

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

**DANA BOWMAN, GRACE MARIE DOYLE HILLION, SUSAN LINDSAY  
and TRACEY MECHEFSKE**

Plaintiffs

and

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO**

Defendant

*Proceeding under the Class Proceedings Act, 1992*

**JOINT SUPPLEMENTARY MOTION RECORD  
(MOTION TO CERTIFY CLASS ACTION)**

April 1, 2020

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Court File No. CV-19-00000035-00CP

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**DANA BOWMAN, GRACE MARIE DOYLE HILLION, SUSAN LINDSAY  
and TRACEY MECHEFSKE**

Plaintiffs

and

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO**

Defendant

**AMENDED STATEMENT OF CLAIM**

**PROCEEDING UNDER the *Class Proceedings Act*, 1992**

TO THE DEFENDANT

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiff. The Claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a Statement of Defence in Form 18A prescribed by the Rules of Civil Procedure, serve it on the Plaintiff's lawyer or, where the Plaintiff does not have a lawyer, serve it on the Plaintiff, and file it, with proof of service in this court office, WITHIN TWENTY DAYS after this Statement of Claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your Statement of Defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a Statement of Defence, you may serve and file a Notice of Intent to Defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your Statement of Defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

Amended this 23rd day of Oct 2019  
pursuant to Rule 26.02(a)(6) by  
Dana Bowman  
(Signature)  
Registrar, Superior Court of Justice

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TAKE NOTICE: THIS ACTION WILL AUTOMATICALLY BE DISMISSED if it has not been set down for trial or terminated by any means within five years after the action was commenced unless otherwise ordered by the court.

*March 28, 2019*  
 Date March 28, 2019 Issued by "Electronically Issued"  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Local Registrar

Address of court office: 440 Kent Street West  
 Lindsay, ON K9V 6K2

TO: ~~Her Majesty the Queen in Right of Ontario~~  
~~As Represented by Crown Law Office (Civil Law)~~  
~~Ministry of the Attorney General~~  
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~~Toronto, ON M7A 2S9~~

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Her Majesty the Queen in right of Ontario

## CLAIM

### A. DEFINITIONS

1. The following terms used throughout this Statement of Claim have the meanings indicated:

- (a) **"Basic Income Pilot Project"** or **"BI Project"** means the Basic Income Pilot Project created and administered by the Defendant to study the potential impact of providing a basic income;
- (b) **"BI Payments"** means payments of money to the Class made pursuant to the Basic Income Pilot Project;
- (c) **"Bowman"** means Dana Bowman, one of the Plaintiffs;
- (d) **"Class"** and **"Class Members"** mean all persons who were enrolled by the Defendant in the Basic Income Pilot Project as part of the Payment Group;
- (e) **"Control Group"** means the group of individuals who were enrolled in the Basic Income Pilot Project but who did not receive BI Payments and who, for greater certainty, do not form part of the Class;
- (f) **"Defendant"** means Her Majesty the Queen in Right of Ontario;
- (g) **"Hillion"** means Grace Marie Doyle Hillion, one of the Plaintiffs;
- (h) **"Final Payment Date"** means March 25, 2019, the date BI Payments ceased;

- (i) **"Lindsay"** means Susan Lindsay, one of the Plaintiffs;
- (j) **"Mechefske"** means Tracey Mechefske, one of the Plaintiffs;
- (k) **"MCCSS"** means the Ontario Ministry of Children, Community, and Social Services established by the *Ministry of Community and Social Services Act*, R.S.O. 1990, c. M.20, as amended by S.O. 1993, c. 2, s. 23, 24, S.O. 1994, c. 27, s. 67, S.O. 1997, c. 25, s. 4(4), S.O. 2006, c. 19, Sched. C, s. 1 (1), S.O. 2006, c. 19, Sched. D, s. 11, S.O. 2006, c. 34, s. 35, S.O. 2006, c. 35, Sched. C, s. 69, and S.O. 2017, c. 14, Sched. 4, s. 21, and whose authority and role and particularized more fully below;
- (l) **"Minister"** means the Minister of Children, Community, and Social Services who at all times material presided over and had charge of the MCCSS and the BI Pilot;
- (m) **"ODSP"** means the Ontario Disability Support Program administered by the MCCSS;
- (n) **"OW"** means Ontario Works, a program administered by the MCCSS; and,
- (o) **"Payment Group"** means the group of individuals who were enrolled in the Basic Income Pilot Project and who were approved for the payment of BI Payments and who thereafter received BI Payments until the Final Payment Date.

**B. RELIEF AND REMEDIES REQUESTED**

2. The Plaintiffs claim on their own behalf and on behalf of all Class Members:

- (a) an order certifying this proceeding as a class proceeding and appointing the Plaintiffs as representative plaintiffs for the Class Members;
- (b) special damages for breach of contract, breach of undertaking, negligence, breach of public law duty, and breach of s. 7 of the *Canadian Charter of Rights and Freedoms*;
- (c) \$200 million in general damages for the Class, or such other sum as this Honourable Court deems just;
- (d) an order, pursuant to s. 24 of the *Class Proceedings Act*, 1992, S.O. 1992, c. 6 ("Class Proceedings Act") directing an aggregate assessment of damages;
- (e) pre-judgment and post judgment interest pursuant to the *Courts of Justice Act*;
- (f) costs of this action on a substantial indemnity basis, together with HST or other applicable taxes thereon;
- (g) the costs of administering the plan of distribution of the recovery in this action; and,
- (h) such further and other relief as this Honourable Court may deem just.

### **C. SUMMARY OF THE ACTION**

3. In 2016, the Defendant decided to engage in social assistance reform in Ontario. As part of this reform, in 2017, the Defendant announced the Basic Income Pilot Project.

4. The goal of the Basic Income Pilot Project was to study whether granting regular, fixed payments to Ontarians was something that should be considered and implemented in the future.

5. To conduct this study, the Defendant needed to secure the full participation of approximately 6,000 Ontario residents made up of two groups: the Payment Group and the Control Group.

6. The Defendant, in the manner in which it designed, implemented, and administered the BI Pilot, promised, undertook and, further or in the alternative, contracted with those residents who would later be accepted by the Defendant into the Payment Group, that they would receive the payment of a fixed amount each month for a three-year period or, further or in the alternative, for a period ending when the BI Pilot ended.

7. The Class relied on these promises, undertakings, and offers and agreed to join the BI Pilot on the strength of these promises, undertakings, and offers.

8. The Class thereafter received monthly BI Payments. The BI Payments exceeded the income the Class previously received from various sources, including from work, employment, ODSP, and OW.

9. On or about July 31, 2018, the Defendant announced that it was terminating the BI Pilot early. In the month following, the Defendant further announced that the Final Payment Date would be March 25, 2019.

10. All Class Members ceased receiving BI Payments on or about the Final Payment Date.

11. The Defendant's early termination of BI Payments amounts to a breach of contract, a breach of undertaking, negligence, a public law tort, and, further or in the alternative, a breach of s. 7 of the *Canadian Charter of Rights and Freedoms*.

12. The Class has and will suffer injury and damages as a result of the cessation of BI Payments and the cessation of the Basic Income Pilot Project. Particulars of such injury and damage are outlined in Section H., below.

#### **D. THE PARTIES**

##### **1. Dana Bowman**

13. Bowman was, at all times material, a resident of Lindsay.

14. Bowman was born on August 17, 1961.

15. Bowman received ODSP benefits beginning in or around December 1997 until the Defendant approved her application for enrolment in the BI Program as part of the Payment Group. Bowman received BI Payments from December 2017 until the Final Payment Date.

16. The BI Payments Bowman received were more than the ODSP monies she had been receiving prior to January 2018, monies she would have continued to receive had the Defendant not accepted her into the Payment Group.

17. Bowman benefited significantly as a result of her enrolment in the BI Program. Particulars of such benefit included, *inter alia*:

- (a) no longer having to respond to the many inquiries made of her by officials regarding her ODSP benefits;
- (b) being able to afford proper food;
- (c) being able to afford basic clothing, including undergarments;
- (d) taking care of bills;
- (e) being able to afford to pursue her long-held career goal of enrolling in college to become a social services worker; and,
- (f) being able to afford transport so as to assist her daughter with the care of grandchildren.

18. Bowman continued to receive BI Payments until the Final Payment Date.



19. Bowman complied with all of the obligations she agreed to discharge as a recipient of BI Payments under the BI Pilot including, *inter alia*, by disclosing personal information, agreeing to complete surveys, and preparing and filing income tax documentation, and by foregoing ODSP benefits.

20. On or about July 31, 2018, or shortly thereafter, Bowman learned that the Basic Income Pilot Project was being cancelled. In October 2018, she received a letter confirming same and advising her that she would receive a final BI Payment on the Final Payment Date.

21. When Bowman learned that the BI Pilot was being cancelled and that her BI Payments would cease, she experienced a manic episode from which she has not, as of the date of this Claim, fully recovered.

## **2. Grace Marie Doyle Hillion**

22. Hillion was, at all material times, a resident of Lindsay or, while in school, a resident of Oshawa.

23. Hillion was born on September 5, 1998.

24. The Defendant approved Hillion's application for enrolment in the BI Program as part of the Payment Group. Hillion received BI Payments from April 2018 until the Final Payment Date.

25. The BI Payments Hillion received increased her income.

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26. Hillion benefited significantly as a result of her enrolment in the BI Program. Particulars of such benefit included, *inter alia*, being able to purchase suitable clothes for work and enrol in a broadcasting program at Durham College.

27. Hillion continued to receive BI Payments until the Final Payment Date.

28. Hillion complied with all of the obligations she agreed to discharge as a recipient of BI Payments under the BI Pilot including, *inter alia*, by disclosing personal information, by agreeing to complete surveys, and by preparing and filing income tax documentation.

29. On or about July 31, 2018, or shortly thereafter, Hillion learned that the Basic Income Pilot Project was being cancelled. In October 2018, she received a letter confirming same and advising her that she would receive a final BI Payment on the Final Payment Date.

30. Shortly after Hillion learned that the BI Pilot was being cancelled and that her BI Payments would cease, she experienced increased anxiety and depression, including an episode that lasted approximately two (2) weeks and that resulted in her being confined to bed during much of that time.

### **3. Susan Lindsay**

31. Lindsay was, at all times material, a resident of Lindsay.

32. Lindsay was born on November 2, 1964.

33. Lindsay was approved for the receipt of ODSP benefits beginning in or around February or March 2018. Shortly thereafter, the Defendant approved her application for enrolment in the BI Program as part of the Payment Group.

34. The Defendant approved Lindsay's application for enrolment in the BI Program as part of the Payment Group. Lindsay received BI Payments from April 2018 until the Final Payment Date.

35. The BI Payments Lindsay received increased her income. The BI Payments Lindsay received were more than the ODSP monies she would have received had the Defendant not accepted her into the Payment Group.

36. Lindsay benefited significantly as a result of her enrolment in the BI Program. Particulars of such benefit included, *inter alia*, no longer having to respond to the many inquiries made of her by officials regarding her social assistance payments.

