



February 10, 2022

VIA E-MAIL

The Hon. Peter Bethlenfalvy
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Dear Minister Bethlenfalvy:

The Ontario Bar Association ("OBA") appreciates the opportunity to provide this submission as part of your 2022 pre-budget consultation.

The Ontario Bar Association

The OBA is the largest volunteer lawyer association in Ontario, with close to 16,000 members, practicing in every area of law in every region of the province. We provide updates and education on every area of the law to combined audiences of 20,000 lawyers annually. The members of our 40 practice sections include leading experts in their field who provide practical advice to government to ensure the economy and the justice sector work effectively and efficiently to support access to high-quality justice for Ontarians.

Legal Aid Ontario

The OBA has, over the years, consistently advocated for adequate sustainable funding for Legal Aid Ontario ("LAO"). We are mindful of the passage of legislation over the past two years that has had the goal of providing the tools required for quicker resolution of legal issues. However, stated goals are dependent on predictable and stable funding to allow for long-term, sustainable planning. The confluence of budget shortfalls at LAO and ongoing backlogs that are being further exacerbated by pandemic-related delays continue to pose a threat to the provision of quality legal service to vulnerable Ontarians. Delay and the attendant uncertainty can also intensify mental health issues (currently identified by LAO as a factor for 1 in 3 clients). Over the years the OBA has provided numerous submissions that offer concrete practical solutions in this area, that are intended to provide access, reduce administrative burdens, enhance clinic service delivery and leverage the use of technology. We urge the government to address this issue of sustainable funding. The justice system is at the core of our civilized society. It is often said that how we treat our most vulnerable speaks to who we are as a society. In Ontario, our most vulnerable deserve better.

<https://www.oba.org/CMSPages/GetFile.aspx?guid=2229fc4a-df2f-41c9-a096-678c9bde6d3d>

<https://www.oba.org/CMSPages/GetFile.aspx?guid=9c58378d-0f85-48a5-a6cb-c0a5888c9834>

<https://www.oba.org/CMSPages/GetFile.aspx?guid=487dff99-de60-45bd-a468-2e2ca947e582>

<https://www.oba.org/CMSPages/GetFile.aspx?guid=69777f2f-2494-42c1-a6ca-617eb7ffcc19>

Practical Solutions

Significant investment remains a critical need as it pertains to courthouse space, facilities, and the timely appointment of judges, masters, and tribunal adjudicators who are essential for the public to access justice without undue delays. Ongoing review of administrative salaries to ensure competitiveness thereby stemming the tide of staff turnover (which results in further delays) is imperative.

The OBA continues to advocate for the full expansion across the province of the Unified Family Court System (“UFC”) as part of an ongoing strategy to reduce the costs and assist in addressing complex issues for those involved in family breakdown. We recognize that some jurisdictions may need to be prioritized. However, the ultimate goal of a UFC province wide remains. A proven strategy to assist in reducing delay and using valuable court resources is increasing the scope and breadth of the Dispute Resolution Officer program. This has been demonstrated in several regions to achieve significant reductions in litigation time as well as trial time requirements. A beneficial spin-off effect is that in having family matters dealt with in a more efficient manner, judicial and court resources become available for civil matters with itinerant benefits to those litigants.

While the OBA has, and will continue, to support expansion of the Ontario Mandatory Mediation Program in civil matters across the province, we believe that a targeted approach in expanding this program in York, Peel, Halton and Durham will assist in reducing the burden on the courts as earlier settlements lead to fewer motions, pre-trials and trials. Mediation in many cases reduces litigants’ costs and is in fact no cost to the government as these lower costs are borne by the litigants.

Ongoing issues in the jails with lawyers having timely access to their clients using the Remote Access Defence service contributes to backlog in an already overburdened system. In addition, the staff working with Bail Support services are also unable to communicate remotely with clients once they have moved to the jail system which delays crucial decisions regarding bail. The OBA recognizes that COVID-19 has exacerbated what have been systemic and ongoing issues.

Our Association, through its members and staff, have proudly worked with government to advance significant legal reform in Ontario, from broad structural reform through to and including minor regulatory amendments. Our volunteers in our practice sections and throughout the regions, have worked towards identifying priority issues, finding practical solutions that improve access to justice, control costs and streamline what was, for many years and to most Ontarians, a cumbersome and mysterious system. The OBA remains available and willing to work with the government in attempting to find solutions to improve access to justice for all Ontarians as we move into a post-pandemic world and the inevitable challenges that we must face as partners.

The members of the OBA are pleased to offer this submission for consideration and continue the conversations throughout the government towards a prosperous and just Ontario.

Yours sincerely,



Karen Perron
President, Ontario Bar Association