

<https://theijf.org/doug-fords-independent-tribunals-exclusive-data-analysis-reveals-premier-appoints-conservative-insiders#>

## Doug Ford’s ‘independent’ tribunals: Exclusive data analysis reveals premier appoints Conservative insiders

*Majority of top tribunal members have Conservative ties*

[XAVIER RICHER VIS,](#)  
[KATE SCHNEIDER](#)

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*Sean Weir, Executive Chair of Tribunals Ontario, poses with Ontario PC MPPs at a 2019 event hosted by the Oakville Chamber of Commerce. From left to right: MPP for Oakville Stephen Crawford, Sean Weir, then-Minister of Finance Vic Fedeli, MPP for Oakville North-Burlington Effie Triantafilopoulos (Credit: Oakville Chamber of Commerce/Top.Notch Photography)*

A majority of senior members on Ontario’s biggest tribunals appear to have connections to either the Conservative Party of Canada or the Ontario Progressive Conservative (PC) Party, despite the law mandating a [“competitive, merit-based \[selection\] process.”](#)

Six of the nine senior chairs of Tribunals Ontario appear to have either donated money to, served as a high-ranking staffer for, or run for political office under the banner of a Canadian conservative party, according to an investigation by the IJF.

Tribunals Ontario (TO) administers 13 of the province's most influential quasi-judicial bodies. Tribunals are designed to be less formal and faster than criminal courts in resolving disputes. They also rule on some of the most important issues affecting Ontarians' lives.

The Landlord and Tenant Board (LTB), for example, handles disagreements over rental housing, such as evictions, rent increases and maintenance issues. The Human Rights Tribunal of Ontario (HRTO) rules on cases alleging harassment or discrimination on the basis of race, gender, disability and other protected grounds.

"I have not seen this level of obvious blatant politicization, especially with senior appointments, in my 30 years in both the Ontario and federal governments," said Gary Yee, a former chair of three Ontario tribunals and a current member of Tribunal Watch, a non-partisan watchdog that advocates for independent tribunals.

In March, *CBC News* [reported](#) that several tribunals under the TO umbrella face lengthier delays with every passing year due to a backlog of cases. While the provincial ombudsman has attributed these delays to [staff shortages](#), critics like Tribunal Watch's Yee say these staff shortages are linked to an "unprecedented" [politicization](#) of the province's tribunal appointment process.

### **Tribunals chaired by former candidates and staffers**

Six months after Doug Ford was elected premier in 2018, then-Attorney General Caroline Mulroney [announced](#) that the government would be reorganizing Ontario's tribunal system. The reforms combined the province's major tribunals under a new administrative body called Tribunals Ontario.

In the official announcement, the Ford government said the changes were necessary to improve Ontario's access to justice while keeping operating costs low.

"Tribunals conduct hearings, make decisions and resolve disputes on a wide variety of issues," reads the press release from the Ministry of the Attorney General, also noting that tribunals "operate independently of the government."

TO's current leadership includes executive chair [Sean Weir](#), a former Conservative candidate in the 2019 federal election; alternate executive chair [Sara Mintz](#), a former Ontario PC party vice-president; Ontario Parole Board associate chair [Simon Chapelle](#), a former member of the National Council of the Conservative Party of Canada; and Assessment Review Board associate chair [Ken Bednarek](#), former chief of staff to PC minister Michael Tibollo. These roles are not listed in the chairs' official government biographies posted online.

Additionally, Tamara Kronis, a former HRTO associate chair, [resigned](#) her chairmanship to run as a Conservative candidate in the 2021 federal election.

The IJF has also identified a number of donations to conservative political candidates or organizations made under the names of six senior TO appointees.

All four chairs mentioned above appear to have made multiple donations to the Ontario PC Party. For instance, a Simon Chapelle has donated several thousands of dollars to the PC Party since 1999, most recently donating \$1,400 last year.

In addition, a [Caroline Fletcher-Dagenais](#) — the same name as the Ontario Civilian Police Commission associate chair and the Special Education Tribunals' vice-chair — donated twice to the Ontario PC Party between 1998 and 2005 and three times to the federal Progressive Conservative Party between 1998 and 2001. A [Stephanie Zwicker Slavens](#) — also the name of

the Animal Care Review Board and Fire Safety Commission's associate chair — donated \$412 to the Whitby Conservative Association in 2019.