37. Lindsay continued to receive BI Payments until the Final Payment Date.

38. Lindsay complied with all of the obligations she agreed to discharge as a recipient of BI Payments under the BI Pilot including, *inter alia*, by disclosing personal information, agreeing to complete surveys, and preparing and filing income tax documentation, and by foregoing ODSP benefits.

39. On or about July 31, 2018, or shortly thereafter, Hillion learned that the Basic Income Pilot Project was being cancelled. In October 2018, she received a letter confirming same and advising her that she would receive a final BI Payment on the Final Payment Date.

40. The cancellation resulted in Lindsay losing her sense of self-worth and increased her fear and anxiety.

#### **4. Tracey Mechefske**

41. Mechefske was, at all times material, a resident of Lindsay.

42. Mechefske was born on March 10, 1972.

43. Mechefske was in receipt of ODSP benefits at the time the Defendant approved her application for enrolment in the BI Program as part of the Payment Group. Mechefske received BI Payments from November 2017 until the Final Payment Date.

44. The BI Payments Mechefske received were more than the ODSP monies she was receiving prior to November 2017, monies she would have continued to receive had the Defendant not accepted her into the Payment Group.

45. Mechefske benefited significantly as a result of her enrolment in the BI Program. Particulars of such benefit included, *inter alia*:

- (a) no longer having to respond to the many inquiries made of her by officials engaged to adjudicate on her ODSP benefits;

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- (b) having an income so that her spouse could take a brief period off of work to undergo a surgical procedure;
- (c) being able to pay for supplies, equipment, fees, and other expenses to enable her to start or grow a business; and,
- (d) being able to afford transport so as to visit with family in Northern Ontario.

46. Mechefske continued to receive BI Payments until the Final Payment Date.

47. Mechefske complied with all of the obligations she agreed to discharge as a recipient of BI Payments under the BI Pilot including, *inter alia*, by disclosing personal information, agreeing to complete surveys and preparing and filing income tax documentation, and by foregoing ODSP benefits.

48. On or about July 31, 2018, or shortly thereafter, Mechefske learned that the Basic Income Pilot Project was being cancelled. In October 2018, she received a letter confirming same and advising her that she would receive a final BI Payment on or about the Final Payment Date.

49. When Mechefske learned that the BI Pilot was being cancelled and that her BI Payments would cease, she experienced increased anxiety and a series of panic attacks, from which she has not recovered.

## **5. The MCCSS, the Minister, and the Defendant**

50. At all material times, the Minister and the MCCSS presided over and had responsibility for the implementation and administration of the Basic Income Pilot Project.

51. At all material times, the Minister and the MCCSS had responsibility over ODSP, OW, and other social assistance programs, including responsibilities granted to the Minister and the MCCSS under the *Ontario Disability Support Program Act, 1997*, S.O. 1997, c. 25, Sched. B and the *Ontario Works Act, 1997*, S.O. 1997, c. 25, Sched. A.

52. The Defendant, Her Majesty the Queen in Right of the Province of Ontario, is named in this Action pursuant to the provisions of the *Proceedings Against the Crown Act*, R.S.O. 1990, c. P. 27, as amended to the date of this Action.

53. The Defendant was at all material times responsible for the actions of the Minister, the MCCSS and, where applicable, the agents, servants, employees, and assigns of the Defendant, the Minister, and/or the MCCSS.

## **6. The Class**

54. The Plaintiffs bring this Action pursuant to the *Class Proceedings Act, 1992* on their own behalf and on behalf of the Class Members as defined in paragraph 1(d), above.

**E. THE DEFENDANT ANNOUNCES THE CREATION OF A BASIC INCOME PILOT PROJECT**

55. In its 2016 budget, the Government of Ontario announced its intention to establish a pilot project to study the value of implementing a basic income for residents of Ontario.

56. The Defendant hired Hugh Segal, a former Senator and well-known advocate for basic income in Canada, to advise the Defendant on how to implement a pilot project.

57. On or about August 31, 2016, Mr. Segal delivered a discussion paper to the Premier and the Minister containing advice and recommendations for the design and implementation of a basic income pilot project. Particulars of his advice and recommendations include, *inter alia*, that:

- (a) a pilot should replace the policing, control, and monitoring elements associated with ODSP and OW with a basic income "disbursed automatically" in order to determine the net effect of doing so on certain measurables such as poverty reduction, the reduction of stigmatization, health, work productivity, housing outcomes, educational outcomes, and net economic and community outcomes in a targeted area;
- (b) a pilot should be managed by arm's length persons or organizations;
- (c) a pilot should be overseen key groups utilizing best governance and organizational practises and models;
- (d) the pilot should be divided into three phases, being a planning phase, distribution phase, and an evaluation phase;

- (e) during the second (distribution) phase, basic income payments should be distributed for a period of at least three years, with the pilot adopting an operational duration or period to enable the payment of monies to the Payment Group over three (3) years; and,
- (f) participants should be extensively surveyed and their data collected for study in a manner that respects certain privacy norms.

58. Following further consultations, Ontario's Premier announced, on or about April 24, 2017, the commencement of the BI Pilot. More particularly, on the same day, the Premier delivered a speech in Hamilton introducing the BI Pilot as a three-year project during which the Payment Group "will receive a minimum amount of income each year – a basic income, no matter what".

59. During the Premier's speech or shortly thereafter, the Mayor of Thunder Bay, who was in attendance, asked:

Can you assure us that in this one, it's a three-year pilot, that the evaluation will be ongoing and in the event it proves what we all think it will prove, that an announcement will be made prior to the end of the three years of not only the continuation for those people who are part of the pilot, but as well as expansion?

60. In response, the Premier stated:

Some of the outcomes of job retention, retention in education, better health outcomes, those will take a little bit of time to demonstrate, if we see those ... that's why it's three years. If we could figure it out in six months, we would figure it out in six months, but it takes a bit longer than that. By the end of the three years, we will have a good idea of where it is going and be able to talk about what comes next.



61. On or about April 24, 2017, the Defendant, and more particularly the MCCSS, issued a news release describing the BI Pilot. The news release stated, *inter alia*, that:

- (a) Mr. Segal's report had been used to engage in public consultations;
- (b) the BI Pilot would be implemented in three locations, namely,
  - (i) Hamilton, Brantford, and Brant County,
  - (ii) Thunder Bay and surrounding area, and,
  - (iii) Lindsay, Ontario;
- (c) the BI Pilot is a "three-year" program, with the Defendant investing \$50 million "per year ... for each of the three years of the pilot";
- (d) the Defendant took seriously the BI Pilot, for example, in hiring a third-party research consortium and the hiring of an advisory group "to ensure the [BI Pilot] is conducted with the utmost integrity, rigour and ethical standards";
- (e) the BI Pilot "will ensure that participants" (the Payment Group) "receive" certain fixed amounts "per year", with the amounts specified; and,
- (f) a Control Group would be formed of persons who would not receive BI Payments so that a proper comparison with the Payment Group could be conducted.

62. On or about April 24, 2017, the Defendant published a webpage entitled "Ontario Basic Income Pilot" on its Ontario.ca website. The Defendant updated this webpage on at least one occasion. On the webpage, the Defendant announced, *inter alia*, that:

- (a) it regarded basic income as a "payment ... that ensures a minimum income level";

- (b) persons in the Payment Group "are receiving monthly basic income payments for up to a three-year period" and these monies "will ensure a minimum level of income", with the amounts being paid set out explicitly;
- (c) the Control Group has been established for comparison purposes, with persons who will be compensated for completing surveys but who "will not receive" BI Payments; and,
- (d) the Defendant will test how BI Payments might help people with their basic needs while improving outcomes in, for example, food security, stress and anxiety, housing stability, and labour market participation.

63. On or about May 2, 2017, the Honourable Bill Mauro, the Defendant's Minister of Municipal Affairs, speaking in the Legislature, described the Basic Income Pilot Project as something that "will be trialed for three years".

64. On or about September 20, 2017, the Honourable Peter Z. Milczyn, the Defendant's Minister of Housing and Minister responsible for "Poverty Reduction", speaking in the Legislature, described the Basic Income Pilot Project as "the three-year basic income pilot".

65. The Plaintiffs plead, and the fact is, that the Defendants repeatedly represented that the Basic Income Pilot Project would ensure that the Class would receive BI Payments for a fixed period of three years or, further or in the alternative, that the Basic Income Pilot Project would ensure that the Class would receive BI Payments for a fixed period of time coincident with a three-year period generally.

**F. MATERIAL FACTS REGARDING THE IMPLEMENTATION AND ADMINISTRATION OF THE BI PILOT**

66. Consistent with the Defendant's consistent and repeated announced intention that the BI Pilot would ensure the payment of BI Payments for the three-year period or periods described above, the Defendant, throughout the course of implementing and administering the BI Pilot, repeatedly represented to potentially eligible participants that, if chosen to be part of the Payment Group, those participants would be guaranteed the receipt of BI Payments over a three-year period.

67. The Plaintiffs plead, and the fact is, that the Defendant made consistent, clear representations to that effect and, further or in the alternative, that they gave consistent and clear undertakings to that effect and, further or in the alternative, that they made consistent and clear offers to that effect.

68. The Plaintiffs plead, and the fact is, that such representations, undertakings, and offers were made to the Class and that, on the strength of such representations, undertakings, and offers, the Class applied to be a part of the BI Pilot and, in the case of the Payment Group, to receive the promised BI Payments.

69. Particulars of the implementation and administration of the BI Pilot in a manner consistent with the aforesaid representations, undertakings, and offers include, *inter alia*:

- (a) statements by the MCCSS to community representatives, stakeholders, and others the MCCSS was consulting to assist implement and administer

the BI Pilot to the effect that payments to the Payment Group would take place over a three-year period;

- (b) the establishment, by Order-in-Council, on or about June 28, 2017, of a Ministers' Advisory Council to advise the MCCSS regarding the BI Pilot, which was established for a three-year period;
- (c) the establishment, by Order-in-Council, on or about June 28, 2017, of a Research and Evaluation Advisory Chair to advise the MCCSS regarding the BI Pilot, which was established for a three-year period;
- (d) the appointment of a Research and Evaluation Advisory Chair by Order-in-Council on or about June 28, 2017, for a three-year period;
- (e) the appointment of a Chair and Members to the aforesaid Ministers' Advisory Council by letter for a fixed period of time; and,
- (f) the delivery by MCCSS of Terms of Reference to the aforementioned Ministers' Advisory Council and the Research and Evaluation Advisory Chair with similar representations.

70. Employees, agents, and other representatives of the MCCSS, in 2017 and 2018, met with individuals to persuade them to apply for acceptance into the Basic Income Pilot Project.

71. During the course of these meetings, these employees, agents, and other representatives of the MCCSS represented to potentially eligible participants that, if chosen to be part of the Payment Group, those participants would be guaranteed the receipt of BI Payments over a three-year period.

72. Further, or in the alternative, during the course of these meetings, these employees, agents, and other representatives of the MCCSS used information booklets and application forms that consistently represented to potentially eligible participants that, if chosen to be part of the Payment Group, those participants would be guaranteed the receipt of BI Payments over a three-year period.

