

Ontario government sued in \$80 million Class Action over Independence of Adjudicators

Ontario Government sued for systemic policy of not reappointing vice-chairs and members of adjudicative tribunals after June 2018.

TORONTO, ON, CANADA, August 10, 2022 /EINPresswire.com/ -- A former vice-chair of the Ontario Assessment

Review Board (ARB) has launched an \$80 million Class Action suit against the province claiming he and other appointees were terminated "improperly and illegally" from their full time positions without cause.



The Court File Number is CV-21-00667838-00CP and it is available here

<https://www.monkouselaw.com/ontario-vicechair-and-members-of-adjudicative-tribunals-class-action/>

This case speaks to the problems caused by the increasing politicization of tribunals in Ontario, and how many hundreds of Members, Vice Chairs and other adjudicators lost their opportunity for renewal when the provincial government changed after the 2018 Ontario Provincial election.

Scott McAnsh, an Ottawa lawyer, has retained Monkhouse Law Employment Lawyers in Toronto an experienced Class Action litigation firm. He claims his term for the \$140,000 a year position and the terms of other appointees to provincial tribunals were ended without explanation shortly after the change of government in 2018.

"This is a somewhat unusual case," says Andrew Monkhouse. "Appointees to provincial tribunals don't usually sue the government. However, that is because we have never seen hundreds of appointees denied reinstatement in the past for what appears to be a political choice. Appointees have rights under the law, and all citizens of Ontario should be concerned about the independence of non-political adjudicators. Mr. McAnsh put his law practice on hold to serve the people of Ontario and he deserves more than an abrupt dismissal, both ethically and legally."

McAnsh agrees: "Numerous individuals like me were refused their reappointments despite chair recommendations."

McAnsh served in various positions on the ARB, which hears property tax assessment appeals, one of 14 tribunals in Ontario. He started as a part-time Member in 2013 and rose to full time and to a vice-chair position. His appointment was not renewed in February 2019.

"I'm bringing this Class Action because many others like me were abruptly, unfairly and illegally terminated in what is a clear breach of contract without any justification" says McAnsh. "I was full time and I wasn't practicing law to meet the obligations of the role. I had worked hard and been commended for my work."

He says all full-time and part-time vice-chairs or members of Ontario adjudicative tribunals since June 2018 who may have suffered a breach of contract because they were not reappointed to adjudicative administrative tribunal should enquire with Monkhouse Law Employment Lawyers as to their standing and their possible participation in the Class Action.

Like all members or vice-chairs of adjudicative tribunals, McAnsh was appointed initially to a two-year term. Having met the performance standard, they are appointed twice more: first an additional three-year term, and second for an additional five-year term, for a total of 10 years.

McAnsh was appointed to a two-year term as a part time Member after applying in 2013 and submitting to a public selection process based on merit. After another merit based competition, he was appointed to a two-year term as a full time Vice Chair in 2017.

However, instead of the expected three-year appointment in 2019, the Attorney General wrote to him saying he wouldn't be renewed.

He says he'd been told by the Associate Chair that his high standard of work and experience warranted a reappointment as a Vice Chair at the ARB. However, it appears he was not renewed because the new government wanted to replace the current Vice Chairs and similar appointments.

"These were not meant to be political patronage appointments," says Monkhouse. "All that ended in 2009, with the introduction of legislation to remove politics from adjudicator appointments. In 2018, with the change in government, it seems that hundreds of these qualified adjudicators were not reappointed. This should be of concern to everyone in Ontario regarding the impartiality of their adjudicators."

Monkhouse notes that "adjudicators do work that most citizens assume would be done by judges, and thus should have a level of political independence. But the action taken to not renew the previous adjudicators, no matter their qualifications, can have an immense impact on the perceived fairness of the tribunals."

He further notes: "When citizens of Ontario appear before a tribunal, for instance the Ontario

Assessment Review Board, they expect to appear before fair, impartial, and qualified decision makers. They do not expect to appear before partisan appointees, and this decision by the government goes in the wrong direction on independence.”

McAnsh was also cut off from benefits, such as pension, health and life insurance.

Any appointee to the ARB or other tribunals up to 2018 and who was terminated or not renewed without cause maybe entitled to compensation. For more information on this matter call 416-907-9249 extension 225.

For interviews about this Class Action or to talk about recent developments in Ontario

Employment Law contact:

Andrew Monkhouse

416-907-9249 ext. 225

andrew@monkhouselaw.com

Alexandra Monkhouse

Monkhouse Law

[email us here](#)

This press release can be viewed online at: <https://www.einpresswire.com/article/585434459>

EIN Presswire's priority is source transparency. We do not allow opaque clients, and our editors try to be careful about weeding out false and misleading content. As a user, if you see something we have missed, please do bring it to our attention. Your help is welcome. EIN Presswire, Everyone's Internet News Presswire™, tries to define some of the boundaries that are reasonable in today's world. Please see our Editorial Guidelines for more information.

© 1995-2022 Newsmatics Inc. All Right Reserved.