



February 26, 2021

Premier Doug Ford
Ontario Premier's Office
Legislative Building
Queen's Park
Toronto, ON M7A 1A1

BY EMAIL ONLY

Dear Premier Ford,

I am writing to you on behalf of the Society of United Professionals, IFPTE Local 160 to request a meeting with you regarding the New Toronto Courthouse (NTC) and Toronto Regional Bail Centre (TRBC). We represent more than 8,000 Ontario professional workers, including over 400 lawyers and legal professionals at Legal Aid Ontario and community legal clinics.

The NTC and TRBC projects are scheduled to open next spring. These projects impact our members who work at the six Toronto Ontario Court of Justice (OCJ) courthouses scheduled to be amalgamated into the two facilities.

We believe that the NTC and TRBC will fail Society members, other justice system stakeholders and participants, and the public. We support the Ontario Crown Attorneys Association's (OCAA) proposal and the reasons for their proposal, provided to you in their November 18, 2020 letter. We agree with our colleagues at the OCAA that rather than a full amalgamation of all six Toronto courthouses, the province should instead consolidate only the three downtown Toronto courthouses into the NTC site while maintaining those courthouses in Etobicoke, North York and Scarborough.

Below I will add our reasons for supporting this proposal that are additional to those already expressed by the OCAA in their letter.

MODIFIED CONSOLIDATION PROPOSAL

Continuing with the previous Liberal government's plan to fully consolidate all six city of Toronto courthouses into the NTC and TRBC will not solve the Ontario Court of Justice's existing space issues. It also fails to account for the city of Toronto's population growth and the corresponding demands on the justice system. The Government of Ontario projects Toronto's population to increase 26% to 3.73 million people by 2046 yet the NTC provides only minimal room for expansion. The A. Grenville and William Davis Courthouse in Brampton is an example of such a failure. Built as consolidated facility in 2000, it has



already had to be expanded. The NTC, being located in downtown Toronto, will not have the luxury of building additions when the city's needs grow.

The OCAA proposal envisions the three downtown courts – College Park, Old City Hall and Jarvis – and all of their current services, including bail, continue to be consolidated at the NTC. However, unlike the current plan, the Scarborough, Etobicoke and North York courthouses would remain open. Each of these suburban courthouses would continue to provide bail services and there would be no need for a separate TRBC. This would mean a reduction from six courthouses to four and enable all courthouses to continue to provide community-based justice services. It would also alleviate dangerous overcrowding at the NTC (see below for further details).

SPACE ALLOCATION ISSUES

The Society has three space allocation issues with the NTC: professional practice and client service issues, conventional health and safety issues, and pandemic-related public health issues.

1. Professional practice and client service issues

Space allocation for Society members at the NTC is completely unacceptable. This is a common theme in courthouses provincewide, for both new and old builds. Again, returning to the Brampton Courthouse, even in the new addition no additional space is being allocated to our members despite their desperate need.

Under the previous Liberal government, in the pre-planning phase of the NTC project, the needs of LAO lawyers were again underestimated. The project planned for only one desk/workstation for every four LAO lawyers. In the TRBC the ratio was to be one for every two LAO lawyers. No LAO lawyer will have their own dedicated workstation. Employees generally do not work well in such shared environments; this may compromise service provided to our already marginalized and vulnerable clients. Additionally, little to no storage is available to our members for client files, research, legal reference books, computers, and other work tools and resources. It is unreasonable to expect lawyers to provide their critical and essential services in a such a workspace. The Ministry of the Attorney General (MAG) has claimed that the 136 public-access interview rooms may be used by LAO lawyers. These rooms will be problematic for our members as client interview rooms and can certainly not function as workspaces.

As stated, interview rooms are another big issue. There are only 7 dedicated LAO client interview rooms in the NTC. This is insufficient given the services expected to be provided by LAO in the NTC. While our members will have access to the public-access interview rooms, these are to be shared by Crown Attorneys, the private bar, court support agencies and the public. Access will not be guaranteed.



Further, there are no interview rooms dedicated to LAO use that are proximate to the Mental Health and Gladue/Indigenous Persons Courts. LAO lawyers regularly provide extensive services to high-needs clients in both of these courts and require dedicated client interview spaces to do so.

2. Health and safety

The Society has never been provided with blueprints or scale diagrams of the NTC nor the TRBC to enable a thorough health and safety assessment of the spaces. The little information we do have tells us that there are significant problems. LAO interview spaces on the ground floor and second floor, where LAO staff are anticipated to meet with the public, have been designed such that our members will not have direct means of access and egress to the safety of public spaces. Our members could easily be trapped by an individual threatening their health and safety.

