reasons on all of the grounds for appeal raised before it, and this warrants granting the Plaintiff’s appeal. The Divisional Court’s findings that the negligence and *Charter* claims pleaded by the Plaintiff were not tenable was sufficient to determine the appeal. The claim failed the reasonable cause of action requirement in s.5(1)(a) of the *CPA*. As such it was not necessary to provide reasons on the other issues raised in the appeal, nor was the

⁸⁸ *Atlantic* at [para 19](#).

⁸⁹ Statement of Claim at paras 51-57.

⁹⁰ *Abarquez v Ontario*, 2009 ONCA 374 at [para 42](#).

Divisional Court obliged to do so.

71. As this Court recently held in *OFNLP v Ontario*, “a court should generally refrain from deciding issues of law that are unnecessary to the resolution of an appeal.⁹¹ Where the conclusions of the court on the issues raised are dispositive of the appeal, it is unnecessary to provide reasons for the remaining issues. The Supreme Court took the same approach in *Wastech Services Ltd. v Greater Vancouver Sewerage and Drainage District*, where the majority declined to consider the standard of review principles because the outcome of the case did not depend on the standard of review.⁹²

PART IV – ADDITIONAL ISSUES RAISED BY THE RESPONDENT

72. Given the Divisional Court’s finding that the Plaintiff’s negligence and breach of *Charter* claims were doomed to fail, it did not deem it necessary to go on to address whether the motion judge also erred in determining that the common issues and preferable procedure elements of the test for certification were met. However, in the event that this Court accepts the Plaintiff’s submissions on the reasonable cause of action criteria, it is submitted that the motion judge erred in his findings on these grounds and that the Divisional Court’s decision setting aside certification should be upheld because the claim also does not meet the common issues and preferable procedure elements of the test for certification.

⁹¹ *Ontario First Nations (2008) Limited Partnership v Ontario Lottery and Gaming Corporation*, 2021 ONCA 592 at [para 38](#).

⁹² *Wastech Services Ltd v Greater Vancouver Sewerage and Drainage District*, 2021 SCC 7 at [para 46](#).

A. The Claim does not Disclose Common Issues

73. At paragraph 68 of the certification decision, the motion judge found that whether Ontario owed and breached a duty of care could be determined in common because of Ontario’s singular approach to the delivery of developmental services. He also found that the interaction and relationship between Ontario and the class is common by virtue of the “centralized administration of the DSO regime.”⁹³ He therefore certified as a common issue the negligence claim: “[b]y its operation or management of the service registries for Developmental Services, did the defendant breach a duty of care it owed to the class to protect them from actionable harm?”⁹⁴

74. This decision cannot be reconciled with recent appellate decisions which provide clear guidance that where, as here, the proposed common issues are not part of the claims of individual class members, the action should not be certified.⁹⁵

75. In *R.G.*, the plaintiff sought certification of her claim that over 18,000 laboratory tests conducted at the Hospital for Sick Children to screen for the presence of drugs and alcohol were unreliable and that she, and others, suffered harm as a result of the reliance that courts and others placed on the test results. Some of the test results were used as evidence in criminal and child protection proceedings. As a result, the plaintiff’s newborn son was apprehended by the Children’s Aid Society due to a positive test result. The plaintiff sought to certify as a common issue as: “[b]y its operation or management of the Motherisk Drug Testing Laboratory between January 2005 and April 2015, did the Defendants breach a duty of care it owed to the Class?”⁹⁶

⁹³ *Leroux* (SCJ) at [para 68](#).

⁹⁴ *Leroux* (SCJ), [Appendix – Proposed Common Issues](#).

⁹⁵ *RG v The Hospital for Sick Children*, 2017 ONSC 6545 at [para 82](#) [*RG* Sup Ct (Civ Div)], aff’d in [RG; Bennett; Cirillo](#).

⁹⁶ *RG* Sup Ct (Civ Div) at [para 201](#).

76. Perell J. determined that: the issue (i.e. operation and management of the testing laboratory) was not a substantial ingredient of each class member's claim; its resolution would not avoid duplication of fact-finding or legal analysis; its answer was not capable of extrapolation, in the same manner, to each member of the class; and its determination would not diminish what would need to be determined in a multitude of individual proceedings.⁹⁷ Accordingly, the certification motion was dismissed because both the common issue and preferable procedure criteria had not been met.⁹⁸ This Court upheld the decision on appeal.⁹⁹

77. The Divisional Court approved the same approach in *Bennett v Hydro One*. In that case the proposed representative plaintiff alleged that Hydro One engaged in systemic negligence by overcharging residents for electricity supplies due to a new billing and customer information system which was implemented in 2013. The plaintiff sought to certify as a common issue whether the respondents owed a duty of care to ensure that they had an accurate and reliable billing system and an effective customer service system. The motion judge dismissed the certification motion because the common issue and preferable procedure criterion had not been met, and stated as follows:

The misplaced reliance on systemic negligence is the fatal flaw in the theory of commonality for the case at bar... the case at bar produces no common harm but rather the alleged systemic negligence produces a multiplicity of errors, some harmful, some neutral, and some even beneficial.¹⁰⁰

78. The Divisional Court upheld the decision on appeal and in its reasons stated that “the common facts that all 1.3 million customers of the respondents have the same contracts [...], do

⁹⁷ *Ibid* at [para 203](#).

⁹⁸ *Ibid* at [para 171](#).

⁹⁹ *RG v The Hospital for Sick Children*, [2020 ONCA 414](#).

¹⁰⁰ *Bennett* at [para 24](#).

not meet the common issue criterion on the test for certification.... Findings on those points are not substantial ingredients in the proposed class members' causes of action.¹⁰¹ [Emphasis added]

79. Most recently, in *Cirillo* this Court upheld the motion judge's refusal to certify a claim, in part, because the *Charter* claims did not arise from a single course of conduct giving rise to the alleged breaches.¹⁰² This Court cited *Thorborn v British Columbia*, wherein the Court stated:

An unreasonable policy alone could not provide the foundation for determining each class member's cause of action of an unreasonable search; only an individual assessment of the relevant circumstances unique to each class member would allow a judge to determine if a cause of action had been established.¹⁰³

80. The motion judge failed to follow the approach adopted by the Divisional Court and the Court of Appeal in these cases. The very same issues regarding commonality exist in this case and the motion judge's approach and decision cannot be reconciled with these other cases.

81. In particular, he failed to address the fact that each individual class member's claim will be based upon their individual circumstances around how the application, prioritization and matching exercises took place in their particular case, including what specific services and supports they requested and the relative needs and circumstances of all other class members who were also seeking those same services or supports at the same time and at the same place and how they were all prioritized in relation to one another.

82. The motion judge also failed to consider that a judicial determination that a particular prioritization or matching process was conducted improperly for one class member who was requesting services or supports in a particular place at a particular time will only be relevant for

¹⁰¹ *Ibid* at [para 42](#).

¹⁰² *Cirillo* at [para 65](#).

¹⁰³ *Ibid* at [para 66](#).

those class members who had sought those same services at the same time and place and were therefore impacted by the same prioritization and matching exercise. It will be irrelevant for all other class members. Further, to the extent that class members were impacted by the same prioritization and matching process, they will be adverse in interest because they are in effect each taking the position that they should have received the requested services first, or at least sooner than the other class members.

83. Instead, the motion judge simply concluded that significant individual issues should not prevent certification.¹⁰⁴

B. A Class Proceeding is not the Preferable Procedure

84. As was held in *Price v H Lundbeck A/S* and *Cirillo v Ontario*, if this Court agrees that the common issues requirement is not satisfied, the preferable procedure requirement is likewise not satisfied.¹⁰⁵

85. The preferability requirement captures two key concepts: first, the question of “whether or not the class proceeding [would be] a fair, efficient and manageable method of advancing the claim, and second, the question of whether a class proceeding would be preferable in the sense of preferable to other procedures such as joinder, test cases, consolidation, and so on.”¹⁰⁶

86. As was discussed by the Divisional Court in *R.G.*, the assessment of preferable procedure is not conducted in the abstract. Perell J.’s discussion in *R.G.* of the difficulties in determining liability in a systemic negligence claim on a class-wide basis, apply equally here.¹⁰⁷ The Divisional

¹⁰⁴ *Leroux* (SCJ) at [para 62](#).

¹⁰⁵ *Price v H Lundbeck A/S*, 2018 ONSC 4333 at [para 53](#); *Cirillo* at [para 70](#).

¹⁰⁶ *CPA*, [s 5\(1\)\(d\)](#); *Hollick v Metropolitan Toronto (Municipality)*, 2001 SCC 68 at [para 28](#).

¹⁰⁷ *RG* at [paras 33-34](#).

Court agreed and articulated that the preferable procedure test involves a balancing of the relative importance of the common issues to the remaining individual issues in the Plaintiff's overall quest for compensation.¹⁰⁸ Although this balancing is an exercise of judicial discretion, the decision is subject to review if the motion judge makes an error in principle.¹⁰⁹

87. The motion judge here failed to consider how a determination that the Crown's design and management of this social program, and in particular its design of the prioritization and matching processes, was generally flawed, would meaningfully advance the claims of any individual class member.¹¹⁰ Each class member's unique needs and circumstances, and their interactions with the Crown or its representatives, all require individual assessments to determine harm, causation, and appropriate damages. All of these issues would remain to be determined for each individual class member.

88. The motion judge's analysis did not engage with the holding of this very court in *Cloud v Canada* that a preferable procedure "must represent a fair, efficient, and manageable procedure that is preferable to any alternative method of resolving the claims."¹¹¹ He did not consider that a determination of the certified common issues will not advance access to justice because they do not affect the issues that will have to be determined at individual trials.

¹⁰⁸ *Ibid* at [para 37](#).

¹⁰⁹ *Housen v Nikolaisen*, 2002 SCC 33 at [para 37](#).

¹¹⁰ *Cirillo* at [para 69](#), citing to *Dennis v Ontario Lottery and Gaming Corp*, [2013 ONCA 501](#).

¹¹¹ *Cloud v Canada (Attorney General)*, 2004 CanLII 45444 (ON CA), 73 OR (3d) 401 at [para 73](#).

PART V - ORDER REQUESTED

89. Ontario requests that the Court dismiss the appeal with costs of the appeal and the proceedings below.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

April 19, 2022



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CERTIFICATE

I estimate that two hours will be needed for Ontario's oral argument of the appeal, not including reply. An order under subrule 61.09(2) is not required.

DATED AT Toronto, Ontario, this 19th day of April 2022.



Vanessa Glasser

SCHEDULE “A” - AUTHORITIES

1. *Abarquez v. Ontario*, [2009 ONCA 374](#)
2. *Atlantic Lottery Corp. Inc. v. Babstock*, [2020 SCC 19](#)
3. *Bennett v. Hydro One Inc. et al*, [2018 ONSC 7741](#)
4. *Blencoe v. British Columbia (Human Rights Commission)*, [2000 SCC 44](#)
5. *Brown v British Columbia (Minister of Transportation and Highways)*, [1994 CanLII 121](#)
(SCC)
6. *Canada (Attorney General) v. Bedford*, [2013 SCC 72](#)
7. *Canada (Attorney General) v. Thouin*, [2017 SCC 46](#)
8. *Carter v. Canada (Attorney General)*, [2015 SCC 5](#)
9. *Cirillo v. Ontario*, [2019 ONSC 3066](#)
10. *Cirillo v. Ontario*, [2021 ONCA 353](#)
11. *Cloud v. Canada (Attorney General)*, [2004 CanLII 45444](#) (ON CA)
12. *Cosyns v. Canada (Attorney General)*, [1992 CanLII 8529](#) (ON SCDC)
13. *Dennis v. Ontario Lottery and Gaming Corp.*, [2013 ONCA 501](#)
14. *Excalibur Special Opportunities LP v Schwartz Levitsky Feldman LLP*, [2015 ONSC 1634](#)
15. *Excalibur Special Opportunities LP v. Schwartz Levitsky Feldman LLP*, [2016 ONCA 916](#)
16. *Ferrel v. Ontario (Attorney General)*, [1998 CanLII 6274](#) (ON CA)
17. *Flora v. Ontario Health Insurance Plan*, [2008 ONCA 538](#)

18. *Francis v Ontario*, [2021 ONCA 197](#)
19. *Gosselin v. Quebec (Attorney General)*, [2002 SCC 84](#)
20. *Her Majesty the Queen in Right of Ontario v Madan et al*, [2022 ONSC 1538](#)
21. *Hinse v Canada (Attorney General)*, [2015 SCC 35](#)
22. *Hollick v Metropolitan Toronto (Municipality)*, [2001 SCC 68](#)
23. *Housen v Nikolaisen*, [2002 SCC 33](#)
24. *Kreishan v. Canada (Citizenship and Immigration)*, [2019 FCA 223](#)
25. *Kreishan v. Canada (Citizenship and Immigration)*, [2020 CanLII 17609](#) (SCC)
26. *Lalonde v. Ontario (Commission de restructuration des services de santé)*, [2001 CanLII 21164](#) (ON CA)
27. *Leroux v Ontario*, [2021 ONSC 2269](#)
28. *Leroux v. Ontario*, [2018 ONSC 6452](#)
29. *Leroux v. Ontario*, [2021 ONSC 4468](#)
30. *Masse v. Ontario* (1996), [1996 CanLII 12491](#) (ON SCDC)
31. *Nelson (City) v Marchi*, [2021 SCC 41](#)
32. *Ontario First Nations (2008) Limited Partnership v. Ontario Lottery and Gaming Corporation*, [2021 ONCA 592](#)
33. *Ontario v. Phaneuf*, [2010 ONCA 901](#)
34. *Price v. H. Lundbeck A/S*, [2018 ONSC 4333](#)
35. *R v Imperial Tobacco Canada Ltd.*, [2011 SCC 42](#)