73. Further to paragraph 72, in or about May 2017, the MCCSS developed an information booklet for use by MCCSS representatives in its interactions and meetings with eligible participants. This booklet and, further or in the alternative, the application forms and materials that accompanied it or, further or in the alternative, the application forms and materials utilized during such interactions and meetings, contained the same promise, undertaking, and offer of three years of BI Payments.

74. At all times material, each Class Member signed an application form to apply for enrolment into the BI Pilot and, if chosen, to receive BI Payments as part of the Payment Group.

75. At all times material, the persons presenting the application form and the BI Pilot more generally to the Class had authority from the MCCSS to execute a contract with the Class Member for their enrolment in the BI Pilot and to provide for BI Payments to such Class Member if such Class Member was chosen to be part of the Payment Group.

76. As a result of the MCCSS's efforts, over 4,000 Class Members were enrolled into the BI Pilot as part of the Payment Group.

77. Further, as a result of the MCCSS's efforts, by April 2018, approximately 2,000 additional individuals were enrolled into the BI Pilot as part of the Control Group.

78. Consistent with the MCCSS's promises, undertakings, and offers, which are particularized above, the MCCSS or, further or in the alternative, the Defendant, sent a letter to each Class Member to advise them that they had been selected for enrolment and that they "will receive" BI Payments in the amount specified in the letter.

79. Consistent with the MCCSS's promises, undertakings, and offers, all of which are particularized above, the MCCSS or, further or in the alternative, the Defendant, paid the Class Members their promised BI Payments beginning shortly after the Class Member's accepted enrollment into the BI Pilot and continued making these payments on a regular basis.

80. In 2018, the MCCSS contracted with Veritas IRB to obtain their services as an external Research Ethics Board. The Plaintiffs plead that an external Research Ethics Board was established because the Class Members were human research subjects and, as a result, ethical standards associated with such research had to be adhered to.

81. During the course of its interactions with Veritas IRB, the MCCSS stated, in writing, that it projected May 27, 2021 as a final date of the BI Pilot, being just over three (3) years after the last Class Member was admitted into the BI Pilot.

82. The Class experienced significant benefits by virtue of being part of the BI Pilot's Payment Group. In addition to receiving consistent BI Payments that increased their income, the Class Members, *inter alia*:

- (a) did not need to report their activities as they did if enrolled in ODSP or OW;
- (b) could plan their future;
- (c) could afford more basic goods to satisfy their basic needs, including food, clothing, drugs, therapy, medical supplies, and improved housing;
- (d) enrolled in courses of study;
- (e) took steps to build or establish businesses;
- (f) undertook independent responsibility for their own finances;
- (g) made key purchases or investments to improve their life circumstances more generally; and,
- (h) could feel pride in being part of a novel, significant experiment whereby the sharing to their personal information and activities could provide them and others with hope that the delivery of social services in Ontario might thereafter be set on a very different, and perhaps more positive, footing.

83. Further to paragraph 82, the amounts paid in BI Payments were greater than the amounts the Class would have received but for their acceptance into the BI Pilot. For instance, Bowman's income increased by approximately \$13,000-\$14,000 per year as a result of her acceptance into the BI Pilot.

84. On or about July 31, 2018, the Defendant announced that it was terminating the Basic Income Pilot Program early.

85. The Defendant made this announcement primarily through a news release before writing to the Class more than two months later to advise them that the BI Pilot and the BI Payments were ending.

86. As particularized above, the cancellation of the BI Pilot had significant and negative impacts on and caused harm to the Plaintiffs.

87. The cancellation of the BI Pilot likewise had significant and negative impacts on and caused harm to the Class as a whole.

88. As of March 25, 2019 (the Final Payment Date), all BI Payments ceased.

## **G. CAUSES OF ACTION**

### **1. Breach of Contract**

89. By virtue of the facts pleaded above, the Defendant and Class entered into a contract for the provision of BI Payments to each Class Member for a three-year period commencing on the date each Class Member received their first payment.

90. Further, or in the alternative, the Defendant and Class entered into a contract for the provision of BI Payments to each Class Member for a three-year period associated with the operation of the BI Pilot.



91. More particularly, the Defendant offered the Class the benefit of BI Payments in exchange for their acceptance by way of signature, which acceptance was given, resulting in the formation of a contract.

92. Further, the Class accepted the offer of BI Payments by agreeing to assume a number of obligations, including agreeing to, *inter alia*,

- (a) complete surveys at a rate of pay, per survey, that was lower than the amounts given to those in the Control Group;
- (b) disclose of their tax and other financial information on an ongoing basis;
- (c) expose their personal and private lives to scrutiny through surveys;
- (d) forego ODSP and OW benefits; and,
- (e) make themselves human subjects in a major scientific experiment.

93. By virtue of the exchange of BI Payments for the assumption by the Class of the obligations set out above, consideration for the contract was exchanged between the Parties.

94. The Plaintiffs plead, and the fact is, that the Defendant breached the terms and conditions of the aforesaid contract by ceasing BI Payments early.

95. As particularized in Section H. below, the Plaintiffs and Class have suffered and will suffer damages as a result of this breach of contract.

## **2. Breach of Undertaking**

96. By virtue of the facts pleaded above, the Defendant undertook to provide BI Payments to each Class Member for a three-year period commencing on the date the Class Member received their first payment.

97. Further, or in the alternative, the Defendant undertook to provide BI Payments to each Class Member for a three-year period associated with the operation of the BI Pilot.

98. By cancelling the BI Pilot early, the Defendant failed to fulfil its undertakings.

99. As particularized in Section H. below, the plaintiffs and Class have suffered and will suffer damages as a result of this breach of undertaking.

## **3. Negligence**

100. At all material times, the Defendant owed a duty of care to the Class Members that was breached by its negligent conduct in administering the Basic Income Pilot Project including, notably, by cancelling BI Payments early.

101. It was foreseeable by the Defendant that ceasing the BI Payments early would cause the Class Members to suffer damages and to suffer injury due to the frustration and emotional upset associated with being told that BI Payments were ceasing prematurely.

102. The Class Members were in a relationship of proximity to the Defendant. They entered into a special relationship with the Defendant by agreeing to become human

research subjects under the BI Pilot on the strength of clear, consistent promises that certain BI Payments would be made for the fixed period and/or periods pleaded above. The Class entered into such a relationship with the assurance that the BI Pilot would be administered and monitored with all proper controls in place.

103. The Defendant communicated directly, specifically, and repeatedly with each Class Member in respect of their entitlements to BI Payments.

104. Further, all Class Members were in a position of reliance upon the Defendant and the representatives, agents and employees of the MCCSS that the Defendant and the MCCSS would administer the BI Pilot with reasonable diligence, especially as all members of the Class were persons in vulnerable positions as low income earners and as persons living with disabilities.

105. The Defendant breached its duty of care owed to the Class to pay BI Payments until the promised and agreed-upon final date of payment and to not cease payments early.

106. As particularized in Section H., below, the Plaintiffs and Class have suffered and will suffer damages as a result of the Defendant's negligence.

#### **4. Breach of a Public Law Duty**

107. By virtue of the facts pleaded above, the Defendant undertook to the Class to provide BI Payments to each Class Member for a three-year period commencing on the date the Class Member received their first payment.

108. Further, or in the alternative, the Defendant undertook to the Class to provide BI Payments to each Class Member for a three-year period associated with the operation of the BI Pilot.

109. By cancelling the BI Pilot early, the Defendant has failed to fulfil its undertaking.

110. The Defendant's conduct was unreasonable and unfair and, further or in the alternative, created a legitimate expectation to the payment of the promised and offered BI Payments. The Defendant's actions in ceasing payments failed to fulfil these legitimate expectations in a manner that was unreasonable on any standard of public law accountability. The Defendant's actions, in creating the aforesaid expectation and then cancelling payments early, were of an operational nature, amounting to promises and breaches to a limited, defined segment of the population.

111. As particularized in Section H., below, the Plaintiffs and Class have suffered and will suffer damages as a result of this breach of a public law duty to the Class.

#### **5. Breach of Section 7 of the *Canadian Charter of Rights and Freedoms***

112. By virtue of the facts pleaded above, the Defendant violated the basic essential human needs of the Class Members and, as such, interfered with their life and security

of the person in violation of their rights under Section 7 of the *Canadian Charter of Rights and Freedoms*.

113. The BI Payments were essential to the Class Members to meet their basic daily needs. Further, the BI Payments were paid with the goal of potentially altering the Class Members' lives by supporting them as they met their basic needs.

114. The denial of BI Payments, violated the right of the Class to life, liberty and security of the person, contrary to section 7 of the *Charter*.

115. As particularized in Section H., below, the Plaintiffs and Class have suffered and will suffer damages as a result of the Defendant's breach of their rights under s. 7 of the *Canadian Charter of Rights and Freedoms*.

116. The Plaintiffs plead that the Class is entitled to damages pursuant to Section 24(1) of the *Charter*. There are no countervailing considerations that would render damages in this case inappropriate or unjust.

## H. DAMAGES SUSTAINED BY THE CLASS

117. The Plaintiffs claim damages measured as the amount of BI Payments they and the Class have lost or of which they and the Class have been improperly denied.

118. Further, the Plaintiffs claim damages on account of expenses incurred and amounts paid that will have to be foregone due to the early cancellation of the Basic Income Pilot Program including, *inter alia*, amounts paid:

- (a) in tuition, for re-training, for courses, for outplacement counselling, and related expenses which cannot be recouped and for which the Class Member will not benefit because, for instance, they can no longer afford to continue the services or program;
- (b) for therapy, drugs, or medical equipment where the drugs or therapy will have to be put to an end prematurely; and,
- (c) to purchase property, equipment, vehicles, leases, and other items for use in investing in a business, venture, or re-employment, where such amounts are now lost because the re-employment or business or venture can no longer be pursued.

119. Further, the ~~p~~Plaintiffs claim general damages for inconvenience, loss of time, frustration, anxiety, mental distress, psychological injury, and emotional upset related to the early cancellation of the BI Pilot and the early cessation of the BI Payments. Without limiting the generality of the foregoing, Class Members suffered, *inter alia*:

- (a) panic attacks;

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- (b) depression;
- (c) anxiety;
- (d) nervous shock;
- (e) manic episodes;
- (f) suicidal ideation;
- (g) feelings of low or no self-worth;
- (h) sleeplessness;
- (i) nightmares;
- (j) nervousness, restlessness or tension;
- (k) sensations of impending danger, panic or doom;
- (l) an increased heart rate;
- (m) heart palpitations;
- (n) hyperventilation;
- (o) sweating;
- (p) trembling;
- (q) feeling weak or tired;
- (r) trouble concentrating or thinking about anything other than their present worries and difficulty controlling worry generally;
- (s) gastrointestinal (GI) problems;
- (t) isolation;
- (u) heart attack; and,
- (v) stroke.

