



The Advocates' Society

La Société des plaideurs

November 21, 2018

The Hon. Doug Ford
Premier of Ontario
Premier's Office, Room 281
Legislative Building, Queen's Park
Toronto, ON M7A 1A1

The Hon. Caroline Mulroney
Attorney General of Ontario
Ministry of the Attorney General
11th Floor, 720 Bay Street
Toronto, ON M7A 2S9

Dear Premier and Madam Attorney:

RE: Courthouse Facilities in Brampton

As you know, The Advocates' Society, established in 1963, is a not-for-profit association of nearly 6,000 members throughout Canada. The mandate of The Advocates' Society includes, among other things, making submissions to governments and other entities on matters that affect access to justice, the administration of justice and the practice of law by advocates.

Earlier this week, The Honourable Peter A. Daley, Regional Senior Justice of the Ontario Superior Court of Justice, Central West Region, publicly spoke of serious facilities issues at the Brampton courthouse. Justice Daley's remarks painted a disconcerting picture of courthouse facilities that are severely inadequate for the timely, accessible and safe hearing and adjudication of cases in one of the largest urban centres in Canada. The Advocates' Society unequivocally supports the position that Justice Daley took in his address. I write today to urge your Government to provide an infusion of funding directed at completing construction, as soon as possible, of the additional courthouse facility in Brampton to accommodate the increased population and court workload in Peel Region.

The problems that Justice Daley raised are not new. Peel Region, which includes Brampton, Mississauga and Caledon, has seen explosive urban growth over the past several decades. Significant delays in hearing cases due to inadequate institutional resources, including the absence of adequate courtrooms in which to hear cases, were evident in Peel Region by the late 1980s and were expressly acknowledged by the Supreme Court of Canada in its 1990 decision of *R. v. Askov*. In that case, the Supreme Court of Canada specifically referred to Peel Region as having "long been notorious for the inordinate length of time required to obtain a trial date ... delays ... said to be caused by lack of facilities." The current Brampton courthouse facility was itself too small to accommodate the people of Peel Region shortly after it opened in 2000.

We understand that there have been lengthy delays and complications related to the construction of the additional courthouse facility, including the slow remediation of unsafe conditions related to the construction. Moreover, we understand that additional courtroom space will be lost before the construction of the new facilities is complete. The consequences resulting from inadequate facilities in Brampton include the following:

- Cases that cannot be heard in Brampton for lack of space are transferred to surrounding areas, *i.e.* Guelph, Kitchener, Milton and Orangeville. These areas are mainly inaccessible by public transit from Brampton. The inaccessibility of these sites poses a significant inconvenience to not only litigants, but also witnesses, who may be unable or unwilling to testify. We understand that the transfer of cases outside of Brampton is a regular occurrence.
- Long motions in civil and family law cases are subject to an 8 month waiting period for a hearing. Trials in civil and family law matters that are longer than 5 days are subject to a 16 month waiting period. Even criminal cases, which are subject to the Supreme Court of Canada's timing requirements in *R. v. Jordan*, cannot be heard for 10 months.
- Without adequate office space, judges experience significant challenges in preparing for cases and writing reasons for their decisions.

Justice Daley's comments also addressed the impediment to implementing a Unified Family Court ("UFC") in Brampton in light of the facilities challenges. As you know, The Advocates' Society has consistently advocated for and supported the rollout of a UFC in all sites across Ontario, which will enhance access to justice for Ontario families in vulnerable situations. This is yet another disappointing result of the inadequate resources in Brampton.

I emphasize that the delay in having cases heard in Brampton is not, as it is in other major Canadian centres, solely related to an insufficient number of federally-appointed judges. In fact, the complement of superior court judges in Brampton has increased recently in response to the growing caseload in Peel Region. These judges have admirably demonstrated, to the extent possible, their adaptability and flexibility in circumstances that are far from ideal for the administration of justice. The delays in Brampton are caused primarily by the absence of adequate facilities to properly conduct court business.

An inefficient justice system increases the cost to Ontario taxpayers. Of particular concern in this case, the transfer of cases from Brampton to other areas of the Superior Court's Central West Region increases costs to litigants and, ultimately, taxpayers. Equally as important, public confidence in the justice system is eroded by the delayed hearing of cases and the hardships involved in having to travel to another judicial centre. These hardships are felt by complainants and their families, accused persons, and parties in civil matters. They are felt by witnesses, whose evidence is essential to the fair administration of justice. And they are felt by jurors, who in fulfilling their civic duty may harbor resentment against one or more of the parties.

I urge your Government to fund the timely completion of the construction of the new courthouse facility in Brampton and to work closely with the Ontario Superior Court of Justice to implement meaningful and realistic interim solutions to address the currently inadequate courthouse facilities.

I would be pleased to discuss this letter with you further at your convenience.

Yours truly,



Brian Gover
President

C: The Honourable Heather Forster Smith, Chief Justice, Ontario Superior Court of Justice
The Honourable Peter A. Daley, Regional Senior Justice, Central West Region, Ontario Superior
Court of Justice