36. *R.G. v The Hospital for Sick Children*, [2017 ONSC 6545](#)
37. *R.G. v. The Hospital for Sick Children*, [2018 ONSC 7058](#)
38. *Sagharian v. Ontario (Education)*, [2007 CanLII 6933](#) (Gen. Div.)
39. *Sagharian v. Ontario (Education)*, [2008 ONCA 411](#)
40. *Scott v. Canada (Attorney General)*, [2017 BCCA 422](#)
41. *Scott v. Canada (Attorney General)*, [2018 CanLII 80680](#) (SCC)
42. *Tanase v. College of Dental Hygienists of Ontario*, [2021 ONCA 482](#)
43. *Tanudjaja v. Canada (Attorney General)*, [2013 ONSC 5410](#)
44. *Wareham v. Ontario (Ministry of Community and Social Services)*, [2008 CanLII 1179](#)
(ON SC)
45. *Wareham v. Ontario (Ministry of Community and Social Services)* and [2008 ONCA 771](#)
46. *Wastech Services Ltd. v Greater Vancouver Sewerage and Drainage District*, [2021 SCC 7](#)
47. *Wynberg v. Ontario*, [2006 CanLII 22919](#) (ON CA)
48. *Wynberg v. Ontario*, [2007 CanLII 11900](#) (SCC)

Other Authorities

Hon. Caroline Mulroney, *Official Report of Debates (Hansard)*, Legislative Assembly of Ontario, 1st Session, 42nd Parliament, Vol. 94 at 4401 (April 16, 2019)

SCHEDULE “B” - LEGISLATION

Class Proceedings Act, 1992, [S.O. 1992, c. 6](#) [CPA]

5 (1) The court shall, subject to subsection (6) and to [section 5.1](#), certify a class proceeding on a motion under [section 2](#), [3](#) or [4](#) if,

- (a) the pleadings or the notice of application discloses a cause of action;
- (b) there is an identifiable class of two or more persons that would be represented by the representative plaintiff or defendant;
- (c) the claims or defences of the class members raise common issues;
- (d) a class proceeding would be the preferable procedure for the resolution of the common issues; and
- (e) there is a representative plaintiff or defendant who,
 - (i) would fairly and adequately represent the interests of the class,
 - (ii) has produced a plan for the proceeding that sets out a workable method of advancing the proceeding on behalf of the class and of notifying class members of the proceeding, and
 - (iii) does not have, on the common issues for the class, an interest in conflict with the interests of other class members.

Crown Liability and Proceedings Act, 2019, [SO 2019, c 7, Sch 17](#) [CLPA]

11 (4) No cause of action arises against the Crown or an officer, employee or agent of the Crown in respect of any negligence or failure to take reasonable care in the making of a decision in good faith respecting a policy matter, or any negligence in a purported failure to make a decision respecting a policy matter.

Same, policy matters

(5) For the purposes of subsection (4), a policy matter includes,

- (a) the creation, design, establishment, redesign or modification of a program, project or other initiative, including,
 - (i) the terms, scope or features of the program, project or other initiative,
 - (ii) the eligibility or exclusion of any person or entity or class of persons or entities to participate in the program, project or other initiative, or the requirements or limits of such participation, or

- (iii) limits on the duration of the program, project or other initiative, including any discretionary right to terminate or amend the operation of the program, project or other initiative;
- (b) the funding of a program, project or other initiative, including,
 - (i) providing or ceasing to provide such funding,
 - (ii) increasing or reducing the amount of funding provided,
 - (iii) including, not including, amending or removing any terms or conditions in relation to such funding, or
 - (iv) reducing or cancelling any funding previously provided or committed in support of the program, project or other initiative;
- (c) the manner in which a program, project or other initiative is carried out, including,
 - (i) the carrying out, on behalf of the Crown, of some or all of a program, project or other initiative by another person or entity, including a Crown agency, Crown corporation, transfer payment recipient or independent contractor,
 - (ii) the terms and conditions under which the person or entity will carry out such activities,
 - (iii) the Crown's degree of supervision or control over the person or entity in relation to such activities, or
 - (iv) the existence or content of any policies, management procedures or oversight mechanisms concerning the program, project or other initiative;
- (d) the termination of a program, project or other initiative, including the amount of notice or other relief to be provided to affected members of the public as a result of the termination;
- (e) the making of such regulatory decisions as may be prescribed; and
- (f) any other policy matter that may be prescribed.

Services and Supports to Promote the Social Inclusion of People with Development Disabilities

Act, 2008, [SO 2008, c 14](#) [SSPDDA]

9 The Minister may fund services and supports for persons with developmental disabilities using the following methods of funding:

1. The Minister may enter into funding agreements with service agencies under [section 10](#).
2. In a funding agreement with an application entity described in [subsection 8 \(10\)](#), the Minister may agree to provide funds to the entity for purposes of direct funding agreements that the entity enters into under section 11 with persons with developmental disabilities or other persons on their behalf.

Legislation Act, 2006, Part III

(6) A policy directive issued under this section is not a regulation within the meaning of Part III (Regulations) of the [Legislation Act, 2006](#). 2008, c. 14, s. 7 (6).

Publication

(7) The Director who issued the policy directive shall ensure that policy directives issued under this section are posted on the Ministry website or published in such other manner as may be prescribed. 2008, c. 14, s. 7 (7).

10 (1) The Minister may enter into a written agreement with a service agency to fund the agency for the provision of specified services and supports to, or for the benefit of, persons with developmental disabilities. 2008, c. 14, s. 10 (1).

Terms and conditions

(2) An agreement under subsection (1) shall be subject to such terms and conditions as are specified in it. 2008, c. 14, s. 10 (2).

Compliance with agreement, Act, etc.

(3) It is a term and condition of every funding agreement made under this section that the Minister may terminate some or all of the funding provided under the agreement if the service agency fails to comply with a term or condition of the agreement or with the requirements of this Act, the regulations or of an applicable policy directive. 2008, c. 14, s. 10 (3).

Appendix

Please see next page

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

**Official Report
of Debates
(Hansard)**

No. 94

1st Session
42nd Parliament
Tuesday
16 April 2019

**Journal
des débats
(Hansard)**

N° 94

1^{re} session
42^e législature
Mardi
16 avril 2019

Speaker: Honourable Ted Arnott
Clerk: Todd Decker

Président : L'honorable Ted Arnott
Greffier : Todd Decker

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Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

ISSN 1180-2987

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Tuesday 16 April 2019

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Mardi 16 avril 2019

The House met at 0900.

The Speaker (Hon. Ted Arnott): We're going to begin this morning with a moment of silence for inner thought and personal reflection.

Let us pray.

Prayers.

NOTICE OF REASONED AMENDMENT

The Speaker (Hon. Ted Arnott): Before I call orders of the day, I beg to inform the House that, pursuant to standing order 71(c), the member for Hamilton West–Ancaster–Dundas has filed with the Clerk a reasoned amendment to the motion for second reading of Bill 100, An Act to implement Budget measures and to enact, amend and repeal various statutes. The order for second reading of Bill 100 may therefore not be called today.

ORDERS OF THE DAY

2019 ONTARIO BUDGET

Resuming the debate adjourned on April 15, 2019, on the motion that this House approves in general the budgetary policy of the government.

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

Mr. Mike Schreiner: It's an honour to rise to speak on the budget today.

Budgets are such important documents. They reflect the values and priorities of a government and what matters. It's clear, given the number of references and emphasis in this budget, that what matters to the government is booze, gambling and tailgate parties.

I don't have an opposition to that, in and of itself. As a matter of fact, the House leader has talked about the fact that people in Ontario want to have fun, and I certainly want them to have fun. But while the government is focused on booze and gambling, there's not going to be a lot of fun for families looking for a place that they can afford to call home, because this budget doesn't discuss housing affordability. As a matter of fact, it has a year-over-year cut to the Ministry of Housing of \$257 million.

This budget is not going to be fun for vulnerable children, with a \$1-billion cut to children and community services. This budget is not going to be fun for high school students, who are going to see their class sizes increase, especially in rural and remote communities. It's not going to be fun for university students, who will experience a \$291-million cut, year over year, to student financial assistance.

It's not fun for people who are facing mental health and addictions challenges, as this budget is largely silent on the opioid crisis that we face. As a matter of fact, when it talks about it, it talks about it in a punitive way and not in a way to provide services.

This budget is not very fun for the hundreds of thousands of young people across this country who are rising up and demanding action on the climate crisis so they have a livable future. As a matter of fact, the Ministry of the Environment—a \$278-million year-over-year cut; the Ministry of Natural Resources and Forestry—a \$109-million cut.

For those who are looking for relief in transit, this budget isn't going to be fun for them either, because it's hard to separate fact from fiction. The Premier announces a big transit plan then only funds 39% of it, and then he breaks his promise to provide gas tax money to municipalities to fund their transit systems.

This could have all been avoided if the government had kept its promise to get rid of the Liberals' Fair Hydro Plan, which is costing this province \$3 billion a year in borrowing. Mr. Speaker, we could have avoided—

The Acting Speaker (Mr. Percy Hatfield): Thank you. Questions and comments?

Mr. Paul Calandra: Speaker, you have to let me say that I do like the honourable gentleman and, most of the time, I enjoy his interventions. I'm going to chalk it up to the fact that he only had three minutes or so today to be able to comment on what is obviously a very fulsome budget.

It's getting a little frustrating—I wouldn't even say "frustrating"; it's almost disrespectful of the people in the service industry. We've heard member after member of the opposition talk about booze and alcohol as though the people who work in that industry are somehow less than other people.

The member comes from a part of the province that is an important tourism sector for us. So when we talk about increasing access and modernizing the delivery of alcohol, it's about helping out our craft brewers; it's about helping out our tourism industry; it's about helping out Niagara, which is the home of billions of dollars of economic activity. As opposed to looking down on those, we should be seeing how we can help them.

You're looking at the sector here in Toronto that is celebrating the fact that two of our sports teams are actually in the playoffs and doing well. The bar and restaurant sector has told me that these next two months could be the two months where they make up all of their profit for the entire year. So as opposed to looking down

on those sectors, we should look at how we can improve them, and that's part of what this budget does.

He talks about the environment. The Minister of the Environment is bringing forward an environmental plan that will actually meet the targets that the member—I hope he supports the Paris targets. We're going to meet those targets.

He talked about housing affordability. Places to Grow will deal with that. I hope the member has made some representations to the Minister of Municipal Affairs and Housing on that front.

I hope that as we have further debate, the member will take the time to really have a more in-depth and a more fulsome accounting of what's actually in the budget.

The Acting Speaker (Mr. Percy Hatfield): Questions and comments?

Mrs. Jennifer (Jennie) Stevens: The Premier's first budget was a disappointing one, to say the least. Billions of dollars of cuts announced by this government are going to negatively affect the most at-risk populations across Ontario. For example, \$1 billion—billion—of cuts to social services will cripple those already struggling to stay afloat and afford basic necessities, such as housing and food.

In my riding alone, St. Catharines and Niagara region are under a crisis mode when it comes to available housing—or affordable housing, I should say. This government did not allocate any funding to Niagara region to combat this issue, and in fact, our municipality did not receive any funding in part of the \$200 million that was allocated to the 405 municipalities across Ontario for housing and transportation.

A lack of affordable housing goes hand in hand with the mental health and addiction crisis in our region. Poverty in general wasn't even mentioned—as if the topic will simply go away.

The reality is that over 6,000 people are on the waiting list for housing in Niagara region, and most won't see any for at least 10 to 16 years. This is shameful.

May I mention MADD, Mothers Against Drunk Driving? When alcohol is mentioned—9 a.m. boozing in Niagara will go against everything Mothers Against Drunk Driving has instilled in this province of Ontario—shameful.

This government's cuts and decisions are reckless and irresponsible, completely contradicting their promises to Ontario. I am still awaiting the Minister of Transportation to commit to save lives and fund barriers on the Burgoyne Bridge in St. Catharines. The minister claims this government is all about supporting mental health, but then this government—

The Acting Speaker (Mr. Percy Hatfield): Thank you. Questions and comments?

Mr. Mike Harris: You know what? It's a beautiful day here in Ontario and, contrary to what the opposition likes to think, the birds are outside chirping and the sky hasn't fallen yet. We're still moving forward.

0910

Going back to some of the comments I heard yesterday about this—and I love the member of the Green Party

dearly, but we're just going to focus on something that came up yesterday. The member from Niagara was talking about how we're going to be out tailgating and boozing and all these different things.

When I got home last night after a long day here in the Legislature, to maybe some people's surprise here, I had a nice little glass of wine.

Ms. Goldie Ghamari: What?

