



February 25, 2016

The Hon. Kathleen Wynne, Premier of the Province of Ontario  
Legislative Building  
Room 281  
Queen's Park  
Toronto ON M7A1A1

The Hon. Deb Matthews, Deputy Premier and President of the Treasury Board  
Room 4320  
99 Wellesley St West  
Toronto ON M7A1W3

The Hon. Madeleine Meilleur, Attorney General  
McMurtry-Scott Bldg  
11th Flr  
720 Bay St  
Toronto ON M7A2S9

**Delivered by Fax**

Dear Premier Wynne, Deputy Premier Matthews and Ms. Meilleur,

**RE: Remuneration of Case Management Masters**

**Masters' Remuneration Should Equal that of Provincial Court Judges**

I am writing on behalf of the Toronto Lawyers' Association (TLA) to express our Association's support for the conclusions reached by the Case Management Remuneration Commission that Case Management Masters should receive equal salary, pension and benefits to those paid to Provincial Court judges. Compensation at this level is both fair and constitutionally imperative, given the important and expanded jurisdiction exercised by Case Management Masters. The TLA urges the Government and in particular the Treasury Board to take swift action to act on the Commissioner's recommendations.

The TLA represents the interests of its 3,500 members who practice law in all disciplines across the GTA. Issues touching on improving and enhancing access to justice for Torontonians are of particular importance to the TLA Board and our members. In our view, maintaining a robust, highly qualified and independent judiciary is an important aspect of an effective and functional court system. The Case Management Masters

KNOWLEDGE • ADVOCACY • COMMUNITY

serving in Toronto are integral to the effective operation of the courts, and play a key role in ensuring that civil cases receive appropriate and timely adjudication and dispositions.

The Commission has concluded in no uncertain terms that the current pay level of the Case Management Masters fails to provide the Masters with an appropriate level of remuneration given their important and extensive judicial duties, and fails to ensure judicial independence. The disparity in remuneration, including pension and benefits is inexplicable and particularly inconsistent with the much-expanded jurisdiction of the Masters, who are responsible for decision-making in a significant subset of the jurisdiction of Superior Court judges in civil, family, construction and bankruptcy law.

In his Report, Commissioner Banack has identified that the Case Management Masters “play a critical role in the administration of justice by helping to maintain an efficient and accessible civil justice system.” They act with the same authority as Superior Court Judges within their prescribed sphere of jurisdiction. Accordingly, they should receive all the rights and protections received by other judicial officers, and in particular they should be paid in a manner commensurate with the Provincial Court Judges, to properly reflect their essential role in the administration of justice in the Province.

#### The Province Needs Additional Masters

The TLA also notes, with concern, that the Toronto Masters are now also being called upon to carry out their duties in judicial centres outside of Toronto. Effectively, they are being sent “on circuit”. Commissioner Banack noted that Case Management Masters were first created to address and reduce the substantial strain suffered by the judicial system in large urban centres. He found that “[w]ithout Case Management Masters, and in the absence of an increased complement of section 96 judges appointed to the Superior Court of Justice, there would no doubt be an impossible strain placed on the civil courts in the larger urban centres in Ontario, as has occurred several times in the past.” It is apparent that this strain is manifesting itself, again, and the Masters are again going to Herculean efforts to ease those strains.

The population in and around Toronto continues to expand, and this obviously places additional burdens on the judicial system. Inadequate facilities and judicial officers leaves the system at risk. It is the strong recommendation of the TLA that, in addition to meeting the recommendations of the Commission, this Government also address the obvious need to appoint additional Masters to sit in the judicial regions in and around Toronto, where the cracks in the system are becoming apparent, such as Newmarket and Brampton.

#### Conclusion

The TLA whole-heartedly endorses the conclusions of Commissioner Banack:

The evidence of the functions and jurisdiction of Case Management Masters demonstrates that fair and reasonable remuneration for these members of the judiciary must be at the same level that has been provided to Traditional Masters and Provincial Court Judges. This must include not only salary but

also the same pension and benefits plans. I note that this is consistent with the constitutional imperative to provide an appropriate level of judicial independence, and conforms with the level of remuneration provided to the federal Prothonotaries and the Masters in British Columbia, Alberta, and Manitoba, all of whom perform a similar role.

The Case Management Masters have been striving to provide exceptional service to the population of Ontario in a judicial system that is under-resourced and over-taxed. Their jurisdiction has increased substantially since their creation, in order to take up more and more of the burden on the Ontario civil courts. These judicial officers exercise the same jurisdiction as Superior Court Judges within their statutory mandate. They are vastly under compensated for the work they perform. The disparity in the remuneration received by the Masters compared to their other judicial counterparts should be resolved promptly. In addition, the Government should appoint additional Masters to ease the burden on the courts in and around the Greater Toronto area, which is patently under serviced.

We trust that the Wynne Government will act with haste to address these very pressing issues. Should the Deputy Minister or Attorney General like to engage in additional consultation or dialogue with our organization in respect of these pressing matters, we would be pleased to meet with either or both.

Yours very truly,

A handwritten signature in black ink, appearing to read "S. Mullings". The signature is written in a cursive, flowing style.

Stephen Mullings  
Vice-President  
Toronto Lawyers Association