120. In the event damages are awarded to the Plaintiffs and the Class during a period where the recipients are in receipt of, among other things, ODSP benefits, OW benefits, or income tax credits tied to total income received, the affected recipients may see, among other things: (a) their ODSP or OW or benefits reduced or eliminated altogether, including their eligibility for health benefits and prescription medication coverage; and/or, (b) their income tax liability affected.

121. The Plaintiffs accordingly claim additional damages as compensation for any consequential losses, including the loss of any ODSP benefits, OW benefits, health benefits or prescription medication coverage, or the loss of tax advantages due to additional income tax payable.

## **I. RELEVANT LEGISLATION**

~~420.~~ 122. The Plaintiffs plead and rely upon:

- (a) the *Proceedings Against the Crown Act*, R.S.O. 1990, c. P. 27;
- (b) the *Ministry of Community and Social Services Act*, R.S.O. 1990, c. M.20, as amended by S.O. 1993, c. 2, s. 23, 24, S.O. 1994, c. 27, s. 67, S.O. 1997, c. 25, s. 4(4), S.O. 2006, c. 19, Sched. C, s. 1 (1), S.O. 2006, c. 19, Sched. D, s. 11, S.O. 2006, c. 34, s. 35, S.O. 2006, c. 35, Sched. C, s. 69, and S.O. 2017, c. 14, Sched. 4, s. 21;
- (c) the *Ontario Disability Support Program Act, 1997*, S.O. 1997, c. 25, Sched. B, as amended to S.O. 2009, c. 33, Sched. 8, s. 4



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- (d) the *Ontario Works Act, 1997*, S.O. 1997, c. 25, Sched. A, as amended to S.O. 2017, c. 14, Sched. 4, s. 24
- (e) the *Canadian Charter of Rights and Freedoms*;
- (f) the *Class Proceedings Act*, S.O. 1992, c. 6;
- (g) the *Courts of Justice Act*, R.S.O. 1990, c. C.43; and,
- (h) the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194.

## J. PLACE OF TRIAL

424. 123. The Plaintiffs propose that this Action be tried in Lindsay.

~~March 28, 2019 - October 21, 2019~~

*March 28, 2019 - E*

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Lawyers for the Plaintiffs

**DANA BOWMAN et al.**  
Plaintiffs

-and-  
Defendant

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO**

Court File No. CV-19-00000035-00CP

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT  
LINDSAY

**AMENDED STATEMENT OF CLAIM**

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Lawyers for the Plaintiffs

# **Bowman, et al. v. HMQ**

SUSAN PASKOSKI  
on Thursday, February 20, 2020



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Toronto, Ontario M5K 1A1

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Court File No. CV-19-00000035-00CP

ONTARIO

SUPERIOR COURT OF JUSTICE

B E T W E E N:

DANA BOWMAN, GRACE MARIE DOYLE HILLION,  
SUSAN LINDSAY and TRACEY MECHEFSKE  
Plaintiffs

- and -

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO  
Defendant

-----

--- This is the Cross-Examination of SUSAN  
PASKOSKI (via videoconference), on her affidavit  
sworn August 20, 2019 and supplementary affidavit  
sworn January 7, 2020, taken at the offices of  
Neesons, a Veritext Company, Suite 2020, 77 King  
Street West, Toronto, Ontario, on the 20th day of  
February, 2020.

-----

A P P E A R A N C E S :

STEPHEN J. MOREAU, Esq., for the Plaintiffs  
& KALEY DUFF, Esq.,

CHRISTOPHER P. THOMPSON, Esq., for the Defendant  
& CHANTELE BLOM, Esq.,

SALLY COLQUHOUN, Esq., for Susan Paskoski

Also Present: Michelle Logasov, Student-at-Law

REPORTED BY: Deana Santedicola, RPR, CRR, CSR

I N D E X

WITNESS: SUSAN PASKOSKI

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\*\*The following list of undertakings, advisements  
and refusals is meant as a guide only for the  
assistance of counsel and no other purpose\*\*

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The questions/requests undertaken are noted by U/T  
and appear on the following pages: None

INDEX OF ADVISEMENTS

The questions/requests taken under advisement are  
noted by U/A and appear on the following pages:  
None

INDEX OF REFUSALS

The questions/requests refused are noted by R/F and  
appear on the following pages: None

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-- Upon commencing at 2:45 p.m.

SUSAN PASKOSKI (VIA VIDEOCONFERENCE);  
AFFIRMED.

CROSS-EXAMINATION BY MS. BLOM:

1 Q. Good afternoon, Ms. Paskoski. Can  
you please spell your name for the record.

A. First and last name?

2 Q. Yes, please.

A. My first name is Susan, S-u-s-a-n.  
My last name is Paskoski, P-a-s-k-o-s-k-i.

3 Q. Thank you. And you have sworn  
to -- sorry, you have affirmed to tell the truth  
during your cross-examination?

A. I have.

4 Q. And you are here to be  
cross-examined on your affidavit sworn August 20th,  
2019, and your supplementary affidavit sworn  
January 7, 2020.

A. Yes.

5 Q. And you are here as a result of a  
notice of examination dated February 5th, 2020,  
that was served in connection with this matter?

A. Yes.



6 Q. Does your affidavit cover off all  
of the sources of your knowledge about the Basic  
Income Pilot program?

A. Yes.

7 Q. And in your affidavit, you say  
that you attended an event hosted by Bill Morneau,  
the Liberal MPP, in the spring of 2018?

A. Yes.

8 Q. And this was a campaign event  
leading up to the provincial election in June of  
2018?

A. I am not sure if it was a campaign  
event.

MS. COLQUHOUN: Sorry, is that what it  
says in the affidavit?

BY MS. BLOM:

9 Q. No, I'm sorry, I'm putting to her  
that it was a campaign event leading up to the  
provincial election in June 2018.

MS. COLQUHOUN: And which event was  
that?

THE DEPONENT: I don't know if it was a  
campaign event, but I did attend a meeting, yes.

BY MS. BLOM:

10 Q. And the meeting was hosted by the

1 Liberal MPP at the time, Bill Morneau?

2 A. Yes.

3 11 Q. And there were lots of topics of  
4 conversation at that event, including basic income?

5 A. Yes.

6 12 Q. And in your affidavit, you also  
7 talk about Doug Ford coming to Thunder Bay in the  
8 spring of 2018?

9 A. Yes.

10 13 Q. And he is the leader of the  
11 Conservative Party?

12 A. Yes.

13 14 Q. And at that time, he was running  
14 for office?

15 A. Yes.

16 15 Q. And the event that he came to in  
17 Thunder Bay was also in the run-up to the  
18 provincial election in June 2018?

19 A. Yes.

20 16 Q. And you watched part of his  
21 campaign speech through -- I think it was the  
22 internet?

23 A. Yes.

24 17 Q. In your affidavit, you also give  
25 evidence about a used car that you purchased

1 because your previous car broke down?

2 A. Yes.

3 18 Q. And you purchased that car in  
4 February of 2017?

5 A. Yes.

6 19 Q. And you did that through a  
7 financing arrangement?

8 A. Yes.

9 20 Q. And this was before you had heard  
10 that Thunder Bay would be one of the Basic Income  
11 Pilot sites; correct?

12 A. Yes.

13 21 Q. And I understand that you spent a  
14 lot of time reading through the basic income  
15 booklet before deciding whether to apply to the  
16 pilot?

17 A. Yes.

18 22 Q. And you were aware from reading  
19 the booklet that there was a risk that you could be  
20 placed in the control group if you applied where  
21 you would not receive any payments?

22 A. Yes.

23 23 Q. And you would have seen in the  
24 booklet that, if you were placed in the payment  
25 group, payments would be for up to three years?

1 A. Yes.

2 24 Q. And up to three years is a  
3 maximum, not a minimum?

4 A. Up to three years is a maximum,  
5 not a minimum? Yes.

6 25 Q. And you received your application  
7 package in the mail at the end of June 2017?

8 A. Yes.

9 26 Q. And then you completed the  
10 application form after you considered whether to  
11 apply and sent it back?

12 A. Yes.

13 27 Q. And then it was at the end of July  
14 2017 that you received a letter informing you that  
15 you were eligible to participate, asking you to  
16 complete some further paperwork and the baseline  
17 survey, which was the first step in the study of  
18 the pilot?

19 A. Yes.

20 28 Q. And so you completed that survey?

21 A. Yes.

22 29 Q. And then in September 2017, you  
23 received a letter telling you that you have been  
24 placed into the payment group?

25 A. Yes.

1 30 Q. And then it was at the end of  
2 September 2017 when you received your first basic  
3 income payment?

4 A. Yes.

5 31 Q. And in your affidavit, you attach  
6 basic income material from, I think, five other  
7 participants from Thunder Bay?

8 A. Yes.

9 32 Q. And I understand that these  
10 documents were provided to you by counsel for the  
11 class action, Kaley Duff?

12 A. Yes.

13 33 Q. And these documents are redacted;  
14 correct?

15 A. Yes.

16 34 Q. And you don't have copies of the  
17 unredacted versions?

18 A. Correct.

19 35 Q. And so you haven't discussed these  
20 materials with the participants who provided them  
21 to Kaley Duff?

22 A. Correct.

23 36 Q. And you haven't reviewed income  
24 tax returns for any of these participants or any of  
25 the other documents attached?

1 A. Correct.

2 37 Q. And you have no way to verify if  
3 the information in these documents is accurate or  
4 not?

5 A. Correct.

6 38 Q. Okay. Those are all my questions,  
7 Ms. Paskoski. I appreciate you taking the time to  
8 come today. I know you were waiting for us to  
9 finish up with the other witnesses, so I appreciate  
10 that. Thank you.

11 A. You are welcome.

12 Okay.

13 MR. MOREAU: Thank you.

14 THE DEPONENT: Did you have a question?  
15 No? Okay. Thank you.

16  
17 -- Adjourned at 2:52 p.m.

18

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REPORTER'S CERTIFICATE

I, DEANA SANTEDICOLA, RPR, CRR,  
CSR, Certified Shorthand Reporter, certify:

That the foregoing proceedings were  
taken before me at the time and place therein set  
forth, at which time the witness was put under oath  
by me;

That the testimony of the witness  
and all objections made at the time of the  
examination were recorded stenographically by me  
and were thereafter transcribed;

That the foregoing is a true and  
correct transcript of my shorthand notes so taken.

Dated this 27th day of February, 2020.