Mr. Mike Harris: Maybe not a surprise. That wine came from Henry of Pelham. They make a beautiful Baco Noir. But do you know what? I was thinking, if it was 10 o'clock and you went down to Henry of Pelham and had a tour in the member from Niagara's riding—I believe it might be Niagara West; I'm pretty sure it's his riding—you wouldn't be able to sample any of the fine wines at 10 o'clock. It's only an hour from when the supposed—

Mrs. Jennifer (Jennie) Stevens: Because they don't open till 10.

Mr. Mike Harris: But they'll have the opportunity to open early now, and that's the point. They're going to have an opportunity to open early; they're going to have an opportunity to be able to have those employees come in and do a great job. I've had a chance to be down to some of these wineries. They do a fantastic job.

If the member from Niagara and maybe the member from St. Catharines, because she is right next door—she should appreciate the fact that there are going to be businesses that are able to open earlier. They're going to be able to serve the people of those two great ridings. They're going to be able to provide good, sustainable jobs. I don't see anything wrong with that.

This is the best budget we've had in, dare I say, 15 or 16 years—I think. We're not making cuts. We're increasing funding to education. We're increasing funding to health care.

The Acting Speaker (Mr. Percy Hatfield): Questions and comments?

Mr. Joel Harden: It's a pleasure to rise today.

I can actually, at one level, understand why my friends want to expand access to the alcohol industry: Maybe that's when you can really understand the merit of some of the policies they're putting forward.

In fact, Speaker, I wonder if you could help me understand what's going on in the east gallery—because when the member from Markham–Stouffville stands up in this place and says he has talked to the folks in the tourism industry and he has been led to believe that the next two months are critical for that industry, I wonder how 9 a.m. opening alcohol sales helps that industry. The last time I checked, the Leafs and Raptors don't play at 9 in the morning. But what does go on at 9 in the morning, what goes on every morning in the riding that I'm from and in the neighbouring ridings to mine, are people who are struggling to make ends meet. I'm talking in particular about asylum seekers, immigrants and refugees—

Interjections.

The Acting Speaker (Mr. Percy Hatfield): Order, please. Kitchener–Conestoga, come to order, please.

Mr. Joel Harden:—who this government has absolute contempt for. What you have done in cutting legal aid funding by 30% and targeting newcomers to our country is hurt some of the most vulnerable people in our society. Where are they in Ottawa Centre? They are at the Travelodge on Carling Avenue, because our city shelters are full; the family shelters are full. So the people who are coming to this country, like my grandparents came to this country, as illegal asylum seekers—nobody ever told my grandparents to go back to Scotland. But every day on the streets in this province, we've got people preaching intolerance that this government is feeding.

Interjections.

The Acting Speaker (Mr. Percy Hatfield): Peterborough—Kawartha.

Mr. Joel Harden: This government—with all of your anti-asylum-seeker rhetoric, you are feeding intolerance and hatred.

Hon. Lisa MacLeod: Point of order.

The Acting Speaker (Mr. Percy Hatfield): The minister on a point of order.

Hon. Lisa MacLeod: The member opposite is impugning motive against the government, and he should withdraw his hateful, fearmongering, despicable comments.

The Acting Speaker (Mr. Percy Hatfield): Thank you for raising your point of order. I did not hear the comments you reference because I was trying to get your side of the House to come to order. If we're going to proceed this morning, we're going to do it in a way that we can all listen to the debate, or else I will be warning people. And if I have to, I will be naming people and they'll be gone. If I warn you, that warning is good for the rest of the day. We should be able to have a civilized debate. Thank you for your point of order.

You have a short period of time to wrap up the conclusion of your comments.

Mr. Joel Harden: Speaker, on a point of order, can I ask, there was 25 minutes—25 seconds; I wish 25 minutes, because I have a lot to say about—

The Acting Speaker (Mr. Percy Hatfield): You have 10 seconds to conclude your comments.

Mr. Joel Harden: Well, I know the truth hurts for this government, but the fact of the matter is, back home in Ottawa Centre, there are people who have come to this country in good faith, fleeing persecution, for whom this government has nothing but contempt, and that has to stop. The cuts to legal aid have to stop. That is helping—

The Acting Speaker (Mr. Percy Hatfield): Thank you. We'll return to the member from Guelph to wrap up what we just heard in this beautiful House.

Mr. Mike Schreiner: Thanks to the member for Kitchener—Conestoga reminding us what a beautiful morning it is here in Ontario. I want to thank all the members for their contribution to today's debate. I know the member for Markham—Stouffville and the member for Kitchener—Conestoga—

Interjections.

The Acting Speaker (Mr. Percy Hatfield): Government members, I'm trying to listen.

Mr. Mike Schreiner: The members from Kitchener—Conestoga and from Markham—Stouffville made a passionate defence for the Ontario craft beer and wine industry. I share your passion for it. But here's the challenge, Mr. Speaker: It's when you mention alcohol and gambling 63 times in the budget, and you mention poverty zero. The issue is not about liberalizing alcohol sales. The issue is one of priorities. The fact that we have no poverty reduction strategy in there—

Interjection.

The Acting Speaker (Mr. Percy Hatfield): The member for Carleton, come to order, please.

Mr. Mike Schreiner: —is unacceptable. That's the issue, Mr. Speaker. It's an issue of priorities. If the government wasn't spending so much time concentrating on alcohol and gambling, maybe we could have a poverty reduction strategy. Maybe we'd have an affordable housing strategy.

As the member from Ottawa Centre reminded us, maybe we'd have money for legal aid. This government seems to have an employment program for lawyers, given all the lawsuits, but unfortunately not for lawyers who represent the most vulnerable in our society. As the member from St. Catharines so eloquently put it, there is not an affordable housing strategy in this budget.

When I knock on doors, Mr. Speaker, people talk to me about housing affordability and education and health care and poverty and mental health and addictions. No one has asked me for expanded alcohol-selling hours or the ability to drink at a park or to tailgate while they look at their new licence plates. So the issue is one of priorities, and the priorities in this budget are misguided.

The Acting Speaker (Mr. Percy Hatfield): Thank you. Before we go on to further debate, I would ask all members to please accept the decorum of the House and accept the rulings of the Chair. From now on, if there are outbursts, I will give one call to order, one warning and then you will be named. One call to order, one warning and then you will be named.

Further debate?

Ms. Donna Skelly: Mr. Speaker, I will be sharing my time this morning with my colleague the member for Oakville.

Mr. Will Bouma: Great member.

Ms. Donna Skelly: He is a great member.

It is a privilege to be given an opportunity to share why I will be supporting our government's budget. It is a responsible, measured approach that protects what matters most. I first want to start by congratulating the Minister of Finance, delivering our government's very first budget last week. I know he has been working very hard to make sure our government returns some financial prudence to a province that for too long was governed by a party that never thought about the consequences of overspending and leaving future generations of Ontarians with billions of dollars of debt, a debt that, as the finance minister reminded us last week, costs \$24,000 per person living in this province.

Mr. Speaker, our budget is entitled Protecting What Matters Most, and that is exactly what it's doing. We are

making important investments in our public education and our public health care systems that will ensure that they serve all Ontarians to their full potential. We are making important investments in transportation and infrastructure right across the greater Toronto and Hamilton area, and in northern Ontario as well.

Mr. Speaker, I would like to reflect on some comments made by the Leader of the Opposition during her press conference last Thursday. When speaking to the media, the Leader of the Opposition described the budget as being “utterly cruel.” She also said that our government could not be bothered to increase spending and that we did not believe it was our job to provide an education for Ontarians. When asked by a Hamilton reporter if the city was being punished for not electing enough Tories, the Leader of the Opposition answered that she felt that not just Hamilton but the entire province is being punished.

Speaker, as a proud Hamiltonian and the sole governing representative for the city of Hamilton, I have to say I completely disagree with the Leader of the Opposition’s views on our budget. As a member of the Standing Committee on Finance and Economic Affairs, I had an opportunity to travel the province this past January as part of our government’s pre-budget consultations. Both across the province and in my riding of Flamborough–Glanbrook, I heard time and again that essential services like health care and education were not meeting the needs of the public, yet costs for these services continued to soar.

0920

This budget allows our government to offer a bold, new vision that protects and enhances those services while addressing Ontario’s out-of-control debt brought on by 15 years of Liberal fiscal mismanagement. As outlined by the Minister of Finance, our government is taking a measured approach to eliminating the deficit, returning to fiscal balance in five years. Our government has already reduced the deficit by \$3.3 billion by finding savings that add up to about eight cents on the dollar. This is double the commitment that we made during the election last year.

I’m also pleased that our government is taking more concrete steps to ensure that when it comes to finances, this government will have to be more transparent and accountable to this House and to the public. The proposed Fiscal Sustainability, Transparency and Accountability Act contains an accountability guarantee that would mandate the Premier and the Minister of Finance to pay back 10% of their ministerial salaries if they miss any reporting deadlines. This, once again, shows that we are serious about making sure Ontarians know how their tax dollars are being spent.

Our government’s budget contains a commitment to invest \$17 billion in capital grants over the next 10 years to modernize and increase capacity at our hospitals. I was proud to see that Hamilton’s own St. Joseph’s Healthcare system was touted in the budget as being an early leader in connected care through its Integrated Comprehensive Care, or ICC, program. This program promotes integrated care, allowing for patients to experience a seamless transition between leaving hospital and arriving back home.

This means that patients can return home sooner. It also reduces the likelihood of them going back to hospital. This is a model that is working in Hamilton and has the potential to work right across Ontario through reforms that the Minister of Health and Long-Term Care introduced in The People’s Health Care Act back in February.

This budget also includes a dental plan for our senior citizens. This \$90-million investment will provide individual seniors with incomes under \$19,000, or couples who earn \$32,000, with the important oral hygiene services that they need in their advancing years. This program also contains some flexibility, as eligible seniors can obtain these dental services through public health units, community health centres, mobile units and Aboriginal health access centres. Providing all of these options makes it easier for seniors to get the dental care they need at a location that is most convenient for them.

Speaker, our budget also includes the new Childcare Access and Relief from Expenses, or CARE, tax credit. This will provide Ontario families—not the government—the ability to control child care decisions for their children. The CARE tax credit will provide 300,000 parents across the province with up to 75% of their eligible child care expenses. The credit is designed to be one of the most flexible child care initiatives introduced in Ontario, building on existing benefits while putting more money into the pockets of families who need it most. The CARE tax credit will give parents or families that earn less than \$150,000 annually the ability to choose the child care option that is best suited for them. This includes care in centres, home care and even camps. Parents can receive up to \$6,000 per child under seven, up to \$3,750 per child between seven and 16, and up to \$8,250 per child with a severe disability, regardless of their age. We promised to respect parents by giving them the ability to choose which type of child care is best for their children, and that is exactly what our proposed CARE tax credit does.

Speaker, as parliamentary assistant to the Minister of Economic Development, Job Creation and Trade, I am pleased that this budget includes provisions that will help to create jobs and boost Ontario’s economy. Since day one, our government has been making sure that Ontario is open for business and is open for jobs. We are fulfilling our promise to reduce the tax burden for businesses by proposing to provide \$3.8 billion in relief over the next six years. We are proposing faster write-offs of capital investment, which will encourage businesses to invest more in our province and create new jobs right across Ontario. For example, manufacturing and processing machinery or specified clean energy equipment can be immediately written off. These write-offs will be helpful to small and medium-sized businesses by reducing the amount of taxes they will have to pay. This reduction in business taxes is crucial to make Ontario more competitive in the wake of recent economic reforms south of the border. It is estimated that the investment incentive will aid in the creation between 50,000 and 93,000 net new jobs and between \$7 billion and \$10 billion in net new business investment.

Other provisions included in the budget that will help employers are the proposed enhancements to the Ontario

Immigration Nominee Program. We are proposing to expand the occupations eligible for the employer job offer to include transport truck drivers and personal support workers. We are also proposing to implement a pilot project that will explore innovative approaches to bring highly skilled immigrants to smaller communities. We will also create a dedicated stream to help Ontario's technology sector attract highly skilled employees. In order to expand the prospective base of the OINP's Entrepreneur Stream, the government will recalibrate investment and net-worth thresholds to make Ontario more competitive than other provinces.

When it comes to skills training, our government is proposing changes to Second Career and other skills training programs to ensure that every dollar the government spends to help job seekers get the skills they need to find work is spent wisely. This includes reviewing the financial supports available to laid-off workers as well as the supports provided to employers who want to invest in training for their own workforce.

This budget accomplishes what we promised Ontarians we would do. We are protecting what matters most.

Thank you, Mr. Speaker. I would like to ask my friend the member from Oakville to continue the debate.

The Acting Speaker (Mr. Percy Hatfield): The member did say that she would be sharing her time this morning, so I turn now to the member from Oakville.

Mr. Stephen Crawford: Thank you very much, Mr. Speaker. And I want to thank the member from Flam- borough-Glanbrook for sharing her time with me. Ten minutes—right on time to the second, so good for you.

Today, I'm pleased to stand here in the chamber and talk about the budget. I'm excited. After 15 years of overspending, where Ontario was really in a dark position of being the most indebted sub-sovereign entity in the entire world, we're charting a path to balance in a responsible manner. That makes me very proud to be a part of this government.

Yesterday, the questions from the opposite side were pretty shy in content. You're going to have to come up with some better questions in question period, because I don't think you have a lot of meat to the questions. You focused on licence plates and alcohol. There's a lot of meat in this budget, and I'm proud to be a part of that.

