



The Advocates' Society La Société des plaideurs

January 29, 2019

Mr. Stephen Crawford, MPP
Chair, Standing Committee on Finance and Economic Affairs
99 Wellesley Street West, Room 1405
Whitney Block, Queen's Park
Toronto, ON M7A 1A2

Dear Mr. Crawford:

2019 Ontario Pre-Budget Consultation: Smart Investments in the Justice System, Now and for the Future

The Advocates' Society, established in 1963, is a not-for-profit association of more than 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. More than 5,000 of The Advocates' Society's members practise law in Ontario and have a profound interest in access to justice and the justice system in Ontario.

We are grateful for the opportunity to make these submissions as part of the 2019 Ontario Pre-Budget Consultation process. Our submissions are focused on smart investments in the justice system, now and for the future. Put differently, these projects would allow the government to provide improved access to justice for Ontarians by leveraging taxpayer dollars in a fiscally responsible manner.

Now is the opportunity to make wise investments in justice system infrastructure in Toronto and across Ontario. In order to best address access to justice concerns in Toronto, including in the area of family law, The Advocates' Society urges your Government to prioritize the building of an additional courthouse to serve the Toronto Region. This courthouse should be located outside the downtown core in order to optimize the benefits of transit and other infrastructure projects now underway in Toronto Region, which will translate into long-term savings of taxpayer dollars. A new courthouse in Etobicoke, for example, would have the advantage of proximity to the Toronto South Detention Centre while being accessible on public transit routes.

This courthouse should serve both Superior Court of Justice and Ontario Court of Justice operations generally, as well as the Unified Family Court ("UFC").

Ontarians are far more likely to be impacted by a family law case than any other court proceeding. The UFC, which consolidates the family operations of the Ontario Superior Court of Justice and the Ontario Court of Justice, was introduced as a pilot project in Hamilton in the late 1970s. Since then, families, judges and lawyers in the regions which have implemented a UFC system have appreciated the benefits of a single courthouse to deal with all family law issues, whether they fall under federal or provincial jurisdiction.

Of all family proceedings commenced in Ontario, whether before the Ontario Superior Court of Justice or the Ontario Court of Justice, nearly 20% are commenced in Toronto. Still, 40 years after the introduction of the first UFC in Canada by then Attorney General McMurtry, there is no UFC in the most populous city in the country; and while there are plans to roll out UFC in outlying jurisdictions, the rollout for Toronto appears to be delayed for several years. Jurisdictions without a UFC, such as Toronto, continue to bear increased costs, delays and procedural confusion, all of which impact access to justice.

The previous Government of Ontario had originally contemplated that the new Toronto courthouse to be built on Centre Avenue would house family law operations from both the Superior Court of Justice and the Ontario Court of Justice as well as consolidating Ontario Court of Justice criminal law operations. The Advocates' Society was disappointed to learn that the new courthouse will only achieve the second of those two important objectives. Given the commitment of both the Federal and Provincial governments to provide for UFCs across Ontario by 2025, we urge your Government to seriously explore the necessary physical infrastructure requirements for UFC in Toronto, where there is an urgency to locating a suitable space for UFC, and other areas of Ontario where it currently is not in place, and to continue to work with your Federal counterparts to expedite the appointment of Superior Court judges to staff UFC sites.

In our view, this presents an important opportunity in Toronto for your Government.

Thank you for providing The Advocates' Society with the opportunity to make these submissions. I would be pleased to discuss these submissions with you at your convenience.

Yours truly,



Brian Gover
President

C: The Hon. Victor Fedeli, MPP, Minister of Finance of Ontario
The Hon. Caroline Mulroney, MPP, Attorney General of Ontario