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ATTORNEY GENERAL DESIGNATES AUTHORIZED NOMINATING AUTHORITY

The Attorney General of Ontario, Doug Downey, recently designated ADR Chambers as the Authorized Nominating Authority (ANA) as prescribed in the Construction Act to administer the new dispute resolution system in the construction industry.

ADR Chambers is a highly regarded private company that has been in the business of providing dispute resolution services in Canada and internationally for more than 20 years. According to ADR Chambers' website, they are the largest dispute resolution services provider in the world, having administered over more than 55,000 disputes in the last seven years. They have an impressive roster of independent arbitrators and mediators. In addition to providing mediation and arbitration services, ADR Chambers also provides dispute resolution training through its associated organization, the Stitt Feld Handy Group.

In accordance with the Construction Act, the ANA is responsible for:

- (a) developing and overseeing programs for the training of persons as adjudicators;
- (b) qualifying persons who meet the prescribed requirements as adjudicators;
- (c) establishing and maintaining a publicly available registry of adjudicators;
- (d) appointing adjudicators

The ANA has the authority to set the fees for training adjudicators and for the administration of adjudications.

ADR Chambers was selected through a rigorous 6 month process which was professionally managed independently on behalf of the Ministry of the Attorney General. It was rumoured that ANAs from other jurisdictions that already have construction dispute resolution systems in place were among the handful of applicants. The initial reaction is that ADR Chambers is an excellent choice, that the ANA role fits well in their current business model and that they can hit the ground running.

We believe that ADR Chambers will commence training adjudicators sometime in September and that they will have approximately 40 adjudicators ready to go on October 1, 2019 when the new system comes into effect.

It is our understanding that, because adjudication is so different from arbitration and mediation, no one will be "grandfathered" on to the adjudication roster; every adjudicator will have to successfully complete the program of study developed by ADR Chambers specifically for construction adjudications in Ontario in order to qualify to conduct an adjudication.

We understand that the course of study will include at least two days in class in Toronto as well as a number of online modules.

The training will likely focus on the processes adjudicators can use to arrive at a decision for disputes at varying levels of cost and complexity. The ANA will earn revenue from training course fees and from a percentage of the adjudicators fee.

PCS TO REVIEW APPOINTMENTS

We have itemized the various inappropriate appointments made to provincial government agencies, boards and commissions by Premier Ford's former chief of staff, Dean French, of his family members, friends, son's friends, clients, lacrosse players he had coached etc. in a previous writing.

We believe this appointments scandal was the final "straw that broke the camel's back" that led to the French's departure and that the change of staff leadership in the Premier's Office could be the Ford government's most significant course correction after 12 months of mismanaged and chaotic governing. Ford has stated that French, a long-time friend and supporter, no longer has any influence with his government.

Premier Ford has committed to a comprehensive review of all appointments made by French to ensure appropriately competent and experienced individuals

are in place. It's unclear exactly who is conducting the review. It's believed that Treasury Board may be reviewing the appointments process while staff in the Premiers Office may be examining appointments that had been made by French.

The parties on the other side of the aisle would like a more open and transparent appointments process.

It is our view that nobody was getting rich from these appointments. While there are a few that come with reasonable compensation, most pay per diems in the \$500 range. However, we strongly believe that appropriately competent and experienced individuals must be selected to serve on provincial government ABCs.

FORMER MINISTER OF INFRASTRUCTURE DEAD AT 54

In case you missed it in the mainstream media, former Minister of Health and Minister of Public Infrastructure Renewal in the government of Premier Dalton McGuinty, David Caplan, died in a household fire accident on July 24th; he was age 54.

The friendly, engaging, purposeful and effective Caplan was well liked by everyone of all political stripes (rumour has it back in the day his Liberal caucus mates often questioned if he had any Liberals on his political staff) and certainly by those in the construction industry from his days as Minister of Public Infrastructure Renewal. He was a listener who believed every person's views and positions were important and worthy of consideration in order to find common ground.

Born into a life of public service for others (David's mother is Elinor Caplan, former councillor in North York, former cabinet minister in the provincial government of Premier David Peterson and former federal cabinet minister in the government of Prime Minister Jean Chretien) Caplan had served as a school trustee before he first won his seat in the Ontario legislature

representing Oriole (later called Don Valley East) in a by election in September 1997. He was re-elected in 1999, 2003 and 2007 by wide margins of victory.

A loyal Liberal, Caplan took the fall for the McGuinty government on the e-Health scandal, for mismanagement and misspending that occurred long before he was appointed Minister of Health. For problems not of his own making, like a good political soldier he voluntarily resigned without a fuss or bitterness and did not seek re-election in 2011.

Following his departure from the provincial political arena Caplan became vice chair of Global Public Affairs and was chief operating officer at the Ontario Road Builders Association for a period of about a year. He tried for a seat on Toronto City Council in the last municipal election but fell short and he was seeking the Liberal nomination in Don Valley East for the upcoming federal election at the time of his death.

David Caplan was an all-around good guy. May he rest in peace.

TWO CANDIDATES OFFICIALLY REGISTERED FOR ONTARIO LIBERAL PARTY LEADERSHIP

At time of writing there are only two individuals who have registered with Elections Ontario as candidates for the leadership of the Ontario Liberal Party to succeed former Premier Kathleen Wynne and Interim Liberal Leader John Fraser. They are:

1. The MPP for Don Valley East (first elected in 2011 and re-elected in 2014 and 2018) former Minister in the government of Premier Kathleen Wynne and former multi-term Toronto District School Board trustee, **Michael Couteau**
2. Former MPP for Vaughan (first elected in a by election to succeed Greg Sorbara in 2012 and re-elected in 2014 and defeated in 2018) and former Minister in the

government of Premier Kathleen Wynne, **Steven Del Duca**

The next leader of the Liberal Party of Ontario will be selected through a traditional delegated convention process to be held on March 7, 2020 at the International Centre in Mississauga. Approximately 2,000 delegates from ridings across the province will attend and participate in successive ballots.

The candidate with the least number of votes in a ballot will be dropped from the next ballot. Successive ballots will be held until one candidate achieves a majority of the votes cast and is declared the winner.

FORMER LIBERAL MPPS WITH FEDERAL AMBITIONS

Currently serving Liberal MPP and former Minister of Francophone Affairs, Minister of Government and Consumer Services and Minister of Community Safety and Correctional Services, **Marie-France Lalonde**, who represents Orleans, will be the Grit standard bearer in the same electoral district in the federal election this fall. She hopes to succeed Andrew Leslie who is not seeking re-election.

Former Minister of Health in the government of Premier Kathleen Wynne, **Dr. Helena Jaczek**, is seeking the Liberal nomination in Markham-Stouffville

Former Liberal MPP **Han Dong** is seeking the Liberal nomination in Don Valley North

Former Liberal MPP **Yvan Baker** will carry the Liberal colours into this fall's federal election in Etobicoke

Surprisingly, former Minister of Labour, **Kevin Flynn**, was unsuccessful in his attempt to win the Liberal nomination in Oakville