---

NEESONS, A VERITEXT COMPANY

PER: DEANA SANTEDICOLA, RPR, CRR, CSR

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# **Bowman, et al. v. HMQ**

SHEILA REGEHR  
on Thursday, February 20, 2020



77 King Street West, Suite 2020  
Toronto, Ontario M5K 1A1

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Court File No. CV-19-00000035-00CP

ONTARIO

SUPERIOR COURT OF JUSTICE

B E T W E E N:

DANA BOWMAN, GRACE MARIE DOYLE HILLION,  
SUSAN LINDSAY and TRACEY MECHEFSKE  
Plaintiffs

- and -

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO  
Defendant

-----  
--- This is the Cross-Examination of SHEILA  
REGEHR, on her affidavit sworn May 23, 2019, taken  
at the offices of Neesons Court Reporting Inc.,  
Suite 2020, 77 King Street West, Toronto, Ontario,  
on the 20th day of February, 2020.  
-----

A P P E A R A N C E S:

STEPHEN J. MOREAU, Esq., for the Plaintiffs  
& KALEY DUFF, Esq.,

CHRISTOPHER P. THOMPSON, Esq., for the Defendant  
& CHANTELE BLOM, Esq.,

REPORTED BY: Deana Santedicola, RPR, CRR, CSR

I N D E X

WITNESS: SHEILA REGEHR

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\*\*The following list of undertakings, advisements  
and refusals is meant as a guide only for the  
assistance of counsel and no other purpose\*\*

INDEX OF UNDERTAKINGS

The questions/requests undertaken are noted by U/T  
and appear on the following pages: (None)

INDEX OF ADVISEMENTS

The questions/requests taken under advisement are  
noted by U/A and appear on the following pages:  
(None)

INDEX OF REFUSALS

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appear on the following pages: 17/9

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1	Text of a speech delivered by Premier Kathleen Wynne, dated October 24, 2017.....	30/17
2	Press release issued by the Ministry April 24, 2017.....	30/20
3	Exhibit 28 of Ms. Mechefske's affidavit.....	40/7

-- Upon commencing at 9:55 a.m.

SHEILA REGEHR; AFFIRMED.

CROSS-EXAMINATION BY MR. THOMPSON:

1 Q. Ms. Regehr, my name is Chris  
2 Thompson. I am counsel for Her Majesty the Queen  
3 in Right of Ontario, and I will have some questions  
4 for you today on your affidavit that you swore on  
5 May 23rd, 2019.

6 Before we get into that, could you just  
7 state your name for the record, please?

8 A. Sheila Regehr.

9 2 Q. And you have affirmed to tell the  
10 truth today?

11 A. Yes.

12 3 Q. And you are here pursuant to the  
13 Notice of Examination?

14 MR. MOREAU: That is correct. I have  
15 shown her the Notice of Examination, Counsel, and  
16 she is here as a result of that.

17 BY MR. THOMPSON:

18 4 Q. So are there any corrections or  
19 revisions to your affidavit? You have to say "yes"  
20 or "no", just for the reporter.

21 A. Oh, no.



1                   5                   Q.    And for the record, as previously  
2                   advised in our correspondence, Counsel, our  
3                   position is that this evidence is not admissible,  
4                   and so this cross-examination should not be taken  
5                   as any admission as to admissibility. I just  
6                   wanted to put that on the record.

7                   So, Ms. Regehr, I see from your  
8                   affidavit that you are the founder of the Basic  
9                   Income Canada Network?

10                  A.    A founder.

11                  6                  Q.    A founder, and that started in  
12                  2008?

13                  A.    Yes.

14                  7                  Q.    And have been a Chairperson since  
15                  2014?

16                  A.    Yes.

17                  8                  Q.    And one of the activities of the  
18                  Basic Income Canada Network is to advocate for  
19                  governments to adopt a basic income for all?

20                  A.    Yes.

21                  9                  Q.    And fair to say that you have been  
22                  advocating for basic income now for about 12 years  
23                  at least, since 2008?

24                  A.    Yes.

25                  10                Q.    And you continue --

1 A. In that capacity.

2 11 Q. And you continue to do --

3 A. Longer otherwise, I do.

4 12 Q. All right, and you continue to do  
5 so?

6 A. Yes.

7 13 Q. And through your role with the  
8 Basic Income Canada Network and in your prior  
9 employment, I see in your affidavit you say that  
10 you gained policy expertise?

11 A. Yes.

12 14 Q. And for example, you talk in your  
13 affidavit about the Mincome experiment from 1974?  
14 Do you remember --

15 A. I am not sure how to answer that.  
16 I mean, yes, I am not an expert on Mincome, but I  
17 certainly am aware of it and I know people who were  
18 involved both in designing and researching the  
19 experiment.

20 15 Q. And you also discussed the Finland  
21 Basic Income Study and reference the literature for  
22 that study in your affidavit?

23 A. Yes, again, I have connections  
24 with researchers who were part of the Finnish  
25 experiment.

1           16                   Q.    And fair to say that your  
2                                expertise has informed your affidavit?

3                                MR. MOREAU:  Counsel, this affidavit is  
4                                not being put forward as an expert's affidavit.  It  
5                                is not offering, in our estimation, any opinion  
6                                evidence.  So I don't understand the basis of the  
7                                question.

8                                I am going to allow the question.  In  
9                                other words, if you want to hear if what you are  
10                               calling her expertise informed the affidavit, I  
11                               think you can ask that, but I just want to make  
12                               clear this is not an expert's affidavit.

13                               BY MR. THOMPSON:

14           17                   Q.    So do you want me to repeat the  
15                                question for you?

16                                A.    Yes, please.

17           18                   Q.    So the question was that your  
18                                expertise -- well, we looked at the Mincome -- or  
19                                you referenced the Mincome experiment and you  
20                                referenced the Finland experiment; correct?

21                                A.    Yes.

22           19                   Q.    And my question simply is, has  
23                                your expertise informed your affidavit?

24                                A.    So my expertise and my experience  
25                                with people involved in those projects has informed

1 my affidavit.

2 20 Q. And I saw a recent publication  
3 from the Basic Income Canada Network called "Basic  
4 Income: Some Policy Options For Canada", dated  
5 January 23rd, 2010. You were a co-author of that  
6 report?

7 A. Yes.

8 21 Q. And in that report, and I am going  
9 to read a line to you, it says:

10 "One of the biggest challenges  
11 in the basic income debate in Canada  
12 today is that the term 'basic  
13 income' means different things to  
14 different people."

15 Is that right?

16 A. That is correct.

17 22 Q. Now, with respect to the Finnish  
18 study, you referenced in your affidavit, as you put  
19 it:

20 "A core feature of the Finnish  
21 study was the payment, to  
22 participants, of two years of fixed  
23 basic income payments."

24 Correct?

25 A. Yes.

1           23                   Q.    And that was 560 Euros a month,  
2                               regardless of income?

3                               A.    I don't recall the details of the  
4                               amounts.

5           24                   Q.    But that design, the sort of fixed  
6                               basic income payments, that is referred to as a  
7                               demogrant or a universal basic income design; is  
8                               that right?

9                               A.    More or less. Can I just take  
10                              some time to explain? So every country context is  
11                              going to be somewhat different because of the  
12                              current legislation and different other programs  
13                              that they have in place and objectives for any kind  
14                              of a pilot.

15                              So you know, the way it was designed in  
16                              Finland was for their context and for the goals of  
17                              that particular government.

18           25                   Q.    But you know what I mean when I  
19                               say "demogrant", right? You have heard of that  
20                               term before?

21                               A.    Yes, definitely.

22           26                   Q.    And that is like a specific grant  
23                               of a fixed amount like in Finland; correct?

24                               A.    That is provided on an individual  
25                               basis, yes.

1           27           Q.    And that is one type or design of  
2                   a basic income model; correct?

3                   A.    Yes, yes.

4           28           Q.    And another type or design is a  
5                   negative income tax model; correct?

6                   A.    Yes.

7           29           Q.    And in that model the basic income  
8                   payment is reduced by employment or potentially  
9                   other earnings; correct?

10                  A.    Yes.

11           30           Q.    And that is different from a  
12                   demogrant model where it is a straight payment,  
13                   fixed payment, right?

14                  A.    Yes.

15           31           Q.    And so in the negative income tax  
16                   model, the more money a person earns, the less  
17                   their basic income payment?

18                  A.    Yes.

19           32           Q.    And in some cases, the basic  
20                   income payment could be quite small?

21                  A.    Yes.

22           33           Q.    And the basic income payment, I  
23                   just wanted to clarify, is not necessarily on its  
24                   own sufficient to meet basic needs; correct?

25                  A.    Incorrect. According to us, a

1 properly designed basic income that actually  
2 qualifies for that term is sufficient to meet basic  
3 needs.

4 34 Q. Okay, so my understanding, and  
5 tell me if I am wrong, is that the theory with a  
6 negative income tax model is you have an employment  
7 or other income plus the basic income is sufficient  
8 to meet basic needs; is that correct?

9 A. So that total insures that your  
10 basic needs are met.

11 35 Q. Right, and --

12 A. So the function of the basic  
13 income is to ensure that those needs are met.

14 36 Q. All right, but my point is the  
15 basic income payment itself on its own is not  
16 sufficient to meet basic needs?

17 A. For some it can be.

18 37 Q. If you have basically no income?

19 A. Or very little other income.

20 38 Q. And you make reference in your  
21 affidavit that basic income payments can "vary  
22 depending on design and on the recipient's income  
23 and circumstances"; correct?

24 A. Correct.

25 39 Q. And I am going to talk to you

1 about that a little bit.

2 MR. MOREAU: Look, Counsel, I am  
3 allowing these questions, but this is a fairly  
4 wide-reaching cross-examination on sort of what  
5 basic income is more broadly, and again, I just  
6 repeat that this witness is not being put forward  
7 to give opinion evidence on the design of a basic  
8 income pilot or a basic income proper.

9 So I just do query as to why these  
10 questions are relevant or how these questions are  
11 relevant.

12 MR. THOMPSON: Well, as you know, our  
13 position is that none of this is relevant, that the  
14 entire affidavit is not relevant. And if you would  
15 like to withdraw the affidavit, I am not going to  
16 ask any more questions. But to the extent that the  
17 affidavit is in here, I think I can ask questions  
18 on it and I am specifically asking about a quote  
19 very much in the affidavit.

20 MR. MOREAU: Look, again, I am allowing  
21 the questions. I just have to query the relevance  
22 of it. I have done so. You can keep going.

23 BY MR. THOMPSON:

24 40 Q. Sure. So a negative income income  
25 tax model is based on income taxes; correct?



1 A. Depending on design, both a  
2 negative income tax model and a universal demogrant  
3 have implications in the tax system.

4 41 Q. Okay, I just want you to listen to  
5 the question. The answer to the question, as I  
6 understand it, is that a negative income tax model  
7 is based on income taxes; correct?

8 A. Yes.

9 42 Q. And so those are due in Canada by  
10 May of the calendar year, right?

11 A. As far as I know.

12 43 Q. Okay, well, you file your taxes  
13 every year like the rest of us, right?

14 A. Yes, and usually on time, when I  
15 remember, yes.

16 44 Q. Okay, and "on time" means by May  
17 of the calendar year?

18 A. Yes, according to whatever Revenue  
19 Canada decides is the date in a given year, yes.

20 45 Q. And if you are using those tax  
21 returns, assuming the basic income payment, and the  
22 participant files their tax return and assuming  
23 that the federal government turns around those tax  
24 returns and the basic income payments are  
25 calculated based on the previous year's income, if

1 in the previous year you are unemployed with little  
2 to no income, you could expect a high basic income  
3 payment in June, say June of the current year; is  
4 that right?