Like many of my colleagues, I will cherish the memory of being here on budget day and the opportunity to participate in this process as the provincial representative for my community of Oakville. Prior to entering public life, I worked in the investment management industry, where we paid close attention to the regulatory environment set by the government and also the long-term planning, vision and tone set by the provincial government. I also took a personal interest in the budget because, as a son of parents in their retirement years, as a husband to my wife, Najia, and as a proud father of four daughters, I know that government has a responsibility to be accountable to the people of Ontario and deliver a budget which meets their needs.

Over the years of the previous government, Mr. Speaker, do you know what I saw? Year after year, I was disappointed with what I saw brought forward by the previous government. The current net debt, which stands at \$343 billion—\$183 billion of that was accumulated since the beginning of 2008-09, which has affected the province's ability to balance its books. Interest on the debt now is the fourth-largest expenditure of the provincial government, next to health care, education and social services. That works out to \$30 million a day we are spending on debt. We were promised economic growth and the improvement of services. Did we see that? I didn't see any. Indeed, every dollar spent servicing the debt is a dollar that could go to hiring another nurse, fixing another school or providing relief to lower- and middle-income families in this province.

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The government is projecting a deficit of \$11.7 billion in 2018-19, a \$3.3-billion improvement from the deficit of \$15 billion just inherited from this government. Minister Fedeli has taken the time to chart a responsible path back to balance by 2023-24 while creating jobs, providing much-needed relief to individuals, families and businesses and protecting the public services that residents rely on every day. The Ontario budget 2019 outlines our plan to restore fiscal balance, reduce the debt burden and strengthen trust, transparency and accountability in Ontario's finances.

I regularly hear from constituents concerned with long wait times to see a doctor, in the emergency room and to enter long-term-care homes. These challenges have been compounded over the previous 10 years, and currently, more than 1,000 patients are receiving hallway health care every single day in this province, while the average wait time to a long-term-care bed is 146 days.

The health care system is facing capacity pressures every single day, and it does not have the right mix of services, beds or digital services to be relied on for a rapidly aging population. Care is fragmented, and patients, families and caregivers experience frequent gaps in care transfer between providers. We need a better way to deliver health care in this province.

The 2019 provincial budget delivers on this and will support a modernization of our public health care system to one that is patient-centred through Ontario health teams and create a seamless care experience for patients and their families.

This budget makes significant investments in our public health care system by:

- investing an additional \$384 million in hospitals and an additional \$267 million in home and community care, which is essential to end hallway health care and direct more health care spending to where it's needed the most;

- improving transitions in care and reducing wait times for services. The government is creating Ontario health teams to move forward towards an integrated health care delivery model;

- investing \$3.8 billion in mental health addictions and housing support over 10 years, beginning with the creation of a mental health and addictions system; and

—introducing a new dental program for low-income seniors. At least two thirds of low-income seniors today do not have access to dental insurance. This is why our government is investing \$90 million in a new dental program for seniors that will start by late summer. Individual seniors with incomes below \$19,300 or senior couples with incomes below \$32,300 will be able to receive dental care in public health units, community health centres and Aboriginal health access centres across the province.

Of course, our government is creating 15,000 new long-term-care beds over the next five years and upgrading a further 15,000 old long-term-care beds to provide more appropriate care to patients with complex health conditions.

Modernizing the health system will take time, but I know that our government will continue to listen to the people who plan and work on the front lines as we implement our health care strategy.

The new Childcare Access and Relief from Expenses— or CARE—tax credit will provide about 300,000 families with up to 75% of their eligible child care expenses and allow families to access a broad range of child care options. CARE would give families the ability to choose the child care option that best suits their needs.

The CARE program is designed to be one of the most flexible child care initiatives ever introduced in the province of Ontario, building on existing benefits while putting money into the pockets of families who need it the most. Families could receive up to \$6,000 per child under the age of seven, up to \$3,750 per child between the ages of seven and 16, and up to \$8,250 for children of any age who have severe disabilities.

I am also pleased the provincial government is investing up to \$1 billion over the next five years to create up to 30,000 child care spaces in Ontario schools. This is a positive change for the people of Ontario who voted for change, and I know this government is delivering on it. Mr. Speaker, I know that families in Oakville will greatly appreciate the support and relief these incentives will offer household budgets.

We also learned from this budget that education is a top priority of the provincial government. The recent education public consultation garnered more than 72,000 consultations, more than any in the history of this province. The feedback informed the plan and curriculum changes that the Minister of Education, Lisa Thompson, recently announced. We are strengthening Ontario's education curriculum with particular emphasis on math and science, as well as job skills, such as trades and coding, and life skills, such as financial literacy—something severely lacking in the previous curriculum.

Our plan for the education curriculum reform will ensure that all students are supported in this academic development in an enriched learning environment that will prepare them for their future. The 2018-19 budget commits to improving the conditions of schools to support better learning and to keep children safe by investing \$1.4 billion in school renewal funding in the 2019-20 school year.

Students and their families make great sacrifices to pursue post-secondary education. For them, every single dollar counts. The provincial government is lowering tuition fees and giving students the power to deliver the services they support on their campuses. Reducing tuition and increasing affordability of college and university will help Ontario students access the education and jobs they need in our modern economy. That is why our provincial government is lowering tuition by 10% across the board at every publicly funded college and university in the province, starting in the 2019-20 school year.

The provincial government is a practical government which is committed to investing in our communities to renew infrastructure that Ontario badly needs. Like many of my constituents who commute to work, I start the morning at the Oakville GO station, taking a train to Union and up to Queen's Park. The Lakeshore West line is critical transportation and an economic development asset. The provincial government's Lakeshore GO expansion will include 15-minute service throughout the day between Toronto and Burlington and deliver better service for you and your family.

Our government plans to make further investments in public transportation. Highways, roads, bridges and transit will improve Ontario's transportation network so that we have the infrastructure we need in our modern economy.

Mr. Speaker, I could go on for hours about this budget. There's so much to talk about. We have such little time, but I thank you for allowing me the opportunity to speak briefly on some of the key points of this budget.

The Acting Speaker (Mr. Percy Hatfield): Questions and comments?

Ms. Jill Andrew: Good morning, Mr. Speaker. I'm glad to speak to the government's Bill 100, the PC government's first budget.

Let's start off first with yesterday and what I observed in the House. Yesterday, I saw a parent in the members' gallery weeping extensively because, for that parent, the \$1-billion cut from the Ministry of Community and Social Services—

Hon. Lisa MacLeod: Point of order, Speaker.

The Acting Speaker (Mr. Percy Hatfield): The Minister of Children, Community and Social Services has raised a point of order.

Hon. Lisa MacLeod: The member may want to correct her record since we are reinvesting \$300 million more in social services this year.

Interjection: That's not a point of order.

The Acting Speaker (Mr. Percy Hatfield): Thank you.

Continue, please, the member for St. Paul's.

Ms. Jill Andrew: Thank you, Mr. Speaker. The \$1-billion cut to the Ministry of Community and Social Services clearly was upsetting to that parent in the gallery yesterday who was weeping, and not a single member of the government would take a moment to simply look at the woman and see her as a human being.

This is a situation here, Mr. Speaker, that I see over and over in the budget: The people who need the most supports—and, contrary to what the government says, you

don't have to be at the lowest rung to need supports. The people who are most marginalized, most vulnerable, even those who are making work work for them and have some income still need support. These people are invisible in this budget.

When we cut that billion dollars from the Ministry of Community and Social Services, what that also means is that women who are escaping violence, women who need desperate services from our rape crisis centres and sexual assault centres, are just as invisible as that parent, that woman, was in the members' gallery yesterday.

This government toots about the way that they have supported health—

The Acting Speaker (Mr. Percy Hatfield): Thank you. Questions and comments?

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Hon. Lisa MacLeod: It's a pleasure to rise in defence of my colleagues from both Oakville and from Hamilton on the first Conservative budget in 15 years to restore this province back to prosperity, back to balance and back to common-sense principles that have been so sorely lacking over the past 15 years.

Let me get to the myths and the fearmongering that the NDP will talk about. They say we're cutting—

Interjection.

The Acting Speaker (Mr. Percy Hatfield): Member! Excuse me, Minister.

Perhaps the member for Toronto—St. Paul's wasn't in the chamber when I said that if there are further outbursts when someone is speaking, you'll get called to order once, be warned, and you'll be named. I call to order now the member for Toronto—St. Paul's.

Minister.

Hon. Lisa MacLeod: Thank you, Speaker. The member opposite will say that we're cutting mental health. The Minister of Health is investing \$3.8 billion into mental health. The member opposite will say that the Minister of Education is cutting education services. We're investing an extra \$700 million more. And she took to this floor of the assembly and suggested that my ministry is cutting \$1 billion when instead we're investing an extra \$300 million into our ministry, including an extra \$311 million into autism services, which is in the budget, as well as we're reforming social assistance so that we can ensure people who need a hand up can get a job and those who need a hand up and more wraparound supports get them to restore their dignity.

The difference between this side of the House and the NDP is that they had a \$3-billion hole in their platform and were deemed not credible by the people of the province of Ontario. But this government, under Premier Ford and our finance minister, Vic Fedeli, have put forward a balanced prosperity plan that will make sure that we're lifting people up and ensuring that they have the supports that they need, and a sustainable public service for the future. That's the difference between us and them.

They want to talk about dignity. I can tell you what dignity is, Speaker. It's making sure that we have OHIP

into the future, it's making sure that we have social assistance into the future and it's making sure that we have schools into the future. That's why we stand to defend this budget and that's why we're proud, for the first time in 15 years, to have a path to balance.

The Acting Speaker (Mr. Percy Hatfield): Questions and comments?

Ms. Laura Mae Lindo: I'm also honoured to stand today and speak to the budget. I think we can all agree that there are three things that matter most, using the name of the budget: respect for Ontarians, care for Ontarians and support for Ontarians. But I think sometimes what gets misinterpreted is the rationale behind the opposition recognizing some of the cruelty in this budget. Part of that is because what Ontarians are also asking for, and have since we've all been elected and joined each other in this House, is accountability measures. They've asked to make sure that the cuts that appear here—we can call them changes or we can call them cuts; you can use any language you'd like. But those changes will actually have a negative impact on certain people.

What I think is difficult for Ontarians to understand is how they're supposed to speak back to the government when they are impacted by the changes in this legislation. For instance, if money isn't there to support the ongoing provincial child advocate, they see that as a cut because they don't have an advocate to go to, and then when they come to Queen's Park and try and speak back, they're told that they don't understand. They're told that they're thugs. They're told that they're professional protesters. Rather than us go back and forth and back and forth yelling at each other in this House, I would like to figure out how we can get folks what they actually have asked for.

Earlier in this debate, it was mentioned that Aboriginal health access centres will be continuing. That's fantastic. They were put forward under an NDP government. The Indigenous communities that we've spoken to have also asked for the provincial child advocate, so my question to the government: Could we please have that back and put into the budget?

The Acting Speaker (Mr. Percy Hatfield): Questions and comments?

Mr. Paul Calandra: I just want to thank both members, the member for Flamborough—Glanbrook and the member for Oakville. They both highlighted some of the many important features that are actually in this budget. I know that the opposition has been fixated on things that aren't in the budget. It's probably because a vast majority of them have not read the budget or they're so embarrassed by the fact that they've gotten it wrong since June 8, since we were elected. Every single thing that they've talked about is opposite, when it comes to this budget. It's a balanced, pragmatic approach.

I know that the member for Flamborough recently had a historic investment in her community—with respect to two historic investments, basically—with light rail transit, if I'm not mistaken, and an amazing investment at McMaster. Part of those investments were made because people have confidence in their government again. People

are seeing that the government is turning, that we have turned the corner. We're bringing investments back into our community. That's a positive thing. I know the opposition doesn't like to talk about that. What's really refreshing is the fact that it has been a Conservative member—in the short time that the member for Flamborough has been elected, we've seen these investments at McMaster and we've seen the investments on light rail. It has taken a long time, but it's finally happening.

The member for Oakville—I wonder if he might in his reply touch on the fiscal outlook of the province. We've seen, for 15 long years, Liberal budgets which were not approved by the Auditor General, which were based on fantasy. I wonder if the member can touch on how important it is to bring fiscal balance back to the province of Ontario, so that we actually have the opportunity to make the investments like the member for Flamborough has announced in her community.

I thank both members for their discourse today and I look forward to future opportunities to speak on this issue.

The Acting Speaker (Mr. Percy Hatfield): The time for questions and comments on that is over. We'll turn to one of the members now, and that would be the member from Oakville, to wrap up what he has heard during these questions and comments.

Mr. Stephen Crawford: Thank you to all the members that spoke to our debate just in the last few minutes, and to the member from Markham–Stouffville as well.

What I'd like everyone to do here in the House is to imagine a scenario where there's additional investment in health care and education, where 8% efficiencies are found in government spending, where the budget is on a path to balance and where there are no new taxes. Could you imagine that scenario? That's what the budget of 2019 by the provincial government, led by Vic Fedeli, is leading with. I just want you to imagine that.

