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**POLITICAL OPINION**

**OPINION**

# Doug Ford is recklessly bending the legal system to his will — and it's not the first time he's meddled

The furor over Ford's blinkered view of judges is the latest chapter in the declining independence of jurisprudence in Ontario, Martin Regg Cohn writes.

By **Martin Regg Cohn** The Star

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Premier Doug Ford speaks during a press conference in Milton, Ont., on March 8, 2024. If the Ford government is unhappy with the outcomes of our judicial system, it can change the laws, Martin Regg Cohn writes.

Nathan Denette THE CANADIAN PRESS The Star

Justice is supposed to be blind.

Except in Doug Ford's Ontario, where judges must now see the world his way.

Guided by the premier's personal vision, all new judges shall henceforth be tough on crime.

In return, the premier promises to be a soft touch for his fellow Tories, treating them as partners in the politics of patronage.

The furor over Ford's blinkered view of judges — that they must be “like-minded” and hard-hearted — is merely the latest chapter in the declining independence of jurisprudence in Ontario. That's not hyperbole, that's the reality of our recent history.

To understand the depth of Ford's determination and the damage already done, look at his provocative rhetoric — but also examine his reckless actions.

Ford boasts shamelessly about remaking the judiciary in his own mould — “doubling down” and then “tripling down” and even “quadrupling down” on his vision of division.

“We're going to triple down on getting judges that believe in throwing someone in jail when they kick the doors in, put a gun to people's heads, terrorizing their kids,” the premier told the legislature. “We're going to hire tough judges.”

Not just tough judges. Tory judges.

“We got elected to get like-minded people in appointments,” Ford mused. “I’m not going to appoint some NDP or some Liberal.”

The Star’s Jacques Gallant revealed last month that Ford had installed two Tory loyalists to screen future judges via the Judicial Appointments Advisory Committee: Ford’s former deputy chief of staff Matthew Bondy took over as chair on Feb. 1, and the premier’s ex-director of stakeholder relations Brock Vandrick was appointed in December.

The premier was unrepentant, but the reaction was unprecedented. Former top justices publicly lambasted Ford for confusing political ideology with judicial independence.

“Courts do not exist to implement government policy; judges do not take orders from government,” former chief justices Sidney Linden, Brian Lennox and Annemarie Bonkalo wrote in a pointed open letter.

But the palpable tension between the political and judicial wings of government has been in the making since Ford first took power nearly six years ago, railing against the courts for daring to defy him. Ford’s unvarnished view — that a democratically-elected populist politician cannot be second-guessed by unelected judges who lack his popular mandate — hasn’t changed a whit.

Back in 2018, the premier unilaterally decided that Toronto city council should be cut in half in midcampaign. When Superior Court Justice Edward Belobaba ruled that the legislation was unconstitutional, the premier erupted:

“Let me tell you something — I was elected. The judge was appointed. He was appointed by one person, (ex-Liberal premier) Dalton McGuinty.”

In fact, Belobaba was a federal, not provincial, appointment, as the premier’s office later acknowledged. But the fact that Ford would view the judge through a strictly political lens betrayed his misunderstanding of the separation of powers in a democracy constrained by an independent judiciary.

All those years ago, the die was cast — and not only in the law courts. In fact, Ford’s Tories targeted another pillar of the justice system, albeit without attracting as much attention.

Within months of winning the 2018 election, the new Progressive Conservative government wreaked havoc in the system of quasi-judicial tribunals that serve as the front lines of the legal system — notably the Landlord and Tenant Board and the Human Rights Tribunal. Ford’s Tories systematically undermined these tribunals by refusing to reappoint seasoned and independent-minded adjudicators whose only apparent sin was having been appointed by a previous Liberal government.

These adjudicators were apolitical. Which is to say, not political enough for the new Tory government, which let their positions go vacant for months at a time before replacing these experienced legal experts with sometimes inexperienced political hacks.

I've written columns about the stealth attacks on these tribunals, which took place under the radar in mid-pandemic. The result has been a massive failure for people most in need.

At last count, the backlog at Ontario's Landlord and Tenant Board has surged to more than 53,000 cases, compared to barely 14,000 under the previous Liberal government, according to a recent by Tribunal Watch Ontario, a volunteer group of experts that documents a system out of control.

Today, a tenant has to wait more than 14 months to have a maintenance dispute resolved, on average. That compares to a mere two months in 2018 before Ford targeted the tribunals.

This isn't just a tragedy of incompetence, but a travesty of injustice. Not merely a decline in efficacy but equity and probity.

"The process for appointing adjudicators ... is much worse," Tribunals Watch notes in an analysis shared with me this week.

While Ford has insinuated his own loyalists on the selection committee for judges, skewing the outcomes, "there is no such committee, and virtually no other form of oversight for appointments to

adjudicative tribunals ... Hundreds of people have been appointed to tribunals without the required qualifications.”

To be sure, there is no shortage of Tories who can make good judges. “The fact that a person has a political affiliation should not be a disqualification for a tribunal appointee, but neither should it be a qualification,” Tribunals Watch argues. If the Ford government is unhappy with the outcomes, “it can change the law. It should not change the people who administer the law.”

That’s the way it’s supposed to work. Unfortunately, the latest controversy reminds us just how much Ford wants the legal system to do things his way — and bend to his will.



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