5 MR. MOREAU: Well, under what, Counsel?  
6 You mean under a basic income that doesn't exist in  
7 this country? Under the Basic Income Pilot? In  
8 theory generally? I mean --

9 MR. THOMPSON: She has in her affidavit  
10 that the payment on a basic income depends on the  
11 design, and I am talking about the design of a  
12 basic income payment.

13 MR. MOREAU: So you mean in general?

14 MR. THOMPSON: In general.

15 MR. MOREAU: In general, if there is a  
16 basic income, be it a pilot or an actual basic  
17 income as a matter of public policy, one could,  
18 through a negative income tax model, look at the  
19 payments through the lens of how much the person  
20 earned the previous year? You are just asking that  
21 as a general construct; is that fair to say?

22 MR. THOMPSON: Right, fair.

23 MR. MOREAU: Okay.

24 THE DEPONENT: Yes, so as a general  
25 construct, yes. It is the way child benefits work

1 in Canada.

2 BY MR. THOMPSON:

3 46 Q. So if in a previous year you were  
4 unemployed with little to no income, you are going  
5 to expect a high basic income payment in June of  
6 the current year?

7 A. Yes.

8 47 Q. And if by June of the current year  
9 you have a job, you could have a fairly high income  
10 and a high basic income payment?

11 A. Yes. I am still unclear where  
12 this is going and I wonder about the relevance too  
13 because, like, just I am not the designer of this  
14 pilot and you could design things in all sorts of  
15 different ways.

16 48 Q. Right, and the payment depends on  
17 the design of the pilot, right?

18 A. Exactly.

19 49 Q. And so conversely, if in the  
20 previous year you are employed and you have an  
21 income that permits you to just barely qualify for  
22 basic income, you could have a low basic income  
23 payment in June of the current year, right?

24 A. Potentially, yes.

25 50 Q. Yes, and if by June of the current

1 year you lost your job, you could have a low income  
2 and a low basic income payment, right?

3 A. Theoretically, yes.

4 51 Q. And these are sort of binary  
5 examples that I have put to you. You could have a  
6 job or have lost a job, but the reality is that  
7 many people have part-time jobs or hourly work,  
8 right?

9 R/F MR. MOREAU: Don't answer that  
10 question. "The reality is that many people have  
11 part-time jobs" is a highly subjective question.  
12 Are we going to be shown some statistics here?  
13 Nobody could answer that question, Counsel.

14 BY MR. THOMPSON:

15 52 Q. You have heard of people having  
16 part-time jobs and doing hourly work, have you not?

17 A. Certainly.

18 53 Q. Right, and so if you are doing  
19 hourly work, your income can vary month to month?

20 A. Yes.

21 54 Q. And so if June the current year  
22 rolls around, your income in June could be high or  
23 low depending on the hours of work you get, right?

24 A. Yes.

25 55 Q. And so with your basic income

1 payment for June based on your previous year's tax  
2 return, your overall income for June or any other  
3 month is going to vary in these circumstances,  
4 right?

5 A. Yes, and that is one of the  
6 reasons for a basic income is to help stabilize  
7 people's incomes so that they can expect a certain  
8 amount and know what the value of that is.

9 56 Q. Now, we have been talking about  
10 June on the assumption that by then the taxes from  
11 the prior year are completed and the basic income  
12 is determined, and so June is six months from the  
13 prior year; correct?

14 A. Correct.

15 57 Q. And so June is the first payment  
16 based on the prior year; correct?

17 A. Theoretically, yes --

18 58 Q. And then you have July, August --

19 A. -- depending on the design --

20 59 Q. -- September to December and then  
21 all the way to May the next year, right?

22 A. Yes.

23 60 Q. And so by May of the next year,  
24 your payment is based on your yearly income from  
25 about 1.5 years ago?

1 A. If the program is designed that  
2 way, yes.

3 61 Q. And so, yeah, I do want to ask you  
4 that. So you can have a design with more regular  
5 reporting, right?

6 A. Yes, you can.

7 62 Q. Right.

8 A. Businesses report quarterly to  
9 Revenue Canada.

10 63 Q. And you could have a case  
11 management type model where you have sort of  
12 monthly reporting?

13 MR. MOREAU: Look, I'll answer this  
14 question. Sure, yes, you could have a case  
15 management model writ large in theory, sure, yes.

16 BY MR. THOMPSON:

17 64 Q. And so the basic income payments  
18 really, as you put it, depend on the design;  
19 correct?

20 A. Correct.

21 65 Q. And people's individual reporting  
22 of either their circumstances and income; correct?

23 A. Correct.

24 66 Q. And other circumstances could  
25 include divorce, marriage, disability status, and

1 so on; is that right?

2 A. Correct.

3 67 Q. So I am not speaking about  
4 Ontario's program, but if at the end of the day you  
5 have a basic income program where the design is not  
6 working well for participants for whatever reason,  
7 I gather you would be in favour of making changes  
8 to make the design better?

9 MR. MOREAU: Don't answer that  
10 question.

11 MR. THOMPSON: Why not?

12 MR. MOREAU: This is highly  
13 theoretical, Counsel. I mean, again, in the  
14 interests of expedition and proportionality and  
15 moving this thing forward, I have let you ask  
16 questions about a design generally, but now you are  
17 asking the witness what she would do if, you know,  
18 problems arose in a basic income model. Again, are  
19 we talking about a basic income pilot? Are we  
20 talking about a basic income program? There is  
21 just too much that is assumed in that question.

22 And then you are asking this witness  
23 what she would personally do if she encountered the  
24 problem that you mentioned. I just can't see how  
25 this is relevant to any issues on certification.

1 It is not even anything she is talking about in her  
2 affidavit.

3 BY MR. THOMPSON:

4 68 Q. I would disagree, but I'll move  
5 on.

6 So I want to talk briefly about the  
7 Mincome study that you do reference in your  
8 affidavit and you include an exhibit with respect  
9 to -- or an article with respect to that study; do  
10 you recall that?

11 A. Yes, I recall the article. I had  
12 nothing to do with actually writing the article,  
13 and I don't know the person who wrote it.

14 69 Q. You just sourced it?

15 A. Yeah, it is one of many sources  
16 that demonstrates that the issue of basic income is  
17 out there in the public.

18 70 Q. And so you write in your  
19 affidavit:

20 "The MINCOME experiment has  
21 been well documented, but only in  
22 the past few years as researchers  
23 unearth long-stored data that went  
24 unanalyzed at the time."

25 Do you recall that?



1 MR. MOREAU: Can you just show her what  
2 paragraph you are quoting, because I don't want  
3 this to be a Jeopardy quiz, Counsel.

4 BY MR. THOMPSON:

5 71 Q. Paragraph 9, the second  
6 sentence -- or, sorry, the third sentence, halfway  
7 through the fourth line, it says:

8 "The MINCOME experiment has  
9 been well documented, but only in  
10 the past few years as researchers  
11 unearth long-stored data that went  
12 unanalyzed at the time."

13 A. Yes.

14 72 Q. Do you see that?

15 A. Yes.

16 73 Q. And do you have a copy of your  
17 affidavit with the exhibits with you?

18 A. Yes.

19 74 Q. I would ask you to turn to page  
20 1383 of the record.

21 MR. MOREAU: So I have put page 1383,  
22 and just so that we are all clear, this is a page  
23 from Exhibit 1 to the Regehr affidavit.

24 BY MR. THOMPSON:

25 75 Q. And this is an article by Gregory

1 Mason that you attach to your affidavit?

2 A. Yes.

3 76 Q. And I am looking at the  
4 second-last paragraph on the page and it talks here  
5 about studies of the data, but not in the last few  
6 years but between 1984 and 1991, and in the very  
7 last line of the second paragraph -- or the  
8 second-last paragraph it says:

9 "Therefore, the central  
10 question posed for Mincome was  
11 finally answered in 1991, some 13  
12 years after the termination of the  
13 experiment."

14 Do you see that?

15 A. Yes, I see that.

16 77 Q. So when you say in your affidavit  
17 that only in the past few years was the data  
18 unearthed, is that just a typo?

19 A. No, what this person is referring  
20 to is a very specific study related to workforce  
21 attachment that was one of the key motivations  
22 going into the Mincome experiment. Further  
23 research unearthed from that data combined with  
24 other data available that wasn't utilized at the  
25 time provided a lot more additional information and

1 results from that data, from the combined data sets  
2 that help us understand the larger effects of  
3 Mincome.

4 78 Q. So the central question, as per  
5 this article, was answered --

6 A. So that is his central question --

7 79 Q. -- in 1991.

8 THE COURT REPORTER: I'm sorry, I'm not  
9 sure I heard the full question.

10 BY MR. THOMPSON:

11 80 Q. Sorry, it says that the central  
12 question - and this is what the article attached to  
13 your affidavit says - was answered in 1991; you see  
14 that, correct?

15 A. Yes, I see that.

16 81 Q. And so you are saying that only in  
17 the past few years researchers have unearthed  
18 long-stored data that went unanalyzed?

19 A. Correct.

20 82 Q. And so further up, about three  
21 paragraphs down from the top, you will see the last  
22 line that starts with "In addition [...]"; do you  
23 see that?

24 A. Yes.

25 Q. "In addition, as is common with

1 research that extends over time,  
2 participants left the experiment,  
3 further reducing their  
4 participation."

5 Do you see that?

6 **A.** Yes.

7 83 Q. You are not aware of anything  
8 contrary to that statement?

9 **A.** No, I am not aware of anything.

10 84 Q. So you refer to a speech -- and we  
11 are sort of done with just, just to give you a  
12 heads-up -- by the Premier Kathleen Wynne on April  
13 24, 2017 that you found online?

14 **A.** Yes.

15 85 Q. And I am going to show you a copy  
16 of an exhibit in the Crown's materials, and I would  
17 ask you to confirm whether this is the speech you  
18 are referring to. I have got a copy for you as  
19 well, Counsel. It is dated October 24, 2017, the  
20 same date as the date of your -- and that is for  
21 you, Counsel.

22 MR. MOREAU: So just for the record, it  
23 looks like you are taking Ms. Regehr to paragraph  
24 19 of her affidavit where she references a Kathleen  
25 Wynne speech, and you have now handed out Exhibit 3

1 to the affidavit of Debbie Burke-Benn which you  
2 have indicated is the speech itself.

3 MR. THOMPSON: That is what she says is  
4 the speech, and I am just asking Ms. Regehr --

5 MR. MOREAU: Counsel, she doesn't say  
6 Exhibit 3 to the Debbie Burke-Benn affidavit --

7 BY MR. THOMPSON:

8 86 Q. I am saying that Debbie Burke-Benn  
9 says is the speech, and I am asking Ms. Regehr if  
10 that is the speech she is referring to in her  
11 affidavit, because she says she found it online.  
12 This isn't the speech from online --

13 A. I don't know. I have it online  
14 and I had it from copies of -- I believe copies  
15 that were distributed at the time of the event. So  
16 I don't know word for word if this is the same  
17 thing or not.

18 87 Q. So that's what I am asking you to  
19 do. Can you take a look at it and tell us if it is  
20 the same thing?