To the member from Markham: I know you mentioned the path to balance and fiscal sustainability of this province. I can't stress that enough. Having come from the investment industry, I can tell you that people around the world who look to invest in Ontario, over the last 15 years, have stayed away. There's a reason why Canada, and Ontario within Canada, has been a location that investment has been dropping like a sinking ship over the last 10 to 15 years. There's a reason why Canadian money is going outside of Canada. We need more jobs here. We need a competitive environment. We want people to be working. We want investment to grow this province and grow this economy. We are now going to start turning the ship around. There is much work to be done, but we're not doing it on the backs of the people. We're still investing in the things that matter most, be it education or health care. I want to stress that.

I know the opposition has been scaremongering over the last number of weeks about what would be in the budget or what wouldn't be, and again, I saw the way they were in opposition yesterday in the chamber. It was a very, very weak opposition day in terms of questioning. You guys have got to come up with better content. Let's hit on

some real meat here, because I was really disappointed with some of the questions.

We are on the path to getting this province back on track, and I'd like you to join us with that.

ANNUAL REPORT, FRENCH LANGUAGE SERVICES COMMISSIONER

The Acting Speaker (Mr. Percy Hatfield): Before we continue debate, I beg to inform the House that the following document was tabled: the 2018-19 annual report from the Office of the French Language Services Commissioner of Ontario.

2019 ONTARIO BUDGET

The Acting Speaker (Mr. Percy Hatfield): Further debate?

Ms. Peggy Sattler: It's a privilege, as always, to rise on behalf of the people I represent in London West, to offer some thoughts about the first budget that was brought in by this Conservative government. Certainly what we see in this budget are measures that are going to impact vulnerable people the most. They're going to hurt children. They're going to hurt persons with disabilities. They are going to hurt racialized immigrants and newcomers to Ontario. They are going to hurt people living in rural and northern Ontario.

The government can put whatever kind of spin they want on this budget, but the people in my riding see right through what they're saying. On Saturday, I went to the Real Canadian Superstore at Hyde Park and Oxford with a petition called "Stop Doug Ford's Cuts to Public Education."

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I tell you, Speaker, every single person—I could count on the fingers of one hand the number of people who did not want to sign the petition. As soon as I said, "I have a petition here about the cuts that the government is making to public education," they asked right away, "Where can I sign up?" They understand that what this budget has proposed, with a modest increase to education that falls well below the rate of inflation and that includes spending on a child care tax credit that is completely inadequate to actually meet the needs of families who require quality, affordable, accessible child care—people in London, people across the province, know that this is a budget that is going to hurt people in this province.

I think one of the most troubling aspects of this budget is that \$1-billion cut to the Ministry of Children, Community and Social Services—

Mr. Kevin Yarde: Shame.

Ms. Peggy Sattler: Exactly. That is going to have a very negative impact on the people who are most vulnerable.

We see in this budget that the government has confirmed its—

Interjection.

The Acting Speaker (Mr. Percy Hatfield): The member for Etobicoke Centre will withdraw.

Miss Kinga Surma: I withdraw.

The Acting Speaker (Mr. Percy Hatfield): I return to the member from London West.

Ms. Peggy Sattler: We see in this budget that the government has confirmed its intention to cut back on the planned increase to social assistance rates. And we don't have the details yet, of course, but we've heard that this government is planning to align the definition of disability that would make people eligible for ODSP with the federal definition of disability.

Speaker, I want to share a personal story that I think sheds some light on what this means for persons with disabilities. My brother had an intellectual disability, but he was able to support himself through lawn maintenance and snowplowing for about 40 years. He had customers who were loyal to him for 40 years, who relied on him to mow their lawns and shovel their driveways in the winter. He lived at home. He wasn't on ODSP because he was able to earn a modest income through grass cutting and snowplowing.

Two years ago, he developed a very, very serious lung condition which made it very difficult for him to continue his grass cutting and his snowplowing, but this is what he lived for. He lived for the satisfaction he got, the reward he got, from doing that snowplowing and that grass cutting. Even though his lungs were deteriorating rapidly and his physician would say, "Do not work"—his physician was astonished, in fact, that he was able to do any kind of physical labour, but my brother wanted desperately to continue to do whatever he could. So he was earning a very, very, limited amount of income from the small amount of labour he was able to continue to do.

We applied, on my brother's behalf, to ODSP and also to the federal CPP disability benefit. He got ODSP, thank goodness. He was denied the federal CPPD because he was earning a couple of dollars a month from the grass cutting that his clients—his clients, who had been loyal to him for 40 years, saw how ill he was becoming, but they knew how much it meant to him to continue to do this work, so his clients wanted to allow him to continue to come even though he was barely able to do what was needed.

Anyway, my brother passed away in July. And in November, we got the great news from CPPD that he was now deemed eligible for the disability pension—four months after he had passed away.

This is what we're talking about when we change the definition of disability. People like my brother—if he had not been able to access the ODSP at a time when his illness was getting chronically worse and debilitating, he would have not been able to continue to do anything to live a life of dignity. I think it's shameful that it was four months after he passed away that he was finally approved for CPPD. Is this the kind of province we want? I don't think so. I think we want people with disabilities, like my brother, to be able to live meaningful lives, to be able to have the support, to be able to access the support that they

need when they need it. He couldn't help that he developed this lung condition, but it meant so much for him to be able to continue to mow the lawn and shovel the driveway that he needed to be able to get some support from the government even though he was progressively becoming more and more ill.

We see in this budget this \$1-billion cut from children, community and social services, and I worry about people like my brother. I worry about the people I represent in London West: families that rely on special services at home because they have a child with a disability and they need access to that funding in order to get some of the respite support that they need, in order to be able to access some of the community services that are available for their children. We hear that there's a freeze on all of those people who are waiting for Special Services at Home funding.

I'm going to move on, Speaker, to the other two big troubling pieces of this budget. The next one I want to talk about is training, colleges and universities. We see in this budget a \$700-million hit to post-secondary education in this province.

I want to give a shout-out to the London Youth Advisory Council. I'm very proud of the London Youth Advisory Council. It's a unique body in my community, where young people go through an electoral process to be elected as representatives of this youth advisory body. Anyway, the London Youth Advisory Council came to Queen's Park about a month ago, and they visited with MPPs. I want to acknowledge the Speaker, who graciously hosted a lunch for the London Youth Advisory Council.

They had some issues that they wanted to raise. In particular, they wanted to talk about the changes to OSAP, and that is the \$700-million cut that is included in this budget to training, colleges and universities. Most of it is represented by the changes to the Ontario Student Assistance Program. They came prepared. These young people did research. They consulted with the young people they represent, and they brought some of their research findings to share with MPPs here at Queen's Park. I'm just going to read to you some of the testimonials that they gathered during their consultation with students—mainly grade 12 students who were looking ahead to going to post-secondary.

Maheen Fatima, a grade 12 student at Saunders Secondary School in my riding, says, "The restrictive OSAP cuts will ... decrease my student income and cause a toll on my anxiety and student life.... Education should be a right in every country, and these changes are making students choose between education or survival."

Another grade 12 student from the Thames Valley District School Board writes, "My family was entirely dependent on OSAP. I am already sacrificing attaining the averages required for many entrance scholarships in order to work 10 to 20 hours a week to support my family. Now, I will have to sell the car that I paid for, and I have taken up a second job in order to help support paying for my tuition. I am so scared for what my future holds—I want to be the one to become the first university graduate in my family, but now, I'm not sure I will be able to afford it."

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Another grade 12 student from the Thames Valley District School Board wrote, "I heard from one student that they will no longer be eligible for the grants they thought they would be; therefore they have had to get another job to pay for post-secondary. They discussed the stress this has caused on their family, and how it has negatively affected their motivation, as all their free time is going towards working for an education that will put them in major debt in the next coming years."

Speaker, what kind of a future are we creating for these young people? We are pulling the rug out from under these young people. It's not just grade 12 students who were looking forward to going to post-secondary; I've talked to many young people in London who are currently in post-secondary, and they don't know if they're going to be able to return next year. They're seriously thinking that they will be forced to take a year off in order to work because, without that income, they won't be able to afford to return to post-secondary to complete their education.

Again, this is a government that has decided that students are disposable. I guess they're looking at the statistics about who votes and they see low voter turnout amongst students, and so therefore they've decided that students are going to be targeted in this budget. I just think that that is short-sighted, Speaker. It's short-sighted because we know that when we have an educated populace, when young people are able to go to post-secondary and enter the career they dreamed of, we all benefit. Our economic well-being and our social well-being as a province relies on having people go through our educational system, enter the labour market and start paying taxes, because taxes are what provide those fundamental programs that we all count on.

I want to now turn to some of the changes that were included in this budget related to health care. We see in this budget a modest increase in health care funding that falls well below not just the rate of inflation but also the rate of health care spending that the Financial Accountability Officer had identified is necessary just to maintain the current level of health care programs and services.

We've heard many times from this government that they are going to be fixing hallway health care. Let me tell you, Speaker: My community knows about hallway health care. My community in London—the London Health Sciences Centre I think was potentially the first hospital in the province to actually implement an official hallway transfer protocol, because there were so many patients who were being transferred from the emergency room into the hallway, from other parts of the hospital into the hallway. People are being treated in the hallway on a regular basis. This hallway transfer protocol had all these rules about "Don't put stretchers in stairwells," and "Avoid electrical cords" and things.

I talked about dignity earlier on. What kind of dignity is there for a patient who is lying in a hallway, receiving treatment in full view of visitors and family members and other patients, with the lights on all the time and people walking up and down? But the reality is that this budget

won't do a thing to address the crisis that we see in hallway medicine in the province of Ontario.

The other piece of the health care spending in this budget concerns the cut to public health. It was interesting reading the clippings this morning: "Dr. David Mowat, the former chief medical officer of health for Ontario, said the cuts will undoubtedly affect efforts aimed at preventing disease and injury of all kinds." He actually characterized these cuts as dangerous, and he's basing that characterization on his 40 years of experience. He talks about SARS as being the warning sign of what can happen if we don't adequately fund our public health system.

Dr. Robert Kyle, president of the Association of Local Public Agencies, said that reducing the number of public health units from 35 to 10 will cause major disruptions in every facet of the system. It "will greatly reduce our ability to deliver the front-line local public health services that keep people out of hospitals and doctors' offices." So, Speaker, this government—not only are they not fixing the problems that we know already exist in our health care system, but they are making things worse. They are actually jeopardizing people's health by introducing these cuts to our public health system.

While I'm on the topic of public health, I want to give a shout-out to the Middlesex-London Health Unit in my community, which really has done an amazing job of bringing the community together in support of supervised consumption facilities, because London has one of the highest rates of hospitalizations due to opioid poisonings of any other community not just in Ontario but in Canada. We are in a desperate crisis in London and the surrounding area. That's why the temporary overdose prevention site was created, and that's why my community moved forward to, hopefully, get a second supervised consumption site. But, it's interesting, Speaker: not a mention of the opioid crisis in this budget; not a word about something that is devastating my community and communities across this province. This budget is silent on that.

In the minute and a half I have left, I just wanted to close with housing. Housing is another major crisis in London. We have almost 5,000 people on the wait-list for community housing, and yet there is nothing in this budget to deal with the shortage of rent-geared-to-income housing units across this province. Last year, only 18% of those who were waiting for community housing were able to be housed.

People have a right to expect that when governments present budgets, those budgets will address the real problems that people are facing; they will respond to the priorities that people have identified. Sadly, this budget falls far, far short of doing that. It really is taking our province backwards. It is not moving us forward collectively as a society that cares for each other, as a society that recognizes our responsibilities to children, to families, to those who are most vulnerable. It's a budget that really is cruel. It is damaging to the people who should be able to count on—

The Acting Speaker (Mr. Percy Hatfield): Thank you very much.

Debate deemed adjourned.

The Acting Speaker (Mr. Percy Hatfield): Unfortunately, the time is such that we will not have time for questions and comments before our recess. The next time this matter comes before the House, we'll start off with questions and comments from the last speaker.

Therefore, this House stands in recess until question period at 10:30.

The House recessed from 1009 to 1030.

INTRODUCTION OF VISITORS

Mrs. Jennifer (Jennie) Stevens: Good morning, Mr. Speaker. I would like to take this opportunity to welcome Joanna Mataya to our House today. Joanna is the director of Hospice Niagara. At this time, on behalf the residents of St. Catharines, I would like to thank Joanna and all of her co-workers at Hospice Niagara for all of the compassionate care that they give families at their time of need. Welcome.

Hon. Lisa MacLeod: I appreciate the opportunity to rise today. I'd like to welcome two special guests to the assembly today: my daughter Victoria, who was a page here before, as well as somebody who learned how to walk on these floors; as well as my chief of staff Tim Porter's daughter, Mackenzie Porter. They're here today—both grade 8 students.

Ms. Sara Singh: It gives me great pleasure to welcome Imaan Walji. She's actually shadowing me in my office. She's part of the remarkable women's forum. Welcome, Imaan.

Ms. Kathleen O. Wynne: I'd also like to introduce a third-year McMaster student who's studying political science who is shadowing me today, Madison Honsinger. She's with the Remarkable Assembly women's forum.

Mr. Rudy Cuzzetto: I'd like to welcome Iona Catholic school, which my son attends.

Ms. Bhutika Karpoche: I'd like to give a warm welcome to Kennedy Fung, an undergraduate student at McMaster, and she's shadowing me as part of the assembly's remarkable women's forum.

