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**CRIMINAL INJURIES COMPENSATION BOARD:
ORDER-IN-COUNCIL APPOINTMENT OF
SARA MINTZ***

Prepared for:

Standing Committee on
Government Agencies

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INTRODUCTION

This paper has been prepared for Members participating in the Committee's review of the Order-in-Council appointment of Sara Mintz as a Member and Associate Chair of the Criminal Injuries Compensation Board (CICB or Board), which operates as part of the Social Justice Division of Tribunals Ontario. It describes the operations of the Board, presents information about the appointee, and identifies possible lines of questioning.

CRIMINAL INJURIES COMPENSATION BOARD

Enabling Statute	Responsible Ministry
Compensation for Victims of Crime Act	Attorney General
Agency Type	Most Recent Annual Report
Adjudicative	2019-20 (Tribunals Ontario)
Activities of the Agency	
The Board determines compensation where a person is injured or killed in Ontario as a result of a crime of violence. It is currently winding down its operations.	
Board Membership	
Statutory No. of Members	No. Appointed by Cabinet
At least five	All
Terms of Office	Remuneration
None specified	As fixed by the Agencies and Appointments Directive—see below
Position Requirements	
In accordance with the <i>Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009</i>, appointment to the Board follows a competitive, merit-based selection process that assesses the following criteria: • experience, knowledge or training in the subject matter and legal issues dealt with by the Board; • aptitude for impartial adjudication; and • aptitude for applying the alternative adjudicative practices and procedures that may be set out in the Tribunal's rules.¹	

Remuneration of Members

According to the information on the Public Appointments Secretariat website, appointees are remunerated in accordance with Schedule B of the Agencies and Appointments Directive. Schedule B sets out salaries for different positions, some

¹ *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009*, S.O. 2009, c. 33, Sched. 5, [s. 14 \(1\)](#).

of which increase with length of service.² Some members of the Board are cross-appointed to other tribunals. There are currently 26 positions on the Board (four of which are vacant) and their remuneration is as follows:

Table 1: Remuneration of Members

Position	Compensation	Number of Members
Executive Chairs (full-time)	\$200,780—\$224,349	2
Associate Chairs (full-time)	\$174,184—\$199,059	2
Vice Chair (full-time)	\$136,545—\$156,077	1
Vice Chairs (part-time)	\$583 per diem	5
Members (part-time)	\$472 per diem	16

Note that the Executive Chair leads Tribunals Ontario but also assumes the powers, duties, and functions assigned to the chair of each constituent tribunal.³

OVERVIEW OF THE BOARD AND RECENT CHANGES

The CICB is an adjudicative tribunal that assesses and awards financial compensation for victims and family members of deceased victims of violent crimes committed in Ontario. It was established in 1971 under the *Compensation for Victims of Crime Act*.

The CICB is currently winding down its operations. In the April 2019, the government announced its intention to replace the adjudicative process led by the CICB with an administrative one. According to the government, victims would receive compensation more quickly under an administrative model.⁴

In May 2019, legislation was passed addressing windup of the Board. The legislation will also repeal the *Compensation for Victims of Crimes Act* on proclamation of the Lieutenant Governor.⁵ In September 2019, the government announced that the [Victim Quick Response Program+](#) would replace the CICB process effective October 1, 2019.⁶

² Public Appointments Secretariat, [Criminal Injuries Compensation Board \(Tribunals Ontario\)](#); Treasury Board Secretariat, Agencies and Appointments Directive, [Schedule B](#).

³ Tribunals Ontario, *2019-20 Annual Report*, p. 12.

⁴ Mike Crawley, “[Doug Ford government scrapping law that compensates crime victims](#),” *CBC News*, April 12, 2019.

⁵ *Protecting What Matters Most Act (Budget Measures)*, 2019, S.O. 2019, c. 7, Sched. 11, ss. 1, 4, and 8(2).

⁶ Attorney General, “[Ontario Providing New Supports to Victims of Crime](#),” *news release*, September 6, 2019.