21 A. (Witness reviews document.)

22 Okay, I --

23 88 Q. And just so you know, the next  
24 question I am going to ask you is whether your  
25 memory of the speech is as recorded in the text of

1 the speech here.

2 A. So I am still not sure. I am not  
3 a speed-reader and --

4 89 Q. We can take a -- Counsel, I am  
5 happy to take a break if you want to take a break.

6 MR. MOREAU: Let's go off the record  
7 for five minutes and make sure that the witness has  
8 an opportunity to read the speech in full.

9 And again, Counsel, there is now two  
10 questions that are being put to her as she was  
11 trying to read the speech.

12 One is, is this the speech, as best as  
13 you can tell from having sat there.

14 And then the second question is do you  
15 have an actual memory of the speech, or is your  
16 memory of what Premier Wynne said based on having  
17 read the speech; is that fair to say?

18 MR. THOMPSON: That is fair.

19 MR. MOREAU: Okay.

20 (DISCUSSION OFF THE RECORD.)

21 BY MR. THOMPSON:

22 90 Q. Okay, Ms. Regehr, I was asking you  
23 before we went off the record to review the speech  
24 dated April 24th and to confirm with us whether  
25 that is the speech you were referencing in your

1 affidavit?

2 **A.** I do believe it is.

3 91 Q. Okay, and your memory of the  
4 speech is as recorded in the text of that  
5 affidavit -- or sorry, the text of the speech?

6 **A.** In general it is, yes.

7 92 Q. And I am going to show you another  
8 document which I believe you referenced in your  
9 affidavit but it is not attached. Your counsel has  
10 it and will share it with you. This is a press  
11 release, and it is also dated April 24th, 2017,  
12 from the Ministry. In your affidavit it says:

13 "[...] materials at the MCCSS  
14 of Government was putting out on its  
15 website, including a press release  
16 issued the day of Ms. Wynne's  
17 speech."

18 And you will see there that that press  
19 release was issued April 24, 2017. It is tab 4 to  
20 the affidavit of Ms. Burke-Benn, and I believe it  
21 is in my friend's record as well. Can you confirm  
22 that this is the press release you were referring  
23 to in your affidavit?

24 **A.** (Witness reviews document.)

25 To the best of my knowledge, after all

1           this time, I believe it is.

2           93                   Q.    And in your affidavit you refer to  
3           "other materials". I take it you don't have a copy  
4           of those materials?

5                   A.    No, by "other materials", I mean a  
6           lot of the material that was issued or that was  
7           available around that time.

8           94                   Q.    On --

9                   A.    Sort of information about --

10          95                   Q.    On the website of the MCCSS? It  
11          says:

12                                "Around that time, I likewise  
13                                read the materials that the MCCSS of  
14                                Government was putting out on its  
15                                website, including a press release  
16                                it issued the day of Ms. Wynne's  
17                                speech."

18                                And then you talk about:

19                                "Following the reading I did  
20                                from these MCCSS-produced documents  
21                                [...]"

22                                And so there is no documents attached  
23           to your affidavit, and so I have just shown you the  
24           press release, but I don't know what other  
25           documents you are referring to and I take it you



1 don't have a copy of those with you?

2 **A.** No, it is mainly those two,  
3 whatever the government issued at that point.

4 96 Q. Okay. I am going to look at this  
5 press release in a bit of detail. Do you have it  
6 in front of you? It is that one there. So I am  
7 going to read a little bit of it.

8 MR. MOREAU: Sorry, the press release,  
9 Exhibit 4 to the Burke-Benn affidavit?

10 MR. THOMPSON: Actually, before we go  
11 further, although it is already in the record, I  
12 would like just to make the speech and the press  
13 release exhibits. So the speech would be Exhibit 1  
14 and the press release would be Exhibit 2.

15 MR. MOREAU: That is fine with me,  
16 Counsel.

17 EXHIBIT NO. 1: Text of a speech  
18 delivered by Premier Kathleen Wynne,  
19 dated October 24, 2017.

20 EXHIBIT NO. 2: Press release issued by  
21 the Ministry April 24, 2017.

22 BY MR. THOMPSON:

23 97 Q. So now we are on Exhibit 2, which  
24 is this press release, and I am going to go through  
25 it with you a little bit and then I am going to ask

1           you a question at the end of going through this  
2           press release and then another exhibit to your  
3           affidavit, okay?

4                   **A.**     Okay.

5                   MR. MOREAU:   Just off the record.

6                   (DISCUSSION OFF THE RECORD.)

7                   BY MR. THOMPSON:

8           98           Q.     So this is a press release, as you  
9           can see from the top, and it says "Ontario's Basic  
10          Income Pilot, April 24, 2017, Ministry of Children,  
11          Community and Social Services", and then partway  
12          down the page there is a header that says "Speaking  
13          to People Across Ontario" and it says:

14                         "The Government of Ontario used  
15                         Mr. Segal's report to launch the  
16                         consultation phase of the Ontario  
17                         Basic Income Pilot in November 2016.  
18                         Consultations were held across the  
19                         province, giving people a voice in  
20                         determining what the pilot could  
21                         look like. Consultations were broad  
22                         and inclusive, gathering input from  
23                         a cross-section of people in  
24                         Ontario. These consultations  
25                         included in-person public meetings,

1 online surveys and written  
2 submissions to ensure that everyone  
3 had an opportunity to express their  
4 opinions on how the pilot should  
5 work. Between November 3, 2016 and  
6 January 31, 2017, 32,870 people  
7 responded to the public survey,  
8 1,213 people responded to the  
9 experts survey, 1,193 people  
10 attended the in-person meetings, 537  
11 written submissions were received  
12 from private citizens and community  
13 groups."

14 And then I am going to go to your  
15 Exhibit 4 to your affidavit where these  
16 consultations are also referenced.

17 So Exhibit 4 to your affidavit, I  
18 believe this is a slide deck from the Ministry.  
19 And for some reason, Counsel, the page numbers are  
20 illegible, but I can see page number 1401 and then  
21 I am looking at one that is two pages after that.

22 So two pages after 1401 you can see  
23 that there were 14 public sessions and 1,193  
24 attended; do you see that?

25 **A.** Yes.

1 99 Q. And then on the next page it says:  
2 "2 online surveys.  
3 34K submissions.  
4 80 municipalities + community  
5 orgs."

6 Do you see that?

7 **A.** Uhm-hmm.

8 100 Q. On the next page it says:  
9 "Plus experts, academics,  
10 thought leaders."  
11 And it has Finland, Netherlands there;  
12 do you see that?

13 **A.** Yes.

14 101 Q. And so now I am going to ask you  
15 to look at one other document. This is tab 28 or  
16 Exhibit 28 of Ms. Mechefske's affidavit. She is  
17 one of the representatives or a proposed  
18 representative of the Plaintiffs in the action. So  
19 this is an Ontario website document. Do you have a  
20 copy of it?

21 **A.** Sorry, which paragraph are we  
22 looking at?

23 102 Q. I am looking at the first page. I  
24 am going to go through a little bit of this  
25 document, and then I am going to ask you a question

1 at the end of this document, okay?

2 **A.** Okay.

3 103 Q. So it says "Basic Income  
4 Consultations, What We Heard", and then the second  
5 paragraph under "Testing new ways to provide income  
6 support and fight poverty", and I'll try and speak  
7 slower, I apologize:

8 "Using the discussion paper  
9 written by The Honourable Hugh Segal  
10 as a starting point, consultations  
11 were held across the province,  
12 giving people a voice in determining  
13 what the pilot could look like."  
14 If you flip the page, under  
15 "Background", the second paragraph:

16 "Mr. Segal submitted a  
17 discussion paper Finding a Better  
18 Way: A Basic Income Pilot for  
19 Ontario, which we used as a starting  
20 point for our consultations with  
21 Ontarians."

22 And then if you flip over again, page  
23 841, that is at the top right-hand corner; do you  
24 see that?

25 **A.** Uhm-hmm, yes.

104

Q. It has:

"What We Heard.

The following is a summary of  
the thousands of comments,  
suggestions and opinions we received  
during the consultations."

And then if you flip over again to 847,  
you will see the heading "Submissions to the Basic  
Income Pilot Consultations"?

**A.** Yes.

105

Q. And it says:

"The Ministry received  
submissions from a wide variety of  
groups and organizations along with  
hundreds of submissions from  
individuals."

**A.** Yes.

106

Q. Do you see that? And then it  
lists municipalities, community organizations,  
basic income groups and labour groups and political  
organizations, among others; do you see that?

**A.** Yes.

107

Q. I don't see the Basic Income  
Canada Network anywhere here. Is that because the  
Basic Income Canada Network did not make a

1 submission?

2 **A.** There are a number of reasons.  
3 The Basic Income Canada Network, as I explained --  
4 well, me personally on behalf of the Basic Income  
5 Canada Network, as the affidavit indicates, had  
6 been working with people in the government for a  
7 long time prior to this happening. So our opinion  
8 had been sought. Our advice had been provided on  
9 various occasions. We organized so that people  
10 from the network were able to participate in as  
11 many of the in-person consultations as we could so  
12 that --

13 108 **Q.** So the simple question is --

14 **A.** -- other voices were at the table,  
15 so --

16 109 **Q.** The simple question is did the  
17 Basic Income Canada Network make a submission to  
18 the basic income consultations, along with the  
19 thousands of other people?

20 **A.** So we did not provide a written  
21 submission.

22 110 **Q.** Okay. And so we have seen how  
23 many people and organizations consulted with  
24 Ontario on the Ontario Basic Income Pilot. Do you  
25 have any knowledge on how many others or how many

1 were consulted on the administration or  
2 implementation of the Ontario Basic Income Pilot?

3 **A.** No.

4 111 **Q.** And --

5 **A.** When --

6 112 **Q.** Can you tell me --

7 **A.** Sorry, can you state the question  
8 again?

9 113 **Q.** Do you know how many people,  
10 organizations and otherwise were consulted on the  
11 administration or implementation of the pilot?

12 **A.** You mean in addition to this list?

13 114 **Q.** Right.

14 **A.** And specifically on  
15 administration?

16 115 **Q.** And implementation.

17 **A.** So, no, I can't answer that  
18 definitively, except that I do know of people who  
19 are experts in the field that they did consult. At  
20 what point and about what issues I can't tell you  
21 exactly.

22 116 **Q.** Do you know the name of the  
23 director or directors of OBIP that were responsible  
24 for the administration and implementation of OBIP?

25 **MR. MOREAU:** Sorry, what was the



1 acronym, Counsel?

2 BY MR. THOMPSON:

3 117 Q. Do you know the name of the  
4 director or directors of OBIP that were responsible  
5 for the administration and implementation of OBIP?  
6 And, sorry, "OBIP" meaning the Ontario Basic Income  
7 Pilot.

8 A. The pilot.

9 118 Q. That is my short form.

10 A. So I am not good with titles and  
11 structure within the Ontario Government. My main  
12 contact was Karen Glass.

13 119 Q. And so --

14 A. But I did have conversations with  
15 others at different times as well, including John  
16 Lee in particular and a couple of other women whose  
17 names I don't recall who were -- and Kevin Pal, I  
18 think, who were very present during the in-person  
19 consultations.