M^{me} Nathalie Des Rosiers: I'd like to welcome Dina Hansen, who is a student from McMaster who is part of the women's forum. She's shadowing me today. She is finishing her arts and science degree in political science at McMaster.

Hon. Steve Clark: Speaker, I want to introduce, through you, to members of the Legislative Assembly the federal member of Parliament for Leeds–Grenville–Thousand Islands and Rideau Lakes, Michael Barrett.

Mr. Sol Mamakwa: Meegwetch, Speaker.

Good morning. I have the honour to introduce Randall Crowe from Deer Lake from my riding. Meegwetch. Thank you for coming.

Mrs. Marie-France Lalonde: I'd also like to introduce a fourth-year political science student from McMaster who is shadowing me. Her name is Kyra Kozole. We would like to welcome her to our Legislature, and I hope you have a good day.

Hon. Caroline Mulroney: I'd like to welcome to the assembly today the executive assistant of my constituency office, Mary-Lynn Seeley Warr, and her three daughters, Hazel, Shelby and Shae-Lynn. Welcome.

Mr. John Vanthof: I would like to welcome Chaylan Uiselt here. She was here yesterday with the remarkable women's assembly. She's here, looking for question period a second time.

Mr. Mike Schreiner: I'd like to welcome page Mirren Litchfield's grandmother, Mary Cable; her sister, Ailsa Litchfield; and her mother, Shona Litchfield, to Queen's Park today.

I have three students visiting from City View Alternative School as part of their community service outreach day—Dashel York, Ilan Sundar-Macanyo and Marlo Rose. Welcome to Queen's Park.

Mr. Mike Harris: It's a special day in the Harris household today. It's my daughter, Gemma's, third birthday. Happy birthday, Gemma.

Mr. Terence Kernaghan: It gives me great pleasure to welcome Laura Sherwood, director of hospice partnerships at St. Joseph's. Welcome to the people's House.

Mrs. Nina Tangri: I'd like to welcome Kate Robles. She's a third-year political science student at McMaster who is shadowing me today as part of the remarkable young women's forum. Welcome to Queen's Park.

Mrs. Belinda Karahalios: I would like to welcome and introduce my constituency assistant, Evelina Turney, in the public gallery. She is from the great riding of Cambridge. Welcome, Evelina. Have fun today.

Ms. Natalia Kusendova: I'd like to welcome today Paige Paton, who is from McMaster University, studying political science, and who wants to be an urban planner. Welcome to Queen's Park.

Mr. Stephen Crawford: I'd like to welcome Peter and Diane McDougall, the grandparents of a page from Oakville, Katie Bowie, who is doing a wonderful job in the Legislature. Welcome to Queen's Park.

Ms. Jill Dunlop: I would also like to welcome my remarkable women's assembly student who is here today, Aly Tkachenko. She is a second-year political science student, also from McMaster. Welcome to you, Aly, and have a great day.

Hon. Michael A. Tibollo: I'd like to introduce some very special guests to the Legislature this morning: Mrs. Belinda Marchese, executive director of Hospice Vaughan, and Kim Woodland, the CEO of Matthews House Hospice, a community support service provider in Alliston, Ontario, that delivers community hospice and residential hospice care. Welcome to Queen's Park.

Mr. Sam Oosterhoff: I'd also like to welcome to the Legislature all those who are here today with Hospice Niagara and to thank them for the incredible work that they do.

RAWLSON KING

Ms. Laura Mae Lindo: I rise on a point of order today to say a huge congratulations to Rawlson King, the first

Black city councillor in Ottawa's history. Congratulations, Councillor King for Rideau-Rockcliffe.

NATIONAL DAY OF ACTION ON THE OVERDOSE CRISIS

Ms. Bhutla Karpoche: I seek unanimous consent for the House to observe a moment of silence in recognition of the national day of action on overdose deaths.

The Speaker (Hon. Ted Arnott): The member for Parkdale-High Park is seeking the unanimous consent of the House to observe a moment's silence. Agreed? Agreed.

The House observed a moment's silence.

ADJOURNMENT DEBATE

Mr. Gilles Bisson: A point of order: Mr. Speaker, I believe we have agreement on unanimous consent to reschedule the late show in the name of the member for Sudbury to Wednesday, April 17, 2019.

The Speaker (Hon. Ted Arnott): The member for Timmins is seeking the unanimous consent of the House to reschedule the late show standing in the name of the member for Sudbury until April 17. Is that what you said? I was listening. Agreed? Agreed.

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ORAL QUESTIONS

EDUCATION FUNDING

Ms. Andrea Horwath: Mr. Speaker, before I start I think it's important for us to send our thoughts and prayers and hopefulness to the people of Paris with the loss of much of the Notre Dame cathedral. I'm sure it's a horrifying time for all of them. I hope that the rebuilding is able to go forward.

My first question is to the Acting Premier. The Ford government's cuts in our classrooms continue to erode the quality of our children's education. This morning, we learned of new classroom cuts. The Peel District School Board has announced that 120 teachers will be laid off at the end of the school year, and in Peterborough, teachers say they're expecting 55 fewer jobs. Is the minister still claiming there won't be cuts in the classroom?

Hon. Christine Elliott: To the Minister of Education.

Hon. Lisa M. Thompson: What I want to share with everyone in the House today is that, again, this is the time of year that, year in and year out, school boards across this province take a look at their rosters. They take a look at how many people are retiring. They're taking a look at how many people are coming back into the classroom from coaching or other projects that school boards may have originally drawn them from the classroom for.

I want to share an article that was in the Guelph Mercury, I believe, regarding Guelph's Upper Grand District School Board on March 30. Specifically, I want to quote Gundi Barbour: "We've always been lucky ... As

long as I've been president of the local and even when I was vice-president, we've never had teachers go into the next school year without being recalled."

Again, Speaker, that's proof in the pudding that this is an annual exercise that school boards embark on, year in, year out, as they take a look at their roster and rebalance based on the realities of retirement—

The Speaker (Hon. Ted Arnott): Thank you. Supplementary?

Ms. Andrea Horwath: The Ford government seems to be in denial about the impacts their cuts are having.

I'd like to read a letter from a woman named Becky Hoogenes that we received—a resident of the Minister of Education's riding of Huron-Bruce. I'm quoting from Becky's letter: "Today, my husband, a 38-year-old with three children, was told that he will not have a job in September...."

"My husband is a transportation tech teacher. [If] he's not working in September that [may] mean ... young people choosing a career in the trades won't have access to the auto and farm equipment class that my husband teaches...."

"Not sure who's going to fix your skid steer at your sheep farm. Hope you have a good shovel."

This minister has accused the official opposition of fearmongering. My question is, does the minister think her own constituent is fearmongering?

Interjections.

The Speaker (Hon. Ted Arnott): Members please take their seats.

Hon. Lisa M. Thompson: Well, I would like to share with Becky and her family and everyone in Huron-Bruce, and absolutely everyone across Ontario, that they need to make sure they have a balanced approach to researching what exactly is going on because again, as opposed to aiding and abetting the fearmongering that is being perpetuated by the NDP in Ontario, the reality is that this is a regular occurrence that school boards undertake, year in and year out.

It doesn't matter what school board says it; the truth of the matter is, every school board has to take a look at their roster. How many people are coming back from maternity leave? How many people are retiring? How many people are going back into the classroom after doing a project for the school board? That's what's happening right now, Speaker, and no matter how the NDP tries to colour it, what they're doing is absolutely shameful because they're perpetuating fear, and it really should be stopping. This fearmongering is nonsense—

The Speaker (Hon. Ted Arnott): Thank you.

Interjections.

The Speaker (Hon. Ted Arnott): Stop the clock. Government side, come to order. Start the clock.

Final supplementary?

Ms. Andrea Horwath: Well, Speaker, no matter how loud or how often the Ford government denies it, school boards, teachers, parents and students are seeing these cuts every day. They don't want larger classes, teachers fired and students unable to graduate because the courses they

need aren't available, like the tech course that Becky's husband is no longer going to be teaching.

I'm going to quote Becky's letter again, and in fact I'm going to send it over to the minister via page Gwen. Maybe she can read along. It says: "This is not a province that is a place to grow right now. It's a province that is losing precious resources, ruining careers and killing opportunities for future generations."

When will the minister stop denying that her classroom cuts are really damaging, and are really going to damage our students, Speaker?

Hon. Lisa M. Thompson: What I would like to know is, when is this leader of the NDP going to stop the fear-mongering? Because what's damaging right now is the fact that this party opposite is absolutely doom and gloom. The fact of the matter is that this is an annual routine.

I want to put this party on notice, actually, Speaker, when I think about it. This party, the NDP party of Ontario, needs to be put on notice because classrooms and school boards should never be a place to play politics, and that's really what's happening. Truth be known, they're just trying to play politics, and we are not going to fall for it. We're focusing on making sure the learning environment in the classroom is as positive and as productive as possible, all focused on student achievement. So shame again on this NDP party for trying to perpetuate politics in an area where it never should belong.

SERVICES FOR PERSONS WITH DISABILITIES

Ms. Andrea Horwath: Speaker, my next question is to the Acting Premier as well, but I can say that there is nothing routine about a government that wants to cut education to the point where it's going to ruin opportunities for the young people of this province—nothing routine about that.

The Ford government's \$1-billion cut to social services has left families across Ontario worried about their future. We're joined today by a mom from Toronto, Faith, and her son Jeremy. Jeremy has autism and for the past year has been receiving supports through Special Services at Home. This program has been a great help to their family, but since their supports ran out over two weeks ago, Speaker, they've heard nothing at all from the ministry about whether or not they will still be receiving funding.

My question to the Acting Premier is: Will she tell Faith, Jeremy and families across this province what changes are coming to the Special Services at Home program in Ontario today?

Interjection.

The Speaker (Hon. Ted Arnott): The member for King-Vaughan will come to order.

The question is to the Deputy Premier.

Hon. Christine Elliott: To the Minister of Children, Community and Social Services.

Hon. Lisa MacLeod: Thank you very much, Deputy Premier. I appreciate the opportunity to speak to Faith and Jeremy directly about Special Services at Home, as I have

done in the past number of weeks. If they are currently receiving support from SSAH, they're going to continue to receive that. If there is a dual diagnosis, which I expect that there is, I am encouraging them on May 1 to be part of our online survey at ontario.ca/autism.

But let me be perfectly clear to the member opposite: She just accused the Minister of Education of cutting education; she has actually increased her budget by \$700 million. She has accused the Minister of Health of cutting her health care budget, but instead it has been increased by \$1.3 billion. And she just accused me of cutting the social services budget by \$1 billion. In fact, we've increased it by \$300 million. That's a 2.3% increase. No wonder she had a \$3-billion—

Interjections.

The Speaker (Hon. Ted Arnott): Stop the clock. Government side, come to order.

Interjections.

The Speaker (Hon. Ted Arnott): Minister of Energy, Northern Development and Mines, come to order. Member for Carleton, come to order. Member for Waterloo, come to order.

Mr. David Piccini: Don't let the facts trip you on your way out.

The Speaker (Hon. Ted Arnott): The member for Northumberland will come to order. Where are we setting the bar today?

Start the clock. Supplementary.

Ms. Andrea Horwath: Thank you, Speaker. I can't tell you how shocked I am that the minister who promised people that they would get information about Special Services at Home in the budget are now told they have to wait until the 1st of May to participate in an online survey instead of getting services for their kids. How shameful, Speaker. How shameful is that?

Despite reaching out many, many times, Faith still has no answers about what the next year or more will look like for her and her family, and she's not alone, Speaker. There is a wait-list of 5,700 families that started in January, all waiting for news from this minister. The only news they've received is that the Ford government is planning a billion dollars—yes, a billion dollars—in cuts from this ministry.

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If this government has a plan for Special Services at Home, why are they leaving people in limbo? When will they finally get the answers they need? These families need to know what their future looks like. It's her responsibility to tell them. Let's give them the information they need.

Interjections.

The Speaker (Hon. Ted Arnott): Members please take their seats.

Minister, to reply.

Hon. Lisa MacLeod: If she keeps pointing that finger, it might fall off.

Speaker, let me be perfectly clear: I understand she's angry. She demonstrates that every single day in the House. She will not accept yes for an answer. We've told

her for the past three weeks that letters will be going out this week to the 28,000 families who are currently on SSAH, and we're going to continue to support them.

We have a wait-list of over 5,000 people. But where the member opposite told this House it was in January, what she neglected was that it was January 2018—six months before this government took office. It's time for a bit of honesty from the other side of the Legislature to make sure that what they're talking about is the truth and they're not fearmongering—

The Speaker (Hon. Ted Arnott): Stop the clock. I'm going to caution all members on the use of language. Obviously, we need to ensure that our language is parliamentary.

I'm going to ask the minister to withdraw the unparliamentary comment.

Hon. Lisa MacLeod: Sure, no problem, Speaker. But I want to be perfectly clear—

The Speaker (Hon. Ted Arnott): You have to simply say, "I withdraw."

Hon. Lisa MacLeod: Withdraw. And can I finish my—

The Speaker (Hon. Ted Arnott): Yes, sum up your response.

Hon. Lisa MacLeod: This ministry is increasing its budget by \$300 million. If they can't take my word for it, take the Minister of Finance's.