The IJF made multiple attempts to contact the six individuals named above. All requests went unanswered.

### **Accusations of unqualified candidates**

With every transition of government comes political patronage, said Yee, something he's seen at all levels of government across party lines. However, he calls the favouritism under Ford "unprecedented."

Yee said when Ford came to power, many tribunal members — first appointed by the former Liberal government under what he felt was a merit-based system — were not reappointed, resulting in lots of vacant tribunal posts.

"That took a lot of time to fill," said Yee. "And then when they were filled, we saw a lot of new appointees, especially in the senior positions, who have no obvious subject matter, adjudication or dispute resolution expertise in their brief descriptions that will come with the notices of appointment."

Yee isn't alone in his assessment of TO's latest appointees. In 2020, Toronto Star Ontario politics columnist Martin Regg criticized Weir's appointment to executive chair after an Attorney General spokesperson told him Weir faced "[no outside competition](#)" for the role.

An IJF analysis of public records confirmed that no current TO senior appointee held a senior appointment under the previous Liberal government. Only one senior appointee, current HRTO associate chair [Jeanie Theoharis](#), served on an Ontario tribunal under former premier Kathleen Wynne.

Using public records, the IJF identified eight senior chairs who served under Kathleen Wynne's Liberals and were initially re-appointed to senior positions after TO's reorganization by the Ontario PC Party.

Of those eight, half resigned before their appointments expired. For example, Linda Lamoureux, the first Executive Chair of Tribunals Ontario, served only [three months](#) of her second term before resigning.

The other half served the rest of their appointments but were not reappointed to a senior Tribunals Ontario posting and went on to work in private practice, teach or work for the federal government.

Tribunals Ontario did not respond to multiple requests for comment.

### **Political patronage**

Several TO bodies have faced criticism for trends that have emerged in recent years since Ford took office.

[The Trillium reported](#) earlier this year that between 2019 and 2022, the LTB issued a mere 51 fines against landlords. For comparison, the LTB receives roughly [80,000 applications](#) for hearings each year, 48 per cent of which proceed to a hearing. Only one out of the 51 fines issued during the four-year period was paid.

The HRTO also came under fire after a [recent study](#) found that the number of discrimination cases being denied an oral hearing has skyrocketed since 2018.

This is not the first time Ford has faced accusations of politicizing the judiciary. In July, Ford denied approving a list of people to whom his attorney general granted the title of [King's Counsel](#), a revived honorary title that was phased out in the 1980s after [accusations of patronage](#). Those who recently received the title included members of Ford's cabinet, PC party staffers and his family attorney.

A review of the [list of King's Counsel recipients](#) also reveals that six of the nine senior tribunal appointees appear to have been awarded the King's Counsel designation earlier this year.

Almost a year after a joint investigation by *The Toronto Star* and *The Narwhal* found that the developers who acquired Greenbelt land gave [significant donations](#) to the PC party, Ford reversed plans to open the Greenbelt for housing development. However, he's still staving off [accusations](#) of patronage and corruption.

The IJF previously reported on political patronage within the federal judiciary: an eight-month investigation with the [National Post](#) found that, of over 1,300 federally-appointed judicial and tribunal appointments made since Prime Minister Justin Trudeau came to office, an overwhelming majority of appointees who had previously made political donations gave to the Liberal Party of Canada.

As of 2019, the Liberal Party of Canada was still known to be using a [private database](#) of party donations when selecting judicial appointments, making it easier to see whether potential judges have supported the Liberal Party.

York University professor of governance, law and ethics Richard Leblanc, said accessing databases like these while making appointments to adjudicative tribunals should be prohibited.

"What is only relevant are the leadership skills and competencies of the individual tribunal directors," said Leblanc. "Full stop."

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### **How we did this story**

Tribunal appointments data was collected from [Ontario's orders-in-council database](#), which details provincial political appointments from July 2016 onwards. The donations data used in this story was compiled from [Elections Canada](#) and [Elections Ontario's](#) political donations database. If an appointee denied making a donation that donation was removed from our list. For the purposes of this story, senior tribunal appointees were defined as being those that held the titles of Associate Chair, Executive Chair, or Alternate Executive Chair.