CURRENT OPERATIONS

Until September 30, 2019, individuals could apply to the Board under the *Compensation for Victims of Crime Act* for compensation for pain and suffering, loss of income, treatment expenses, funeral expenses, and other costs that result from being a victim of crime.⁷ Applications received on or before that date are being adjudicated according to the Board's usual processes.⁸

Following receipt of an application and the gathering of the necessary information, the Board schedules a hearing. The CICB's [Rules of Procedure and Practice Directions](#) provide procedural guidance on the process. Due to the COVID-19 pandemic, the CICB is not currently holding in person hearings, but is holding electronic and written hearings.⁹

Following the hearing, the Board decides whether to award compensation and how much, in accordance with criteria and limits set out in the Act.¹⁰ In May 2019, changes were made to the maximum compensation limits in the Act. For decisions made after May 29, 2020, the maximum lump sum payment increased from \$25,000 to \$30,000, but the maximum award for pain and suffering was capped at \$5,000.¹¹ Prior to May 2019, pain and suffering did not have a specific limit, but was part of the overall maximum limits.¹²

Case Load and Compensation Awarded

In 2019-2020 (ending September 30, 2019), the Board received 5,344 applications. It closed 5,208 cases, and had 5,907 active cases at year end.

Compensation for pain and suffering constituted the largest benefit category; just over \$23 million was awarded for this category in 2019-20. Medical expenses was the next largest benefit category, with just over \$5 million awarded in 2019-20.¹³

Processing Time and Service Standards

In 2019-20, the average processing time for a case was 378 days, which is similar to recent years. In 2018-19, the average processing time for a case was 376 days; it was 374 days in 2017-18.¹⁴

⁷ CICB, "[What we do](#);" *Compensation for Victims of Crime Act*, R.S.O. 1990, c. C. 24, ss. 5 and 7.

⁸ CICB, "[CICB Update](#)," September 6, 2019.

⁹ Tribunals Ontario, "[COVID-19 Updates on Tribunals Ontario Operations](#)," updated September 14, 2020.

¹⁰ CICB, "[Application and Hearing Process](#)." Section 19 of the Act sets out the maximum amounts that may be awarded by the Board.

¹¹ Tribunals Ontario, [2019-20 Annual Report](#), p. 35; *Compensation for Victims of Crime Act*, s. 19(1)(a) and (6).

¹² [Compensation for Victims of Crime Act](#), s. 19 (historical version April 30, 2018-May 29, 2019).

¹³ Tribunals Ontario, [2019-20 Annual Report](#), p. 36.

¹⁴ Ibid.

The Board has established the following service standards:

- Applications will be scheduled for a hearing within 11 months (met 70% of the time in 2019-20); and
- Orders will be issued within 45 days of the hearing, with payment to follow within 30 days (met 63% of the time in 2019-2020).¹⁵

FINANCIAL INFORMATION

In fiscal year 2019-20, the total expenditure for Tribunals Ontario, of which the CICB is a part, was \$86.4 million. Tribunals Ontario receives some revenue from application and filing fees for certain tribunals, which totaled about \$15.1 million in 2019-20.¹⁶

The caseload for the CICB increased by 9.7% in 2019-20, which resulted in an increase in benefit payments. In 2019-20, the CICB awarded approximately \$48.6 million in compensation.¹⁷

THE WITNESS

The witness, of Toronto, is nominated as a member and Associate Chair of the Board.

According to information provided by the Office of the Premier, the witness serves as a member (part-time) for the Child and Family Services Review Board and Custody Review Board. She is a Lawyer for Boluby Weinberg LLP. Her community involvement includes serving as a volunteer for the Brain Injury Society of Toronto.

POSSIBLE QUESTIONS

What has motivated the witness to seek this appointment?

In the witness's opinion, what are the major challenges to be faced by the Board in winding up its operations?

How will the witness's previous experience be of assistance to the Board?

¹⁵ Ibid., p. 37.

¹⁶ Ibid., pp. 74-75.

¹⁷ Ibid., p. 75.