The Speaker (Hon. Ted Arnott): Final supplementary.

Ms. Andrea Horwath: This government has put Faith and Jeremy, along with other parents and children across the province, in a position where everybody is losing. In the absence of any communication from the ministry, Faith has had to forgo registering her son for recreational activities, like summer camp and a soccer team. This soccer team has been extremely important for Jeremy. He actually wrote a letter to the minister to tell her that he's hoping that he won't have to miss out on his favourite activity. In fact, I'm asking Julia to send that letter to the minister, in case she missed it the first time. At the same time, Faith is even looking at losing her respite worker, because she can't secure her assistance without the support of Special Services at Home.

Speaker, no family deserves to be treated like this by their government. No children should be treated this way by their government. My question to the minister is, what does she have to say to Faith and Jeremy and all of those other thousands of families today?

Hon. Lisa MacLeod: I would say that the Leader of the Opposition, as she has been since she has become Leader of the Opposition, is once again fearmongering with vulnerable families in the province of Ontario, and I'm not going to have it. I have indicated for the past three weeks that those receiving Special Services at Home will continue to receive it. They will receive their letters in the next several days. We have 28,000 families who will continue to receive that support, but we do have 5,000 families that we need to get support to, as a result of the

previous Liberal government's administration. We're going to try to fix that.

We do have the CARE tax credit in place. All of these families will be eligible for up to \$8,200 as a result of the decision by the Minister of Finance and the Minister of Education for child care. That's a great lift up and a great support.

In addition, if there is a dual diagnosis, we are right now investing an historic amount of money for people with autism in this province. We invested over \$311 million in terms of clearing the wait-list and now we're about to double that. We're asking people to be part of that process at ontario.ca/autism. We want to hear from Ontario families.

AMBULANCE SERVICES

Ms. Andrea Horwath: My next question is to the Acting Premier. With each passing day, it's clear that the Ford government's reckless and dangerous cuts to front-line health care are going to hurt families across Ontario. We've just received news that the government plans to eliminate 42 of Ontario's 52 land ambulance services. Will the minister confirm this today in the House?

Hon. Christine Elliott: As we've already heard in the House this morning, the Ministry of Health's budget is increasing by \$1.3 billion next year, so we are increasing services. But we're also modernizing the system. We've talked about modernizing the entire health care system. We're also modernizing emergency health services in Ontario by building a more integrated and efficient dispatch service and communication delivery service that's going to make sure that Ontarians receive the care they need in a more timely manner.

We are going to be upgrading the technology that's going to be used by ambulance communication centres, better connecting ambulance communication centres, dispatchers and paramedics, and introducing new models of care to make sure that patients receive the treatment they need. This is going to help ease hospital hallway health care because it's going to make sure that people will get to where they can receive treatment. It doesn't necessarily have to be in an emergency department; it could be a mental health service in the community, for example.

This is to ensure that we create better, more connected, timely access to care for patients in Ontario.

The Speaker (Hon. Ted Arnott): Supplementary question?

Ms. Andrea Horwath: Well, Speaker, the government's reckless and dangerous health care cuts are putting families at risk. Yesterday, Dr. David Mowat, the former Chief Medical Officer of Health for Ontario, described plans to eliminate public health units as "dangerous." Now we're learning that the government has plans to dramatically cut land ambulance services.

The Association of Municipalities of Ontario says they are shocked and deeply concerned by the news of this cut. Can the minister tell families across Ontario how long they will have to wait for an ambulance under this new, reckless scheme cooked up by this government?

Hon. Christine Elliott: In fact, under the new plan that we have coming forward, people will receive more timely access because there will be better communication between the dispatchers and the ambulance services so that they will know the situation they're dealing with by the time they come to see the patient. They will then be able to connect that patient with the services they need, whether it's in hospital or whether it's in the community.

Paramedics should not be concerned about this. I would anticipate that they would be happy about this because they're going to have better tools to do their job, to make sure that they can help their patients, to make sure that every patient receives excellent connected care. There's nothing for paramedics to be worried about. They will continue to do their excellent work, and we will need more of them than ever.

We look forward to our conversations with them and with other service providers because there's a lot of miscommunication out there about what is actually happening. When we've had the full discussion with the paramedic services and the other providers in care, they will be encouraged and happy about what's moving forward, because it's going to be new technology, new tools—

The Speaker (Hon. Ted Arnott): Thank you.
Next question.

AUTOMOBILE INSURANCE

Mr. Prabmeet Singh Sarkaria: My question is for the Minister of Finance. For 15 years, drivers in Ontario have looked for relief in our auto insurance system. Ontario's auto insurance system has gone through a series of ineffective patchwork reforms that have never resulted in lasting change. Nothing quite compares to the broken promises and stretch goals of the Liberals and the NDP.

Auto insurance rates in Ontario are now higher than they were a decade ago and are consistently among the highest in our country. Our drivers deserve better, Mr. Speaker. Thankfully, our government is putting drivers first and listening to their concerns.

Could the minister please explain how the Putting Drivers First blueprint released in last week's budget would put drivers at the heart of our plan to ensure fairness for our commuters?

Hon. Victor Fedeli: Thank you to the member from Brampton South.

Drivers across the province sent us a clear message: The auto insurance system needs to be more accessible and more affordable. Through our online consultations, we heard from over 51,000 people across the province, and 60% said that shopping for and buying auto insurance is difficult and frustrating; 68% agreed that insurance providers should have more electronic or online tools available; 55% said that it was too difficult to tailor their auto insurance policy to meet their needs; and 54% reported that insurance policies are complicated and difficult to understand.

We heard their concerns and are putting forward a plan that will make the market more competitive, giving drivers more choice, encouraging innovation and ensuring that the needs of the drivers are met.

The Speaker (Hon. Ted Arnott): Supplementary?

Mr. Prabmeet Singh Sarkaria: Thank you to the minister for his response. It's exciting to hear that our government has developed a plan that puts drivers first and will make Ontario's auto insurance more accessible and affordable.

1100

The opposition tends to talk a lot about auto insurance and their disjointed and burdensome regulation that will only worsen the system. What drivers in Ontario need is a comprehensive plan to overhaul the entire auto insurance system. That is exactly what the Putting Drivers First blueprint proposes to do. We hope the opposition will support our government's plan to put drivers first and support our budget.

There are nearly over 10 million drivers in Ontario who expect us to do everything we can to ensure the auto insurance system is working for them. Could the minister please explain how the Putting Drivers First blueprint will bring change to the system?

Hon. Victor Fedeli: Our government is proposing immediate solutions to make the auto insurance system easier and more convenient to access. We want to allow for electronic proof of insurance and innovative insurance options that meet the drivers' specific needs, and the ability for insurance companies to offer more discounts and options to consumers. By encouraging competition and innovation in the auto insurance system, we are enabling insurance companies to better meet the needs of Ontario drivers. Our proposed reforms give control back to the drivers by increasing the range of auto insurance coverage choices available to them, by giving them the power to lower their premium costs.

Speaker, we will continue to work with drivers and the insurance industry in order to ensure our auto insurance system is more affordable, accessible and puts the driver first.

GOVERNMENT ADVERTISING

Mr. Taras Natyshak: My question is to the Deputy Premier. Speaker, the Premier seems unwilling or unable to provide details of his plan to force every gas station in the province of Ontario to display a sticker advertising for the Conservative Party of Canada, or they risk a fine of up to \$10,000 a day if they fail to pledge their allegiance.

So maybe the Deputy Premier can help. How many inspectors does the Ford government plan to put to work, spying on businesses that fail to follow orders and display the sticker? And how much will Ontarians pay for paying for—pardon me. How much will Ontario taxpayers—

Interjections.

The Speaker (Hon. Ted Arnott): Order.

Mr. Taras Natyshak: Pardon me. How much will Ontario taxpayers be paying for sticker promotion and sticker display enforcement?

Hon. Christine Elliott: To the Minister of Energy.

Hon. Greg Rickford: He had one job and he couldn't stick that question, Mr. Speaker.

So here are the facts. This is a federal government that has imposed a job-killing, regressive carbon tax on the people of Ontario. More and more people who own grocery stores, who run businesses, are talking about having to increase the prices of their products and their services because of this tax.

This needs to stick in the minds of the people of Ontario, not just because of what's being imposed by the federal government, but in the alternative, the NDP would have the highest carbon tax in the world. These are the words of a member sitting in this Legislature. I'll let the NDP explain and defend that, especially the northern Ontario caucus, who are hearing from across northern Ontario how costly this is just beginning to be.

The Speaker (Hon. Ted Arnott): Supplementary?

Mr. Taras Natyshak: I don't expect much from the minister, but I would expect at least an answer from the minister on this pretty simple question.

The Ford cabinet seemed pretty embarrassed yesterday as they tried to defend this. I don't blame them, Speaker. The off-the-books personal pleasure wagon was hard to defend, but spending millions of public dollars to produce partisan ads and millions more to force private businesses to either display them or pay fines of up to \$10,000 a day—Speaker, it's pretty indefensible.

There's no gray area here, Speaker. It's just plain wrong. Will the Ford government pull this ridiculous plan today?

Interjections.

The Speaker (Hon. Ted Arnott): Members please take their seats.

To the Minister of Energy to reply.

Hon. Greg Rickford: We're actually not the only ones who are going to be putting a sticker to remind people about the price of the carbon tax. Stores across the province are going to have new stickers on their products and their services, and they're going to reflect for us the cost of this job-killing carbon tax.

Mr. Speaker, the rhetoric from across the floor is embarrassing for them. Ontario has the right to know how much this tax is going to cost them at the gas pumps, how much schools are going to incur in increased costs, how much hospitals are going to incur in increased costs—everything that we can think of.

This is a tax on everything, and we're not going to stand for it. We're going to stick it to the Liberals and remind the people of Ontario how much this job-killing, regressive carbon tax costs.

Interjections.

The Speaker (Hon. Ted Arnott): Stop the clock.

Interjections.

The Speaker (Hon. Ted Arnott): The House will come to order.

Interjections.

The Speaker (Hon. Ted Arnott): Both sides of the House will come to order.

Mr. Taras Natyshak: Maybe you shouldn't answer the questions.

The Speaker (Hon. Ted Arnott): The member for Essex will come to order.

Interjection.

The Speaker (Hon. Ted Arnott): The member for Hamilton East–Stoney Creek will come to order.

Hon. John Yakabuski: Speaker, it's them. We need the clock to go.

The Speaker (Hon. Ted Arnott): The Minister of Natural Resources and Forestry will come to order.

Start the clock. Next question.

GOVERNMENT SERVICES

Miss Kinga Surma: Mr. Speaker, my question is for the Minister of Government and Consumer Services.

Yesterday, we saw the official launch of Ontario's new, exciting licence plates.

As many members of this House know, there have been numerous issues with the current stock of licence plates peeling and delaminating. This is not only a frustration for constituents; it could also cost them money if they need to replace unreadable plates. They should be getting the best value for money possible.

Similarly, peeling plates can make it harder for police to identify drivers on the road.

Can the minister explain how our government is dealing with these peeling plates and how we're ensuring that our government is getting the best product for the lowest cost to Ontario's taxpayers?

Hon. Bill Walker: I want to thank my honourable colleague from Etobicoke Centre, Kinga Surma, for her excellent question and her great representation on behalf of her constituents.

Starting February 1, 2020, our passenger licence plates will showcase that Ontario is a place to grow, and our commercial plates will showcase to the world that Ontario is open for business.

At no cost to taxpayers, the licence plate renewal process enhances the quality, design and production while saving taxpayers millions of dollars each year. The plate will feature high-definition sheeting that is stronger and longer-lasting than Ontario's current licence plate technology. Ontario will guarantee that your licence plate won't peel or flake for the useful life of the plate, saving Ontarians time, hassle and money. This will also help our law enforcement officials do their job safely.

Mr. Speaker, we're putting the people back at the centre of everything we do, from licence plates to government services to respect for taxpayers, and we're just getting started.

The Speaker (Hon. Ted Arnott): Supplementary.

Miss Kinga Surma: Back to the minister: For the better part of 15 years, it seems the previous Liberals' mandate was to spend well beyond its means. Last week, we heard more about their wasteful spending when we found out that instead of focusing on improving government services, the Liberals placed their focus on spending

over \$2 million in diluting their own brand. This is shameful. The people of Ontario deserve better, and that's why they elected our government for the people to restore accountability and trust in government.

Can the minister please tell us what the government is doing to restore respect for taxpayer dollars and improve the accessibility of government programs and services that the people of Ontario depend on?

Hon. Bill Walker: President of the Treasury Board.

Hon. Peter Bethlenfalvy: Thank you to the member from Etobicoke Centre.

Mr. Speaker, we made a promise to the people of Ontario that we would respect their taxpayer dollars, and with this new brand identity system we're keeping that promise.

Mr. Speaker, I've been waiting for a long time to say this: The three men in the tub—they're gone. I have been waiting a long time.

This is about saving millions of dollars in future costs. This is about bringing back the iconic Trillium logo so that we can have efficiency, so that we don't have multiple spending in sub-brands, like the \$2 million done in marketing costs for multiple brands within the previous government.

Mr. Speaker, let me tell you: If the previous Liberal government had done the licence plate logo and the tagline, supported by the NDP, I'm sure it would have said, "Ontario, A Place to Owe."