Additionally, the 136 public-access interview rooms that LAO lawyers are expected to use will not have panic buttons and the interiors are not readily visible from the outside.

It is deeply concerning that such obvious safety issues have been ignored.

3. Pandemic health and safety

Courts are clear vectors of disease. They connect huge swaths of people in congregate settings to people with contacts in the broader community. The NTC's design must account for the current and future public health emergencies. Rather than take the lessons learned from the COVID 19 pandemic, MAG has made no modifications to the NTC design, which does nothing to minimize communicable disease transmission.

If the government continues to consolidate all six Toronto courthouses into the NTC, more than 2,000 people will go in and out of the NTC daily. 63 courts will be accessed by only four elevators. Interview rooms are too small to practice appropriate physical distancing (2 meters) between even two occupants (and interpreters are often required too). Additionally, it would be impossible to maintain an appropriate level of cleaning in shared workstations and interview rooms, which will have many different occupants throughout a given day.

MAINTAIN COMMUNITY-BASED JUSTICE SERVICES

Beyond the staff who work at courthouses, justice system participants include victims, witnesses, support workers, sureties and accused persons. Consolidating all six Toronto courthouses into the NTC and TRBC threatens community-based justice services.



We already know that marginalized groups – such as people who are Indigenous, racialized, live with mental health issues and/or experience poverty – are overrepresented within the justice system, forcing these participants to travel great distances to unfamiliar communities exacerbates the challenges they already face, including negatively impacting their education and employment prospects. For example, a short and simple matter, heard within the community, could still allow a youth attending court matters to return to school or an adult to work whereas trekking across the city is likely to require an entire day's absence.

The NTC plan will no doubt increase the rate of non-attendance at court. In the case of accused persons, non-attendance will mean court delays and accruing new administration of justice charges that compound their legal challenges. This will ultimately increase the government's costs. Victims' and witnesses' challenges accessing centralized courts may result in court delays and/or dismissal of charges. Delays of this nature will increase costs as court time is not used and new dates must be booked, including those for delay hearings under s. 11(b) of the *Charter*. Dismissals due to lack of witnesses will decrease public confidence in the administration of justice and frustrate victims.

Local courthouses and the areas surrounding them are currently a valuable centre for community-based resources that focus on reducing recidivism and improving offenders' rehabilitative prospects. Out-of-custody accused persons can access services and programs through agencies such as the Toronto Bail Program, Aboriginal Legal Services and mental health court services, at their local courthouse. These initiatives will be less effective at maintaining the relationships required to make their programs successful as their clients will be far less likely to fully participate if they need to spend hours on transit to get to and from an in-person appointment.

In addition to the court workers noted above, there are other significant community services in and around local courthouses. Mental health and other support workers from the community currently travel to the local courthouses to meet with and provide support to new and existing clients. These include social workers and case workers from various community social, justice and health agencies. The costs to these agencies will render this practice of attending court with and for these clients untenable when the NTC and TRBC open. For many, accessing this timely and appropriate help is an integral part of rehabilitation, addressing the root causes of their involvement in the justice system and ultimately to decreasing recidivism.

CONCLUSION

We are deeply concerned that the NTC and TRBC designs do not reflect the needs of justice system stakeholders, including our Legal Aid Ontario lawyer members or their clients. Moreover, there are key health and safety issues that must be addressed – both of a conventional nature but also in relation to this pandemic and to other public health emergencies that may arise in the future. Finally, we firmly believe that from both justice and fiscal perspectives it is important to retain community-based justice services.



For all of these reasons, the Society of United Professionals joins with the Ontario Crown Attorneys Association to request that the government shift to a modified courthouse consolidation program that would maintain courts and justice services in Scarborough, Etobicoke and North York while amalgamating those in the downtown area at the NTC. The OCAA proposal addresses our most pressing concerns, including adequate workspace, healthy and safe workplaces, and sustaining community-based justice services.

I also request the opportunity to meet with you to discuss the modified consolidation proposal and the benefits it will bring to communities, the public and to the justice system and to brief you on the unique needs of our Legal Aid Ontario lawyer members and their clients.

To arrange a meeting at your earliest convenience, I am available at traverss@thesociety.ca or (416) 729-8818.

Thank you for your consideration.

Sincerely,

Scott Travers,
President

CC: Hon. Peter Bethlenfalvy, Minister of Finance
Hon. Doug Downey, Attorney General
David Corbett, Deputy Attorney General
Susan Kyle, Assistant Deputy Attorney General
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