We're modernizing and transforming government so that Ontario can once again be a place to grow.

SERVICES EN FRANÇAIS

M. Guy Bourgouin: Ma question est pour la ministre des Affaires francophones. Aujourd'hui, le commissaire aux services en français a déposé son dernier rapport. Le rapport du commissaire dit clairement que « l'ombudsman ne pourra pas continuer le travail du commissaire » puisque « ni son mandat ni la nature de son travail n'exigent qu'il consulte les collectivités de façon proactive ».

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Lors de la période des questions jeudi passé, la ministre a dit que « le travail du commissaire va continuer à se faire faire au sein du Bureau de l'ombudsman ». De plus, la ministre a surligné que « le travail de formuler des recommandations va continuer à se faire faire » au sein du Bureau de l'ombudsman.

Étant donné les paroles du commissaire, est-ce que la ministre croit vraiment que l'ombudsman sera capable d'avancer les droits des Franco-Ontariens, oui ou non?

L'hon. Caroline Mulroney: J'aimerais profiter de cette occasion pour remercier le commissaire sincèrement pour son rapport final, et son équipe pour leurs efforts visant à améliorer les services en français dans la province de l'Ontario.

Nous avons pleinement confiance en la capacité de l'ombudsman d'assurer le respect de la Loi sur les services en français et l'accès à des services gouvernementaux de qualité en français pour les francophones. Le ministère des

Affaires francophones continuera de travailler en étroite collaboration avec le Bureau de l'ombudsman et les ministères provinciaux pour s'assurer que les Franco-Ontariennes et Franco-Ontariens aient accès à des services de qualité dans la langue de leur choix. Le poste et le rôle du commissaire, y compris son mandat de surveiller la prestation des services en français et d'en faire un rapport, demeurent inchangés sous l'autorité de l'ombudsman. Aucune disposition de surveillance ne sera—

Le Président (L'hon. Ted Arnott): Merci beaucoup. Supplementary.

M. Guy Bourgouin: Je demanderais à la ministre des Affaires francophones d'arrêter de dire aux Franco-Ontariennes et Franco-Ontariens que l'ombudsman continuera à faire le travail du commissaire, parce que, comme elle a dit jeudi, « ce n'est pas la vérité ». De plus, c'est difficile de comprendre comment la ministre peut se dire la défenseure des—

Interjections.

The Speaker (Hon. Ted Arnott): Order. Yes, I heard the translation. The member will withdraw.

M. Guy Bourgouin: Je retire mes paroles, monsieur le Président.

De plus, c'est difficile de comprendre comment la ministre peut se dire la défenseure des francophones quand le financement du ministère a été coupé à seulement 5,8 million de dollars et quand le nouveau budget ne mentionne que trois fois la francophonie. La ministre a expliqué à plusieurs reprises que le transfert du commissariat au Bureau de l'ombudsman n'est que pour des raisons budgétaires. Par contre, le rapport du commissaire explique clairement que la raison économique avancée par la ministre « demeure sans preuve ». Quand la ministre va-t-elle—

Le Président (L'hon. Ted Arnott): Merci.

M. Guy Bourgouin: —reconnaître que les francophones—

The Speaker (Hon. Ted Arnott): Merci. I have to remind the House: When the Speaker stands up, your microphone goes dead and you have to sit down.

The response from the minister?

L'hon. Caroline Mulroney: Merci, monsieur le Président. Je sais que le député opposé ne veut pas accepter la réalité, mais le poste et le rôle du commissaire, y compris son mandat de surveiller la prestation des services en français et d'en faire rapport, demeurent inchangés sous l'autorité de l'ombudsman, et la totalité des dispositions de surveillance sont maintenues.

Je demanderais au député opposé d'arrêter de dire aux francophones en Ontario que les services et le travail du commissaire vont être arrêtés. C'est très important que les francophones en Ontario sachent que le travail du commissaire va continuer à se faire faire. S'ils ont des plaintes, ils peuvent les faire auprès de l'ombudsman, et l'ombudsman va faire le travail de faire des rapports et des recommandations au gouvernement provincial. Alors, je demanderais sincèrement au membre de l'opposition d'arrêter de dire aux Franco-Ontariens que le travail est arrêté parce que ce n'est pas, en effet, la réalité.

PALLIATIVE CARE

Mr. John Fraser: My question is for the Deputy Premier. Today is National Advance Care Planning Day across Canada. It's an important day for people to think about what's important to them at the end of their lives. We don't want to think about it, but it's very important not just for ourselves but for the ones that we love and the people who live with us.

When I look at this year's budget, I see that alcohol, beer or wine is mentioned about 50 times, and the words "palliative care" and "end-of-life" aren't mentioned at all. What I do know is that we don't all drink, but we're all going to die.

I know that there was money put forward in the 2018 budget to support advance care planning—very leveraged money. It was in the hundreds of thousands of dollars. That money has never flowed. Will you commit today to flowing that money for advance care planning?

Hon. Christine Elliott: I thank the member very much for the question. I know the member from Ottawa South has done a lot of work on palliative care and end-of-life care. That's important to you and it's important to me as Minister of Health and Long-Term Care, but most importantly, it's important to the people of Ontario. No one wants their loved one, when they've been deemed to be in a palliative state, to spend their last days in hospital in a clinical setting. They want them to be in a warm, comfortable place where they can receive appropriate pain medication and whatever else they need for their last few days.

We have flowed significant money into creating more hospice care spaces in Ontario. That is expanding across the province in many communities. It's important for all of us, because not everyone can die at home. The hospices are performing great work. I've had the opportunity to visit a number of the hospices, and they do whatever they can to make a person's last days comfortable, including bringing in animals in some cases—whatever it is that makes that person feel comfortable and safe, and spend their last days in comfort.

So I will say—

The Speaker (Hon. Ted Arnott): Thank you very much.

Supplementary.

Mr. John Fraser: I thank the minister for that answer. I do have to say that I appreciate that the work is continuing on from the work that was done in 2016, 2017 and 2018 to invest in palliative care and hospices. I'm glad the government did not stop that work. I appreciate it very much. I do want you to commit to that money for advance care planning. I think it's very important and it's very highly leveraged money.

There's also a movement that's across Ontario in about 11 or 12 cities called compassionate communities. In my city of Ottawa, former mayor Jackie Holzman and Jim Nininger—a totally volunteer-based organization—are trying to make our communities more friendly not just for people at the end of their lives but for frail, elderly seniors.

There was an investment in the last budget as well too, to support that. That investment has not flowed. It did not move. I would like you to make a commitment to do that as well. It's very important, very leveraged money that supports people at the end of their lives or when they're at home and they're old and they're frail and they're senior. I'd like you to commit to both of those things.

Hon. Christine Elliott: What I can say to the member is this continues to be a very important issue to us at the Ministry of Health and Long-Term Care. We are going to continue to invest in hospice care funding, but we're also going to invest in home care funding. We're spending an additional several hundred million dollars in home care funding.

What I've heard in my travels as I've been visiting communities that are already providing integrated health care is that there is a big commitment to making sure that we can also provide palliative care at home. The home care workers are very keen to do that. They want to make sure that they can help people spend their last days at home if they're able to, and many families can do that. Some cannot, but for the ones that can, we want to make sure that the home care workers have that additional training to be able to provide those services. That is truly patient-centred care. That's what we're trying to build in Ontario.

We're going to continue with those investments.

POST-SECONDARY EDUCATION
AND SKILLS TRAINING

Ms. Effie J. Triantafilopoulos: My question is for the Minister of Training, Colleges and Universities. With students currently in the midst of exam season, I know that many students will be looking for a job after graduation. It's becoming far too common for students to work hard and receive their diploma or degree, and yet they are unemployed or underemployed after graduation. At the same time, businesses in my riding of Oakville North-Burlington are constantly saying that they have vacancies for high-quality, high-skilled, high-paying jobs.

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Can the minister tell us what our government is doing to address this skills gap and ensure that students get the skills they need to ensure that they find high-quality jobs?

Hon. Merrilee Fullerton: Thank you to the member from Oakville North-Burlington for her great work.

Speaker, the member is absolutely right. Students and their families make great sacrifices to attend university and college. They make those sacrifices because for years they've been told that if they worked hard and invested in university or college education, they could find a high-quality job. This is increasingly not the case. That is why our government is taking steps to ensure that our universities and colleges are delivering results for our students.

The current system is not based on how university or college education benefits students, but on how many students institutions can enrol. That is why our government will modernize post-secondary education by funding institutions based on the outcomes they create for students and the economy.

The Speaker (Hon. Ted Arnott): Supplementary.

Ms. Effie J. Triantafilopoulos: I know that students and their families will be happy to hear that our government is working to ensure that post-secondary education is focused on students and outcomes that will help them get jobs. It's clear that for 15 years, the previous Liberal government defended the status quo. Under their watch, they spent billions of hard-earned tax dollars without ensuring measurable results for the students of this province.

I know that the minister has said that she will be working with colleges and universities on the metrics used to measure the outcomes for students and Ontario. Can the minister update us on how she is working with institutions on these plans?

Hon. Merrilee Fullerton: I'm happy to report that colleges and universities have expressed support and eagerness to work with our government.

MaryLynn West-Moynes, president of Georgian College, said, "I think it's just good business and we're up for the challenge.... It's fair that colleges are responsible to people who fund us, and that's the taxpayers." The Council of Ontario Universities said, "Universities are committed to working with the government to ensure accountability within the public sector on the" strategic mandate agreement "process to advance transparency, accountability and outcomes-linked funding."

Meanwhile, the leader of the official opposition has said that institutions are "going to be very, very concerned," and the NDP critic for universities and colleges said our plan was "frightening."

Speaker, it is clear that the NDP are engaging in another fearmongering campaign that is out of touch with reality. The NDP need to clarify why they oppose getting students jobs.

GOVERNMENT ACCOUNTABILITY

Ms. Sara Singh: My question is for the Attorney General. The government has buried sweeping provisions in their budget bill that will, to quote one legal expert, place the Ford government "beyond the reach of the courts and make it difficult, and in many cases impossible, to sue the government—even when it acts in bad faith or breaches the duties of office."

Speaker, why is the Ford government trying to give itself legal immunity?

Hon. Caroline Mulroney: In our budget bill we have proposed, within my ministry, legislation that will streamline the process for lawsuits involving the government and will clarify the scope of government liability.

The Proceedings Against the Crown Act has been on the books since 1963, and case law has evolved significantly since then. Principles of law that have been emphasized over and over again by the Supreme Court of Canada are now being codified into our law. We are streamlining and clarifying the process for Ontarians who want to bring proceedings against the crown. That means that more time and money can be spent on the things that they need to be spending money on, like lowering hydro

bills, helping parents with child care and helping seniors get the dental care they need.

Mr. Speaker, this is about clarifying and codifying established principles of law.

The Speaker (Hon. Ted Arnott): Supplementary.

Ms. Sara Singh: Legal experts say the law will give the government immunity from being sued, and for people worried about this government's plans, that's a very frightening thought.

Only a government that plans on being sued looks for immunity from lawsuits. Whether it's victims from Walkerton or juvenile inmates, this government is denying people their right to see a day in court. Why?

Hon. Caroline Mulroney: Obviously, the opposition doesn't understand or hasn't read closely what is contained in the budget bill. The proposal, if adopted, will enshrine the Supreme Court of Canada's decision that government policy decisions cannot give rise to liability for negligence. This is an established principle of law.

The purpose of our amendment and of our proposed legislation is simply to clarify and codify established principles of law. Litigants can bring proceedings against the crown on other bases. We are clarifying and streamlining the process.

ACCESS TO JUSTICE

M^{me} Marie-France Lalonde: Ma question est pour la procureure générale. Yesterday Legal Aid Ontario announced they're no longer accepting new immigration and refugee clients as of today. They made this decision as a result of this government's cuts to legal aid due to the government slashing 30% of the legal aid budget starting in 2021. It is not in the interests of Ontario to have people without status in our economy and unable to represent themselves.

This may be the first casualty of this government's cuts to legal aid, but it will not be the last. Why does this government believe that providing legal protections to our most vulnerable is not something that matters most to Ontarians?

Hon. Caroline Mulroney: Legal aid provides vital services for lower-income Ontarians as well as to new Canadians. That's why our government is continuing to fund all provincial legal aid services to immigrants and to refugees within our provincial courts. That is exactly why—because we care—that I have called on the federal government to fund legal aid services for people with cases before the federal Immigration and Refugee Board and people with cases in the federal court. Mr. Speaker, I've called on the federal government. I wrote a letter to the federal government and did not receive a response.

The Auditor General made it very clear last year in her report that the lack of federal funding was putting the sustainability of legal aid at risk. These are warning signs that have been sent to the federal government, and the federal government has failed to own up to its responsibilities. And so I ask the member opposite to ask her federal counterparts to answer our letters and work with us—

Interjections.

**MARC LEROUX AS LITIGATION
GUARDIAN OF BRIANA LEROUX**

and

**HER MAJESTY THE QUEEN IN
RIGHT OF THE PROVINCE OF
ONTARIO**

Court of Appeal File No.: C70224

Plaintiff/Appellant

Defendant/Respondent

COURT OF APPEAL FOR ONTARIO

Proceeding commenced at TORONTO

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