20 120 Q. And so you don't recall whether  
21 you ever met with the director of the program  
22 responsible for the implementation?

23 A. Who was the director of the  
24 program responsible for implementation?

25 121 Q. My question is you don't recall

1 ever meeting with the director of the program?

2 **A.** I am saying I don't -- from simply  
3 the title I can't tell you who that person is, so I  
4 don't know whether I met them or not.

5 122 **Q.** And so you don't have any  
6 decision-making authority within the Ontario  
7 Government on the design of the pilot; correct?

8 **A.** Absolutely not.

9 123 **Q.** And you don't have any  
10 decision-making authority within government on the  
11 administration or implementation of the pilot?

12 **A.** Absolutely not.

13 124 **Q.** You were not a participant in the  
14 pilot?

15 **A.** No.

16 125 **Q.** And you haven't completed an  
17 acknowledgment of expert's duty form today?

18 **MR. MOREAU:** She hasn't, no.

19 **THE DEPONENT:** No.

20 **MR. MOREAU:** She wouldn't know what  
21 that is, Counsel, but she has not.

22 **MR. THOMPSON:** Those are my questions.

23 **MR. MOREAU:** Thank you.

24 **MR. THOMPSON:** Thank you.

25 (DISCUSSION OFF THE RECORD.)

1 MR. THOMPSON: So earlier we referred  
2 to Exhibit 28 of Ms. Mechefske's affidavit, and we  
3 are going to mark that as Exhibit 3 to this  
4 cross-examination.

5 MR. MOREAU: And I don't object, thank  
6 you.

7 EXHIBIT NO. 3: Exhibit 28 of Ms.  
8 Mechefske's affidavit.

9  
10  
11 -- Adjourned at 10:35 a.m.  
12  
13  
14  
15  
16  
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REPORTER'S CERTIFICATE

I, DEANA SANTEDICOLA, RPR, CRR,  
CSR, Certified Shorthand Reporter, certify:

That the foregoing proceedings were  
taken before me at the time and place therein set  
forth, at which time the witness was put under oath  
by me;

That the testimony of the witness  
and all objections made at the time of the  
examination were recorded stenographically by me  
and were thereafter transcribed;

That the foregoing is a true and  
correct transcript of my shorthand notes so taken.

Dated this 25th day of February, 2020.



---

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PER: DEANA SANTEDICOLA, RPR, CRR, CSR

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THIS IS EXHIBIT "3"

TO THE AFFIDAVIT OF DEBBIE BURKE-BENN,

SWORN BEFORE ME THIS 28 DAY OF NOVEMBER, 2019

  
A Commissioner, etc.

EXHIBIT No. 1  
ON THE EXAMINATION OF  
Sheila Regehr IN  
Jaworski et al. v. HM & Ont.  
HELD ON Feb 20, 2020

NEESON COURT REPORTING INC.

1. The first part of the document  
describes the general situation  
of the company and its  
activities. It also mentions  
the main objectives of the  
project and the role of the  
participants.

## Premier Lays Out Plan for Fairness and Security in Uncertain Times

April 24, 2017 6:45 P.M.

Office of the Premier

Premier Kathleen Wynne gave the following speech today in Hamilton about government's responsibility to have a plan that creates fairness and security for people in a changing economy, in which the Premier also announced the launch of Ontario's Basic Income Pilot:\*

"Thank you all for being here.

I want to begin today by showing my respect for the contributions of Indigenous peoples and recognizing the role of treaty-making in what is now Ontario. For generations, this land has been home to peoples of Turtle Island. The first treaties were signed long before Confederation. Today, 150 years later, the treaties are still relevant to our lives, and I want to just acknowledge that as we're gathered here today.

I spent some time in Ottawa last week. I was at the Carlingwood mall in the west end of town -- meeting and talking to people with Bob Chiarelli, the local MPP. We were in a little food court, just across from the Tim Hortons. It was an older crowd. A lot of seniors from the neighbourhood gather there for coffee and conversation, and you can take it from me -- very few of them were shy about sharing their opinions. Not many of them are on Twitter, but I think they'd fit right in.

As we moved along the mall, I spotted a young woman sitting alone. She looked a little down and, frankly, she probably wasn't much in the mood to chat. But I went up to her anyway. It turned out she had just lost her job. She had worked at one of the stores in the mall, and now she was out of work. Of course, that's not an unusual thing to happen in a young person's life.

But what struck me was this: she was so worried about finding another job. She seemed lost.

Everything's so up in the air these days, she said. That is a feeling that a lot of people can relate to -- and not only those who are just starting out in life. People are anxious about their jobs and their futures. They are worried about the soaring cost of renting or buying a place to live.

Many are concerned about the world that awaits their children -- a world of global competition, reduced benefits and more and more part-time employment. They fear that the future will be less fair to those who don't start out wealthy.

I can tell you that is different than when I was growing up -- there was much more of a sense of optimism. One income used to be enough for most families. Now, even with two people working, it is tough to save. Tough to

feel as though you are getting ahead. Tough to feel confident that your job will still be yours -- or even still be around -- in 10 years, or five, or even less.

This is a new world with new challenges. In this new world, our plan to date as a government has been straightforward: get the fundamentals right by reducing the deficit, supporting new jobs, focusing on economic growth, and investing in those priorities that can have the most impact. That has meant investments in health, education and infrastructure -- new schools, new hospitals, new transit, roads and bridges.

We have worked to make Ontario the kind of place that attracts investment, creates opportunity and generates good jobs that pay well. The evidence tells us we are making progress: lower unemployment, more jobs, the best economic growth in the country and a budget that is coming into balance.

But we know that this is not the whole picture. There is more to it. There are new forces in play and new challenges upon us. It is one thing to say we are doing better than other provinces or states, which in many cases we are. It is another to say everything is fine, because for many that just isn't true. We are being tested in new and unique ways. Technological progress and automation are creating new industries. But they are also bringing new pressures -- and putting existing jobs at risk.

Ontario businesses have never been better at creating wealth. But ensuring those benefits are shared widely and fairly seems to be getting more difficult. Then there is the role of trade and -- let's face it -- the question mark that is the Trump presidency.

We know that trade is essential to the economic prosperity of Ontario and of Canada. But in the U.S., there is a growing instinct to embrace protectionist policies -- even when the evidence shows that Americans actually benefit from their trade relationships and agreements.

In the midst of this uncertainty, we have to work to support and defend our people as best we can. We must stand up for our farmers and our manufacturers, for companies and workers in the auto industry and the forest industry.

We are entering a new and very different era. From technology to Trump, it is a time of greater uncertainty and change. I believe that government has a responsibility to respond. To step up. To protect the wages and the well-being of our people by continuing to be bold, and active, and inventive. Not active for the sake of it. But active with a clear purpose, a clear goal: ensuring fairness and creating security.

In this time of turmoil, we must work harder than ever to build and preserve a fair society. We must make sure that hard work is rewarded with a decent paycheque. We must make sure that the opportunities available to our people -- and especially our young people -- not only endure, but grow.

We're in a good position to do this. Our budget is back in balance. We have spent years building new roads and schools and hospitals and transit. More people are at work in Ontario than ever before. We are prepared for this moment. We have the freedom and the flexibility to respond to these new challenges.

So we must make the right choices now to support the people of Ontario as we all navigate this turbulence -- and set our province on a course toward long-term success. We cannot be idle or complacent. We cannot simply assume that President Trump will do the right thing or make the right choices. We cannot simply assume that the jobs of tomorrow will be available to Ontarians. Government must have a plan. And to be Premier of this province, you must have a plan.

Now, there are some who look at this new world and say that government should just step back and stay out of it. Let the market sort it out. Their idea of a solution is to cut back on public services, reduce taxes, slash regulations on corporations and let the results trickle down. Eventually. Maybe. In that kind of future, some would do very well -- especially those who were already doing pretty well to begin with. But for those who didn't start with that advantage, and for those who are working harder than ever to make ends meet, well, tough luck.

That is one path. That is one way to go. But that is not my way -- and it never will be.

That approach does not speak to my values, the values we share -- a belief in fairness and equality of opportunity. It does not address the struggles of people across our province -- their frustration at working long hours and still barely getting by. The way too many people speak of the years ahead with concern and trepidation, rather than with hope.

I believe it is the responsibility of government to take a stand, play a role and do what it can -- do all it can -- to ensure that the people of Ontario are given every chance to thrive and achieve their potential during this period of change. My plan builds on the action we have taken and the investments we have made over the past five years. It takes dead aim at the challenges that confront us in this new, uncertain world. It puts fairness at the heart of all we do -- and all we aspire to achieve for the people of Ontario.

Our plan has three main elements. First, we must do more than simply protect people's wages and their ability to earn a good living. We must work to create a fair economy that provides opportunity and security for everyone. It means helping rural and suburban communities get the support they need, as well as our big



centres. It means affordable housing, rental units and a real estate market that people can participate in, which is why last week we announced our new Fair Housing Plan -- to make renting or buying a home more affordable in this province. It means fair workplaces with decent benefits -- workplaces where employers meet their obligations to their workers. And it means good pensions.

As a government, we led the way nationally on pension reform. We fought hard for better pensions -- to ensure that our workers can retire with security. We never gave up. And together with the federal government and our provincial colleagues, we got it done. The improved Canada Pension Plan will pay out more in benefits for a lifetime of hard work. That will mean a better retirement for the people of Ontario. This is the power of government to make a difference when it has a clear plan for the future.

The second element of our plan is building a fair future for Ontario workers. An economy where we are creating and attracting the jobs of tomorrow and the investment and industries that go with them. If innovation is going to be the engine of future jobs and growth, then we must cultivate these new industries here in Ontario and draw more innovative businesses to join in what we're building. We have done the hard work of getting the fundamentals right -- now let's build on that and make a good thing better.

Third, we must place a tireless and far-reaching focus on education -- to give everyone in Ontario a fair start. In our changing world, there is no such thing as a sure thing. But we improve our chances of success when more of our people get a good start in life and are able to pursue their education without barrier. That is why we are creating 100,000 new spaces in child care. And that is why we are making advanced education more accessible and affordable -- so all students have the opportunity to fulfill their dreams.

Think about the difference this will make. This fall, tuition is going to be absolutely free for 210,000 students. Others from middle-class homes will have much lower levels of student debt -- and a better start in their adult lives. Over the next three years, our Career Kickstart program will offer 40,000 more Ontario students access to the kind of work experience that will give them that much-needed first line on their resume.

Think about the potential we are unleashing with this investment in our shared future. Think about the anxiety we are lifting from so many students and setting them up to get a good job.

These are the kind of ideas we need right now -- bold and unafraid, ideas that will make a meaningful difference in people's lives, and in our shared success. Ideas that will actively confront and diminish the uncertainty of this new era. We have an opportunity before us, and we cannot afford to wait.

In the days and weeks and months to come, our government will reveal more details of our plan. We will lay out how these policies will help our people and our province confront the challenges of today and tomorrow.

Just as we did with pension reform, we will be focused on providing help in areas where employers have withdrawn from their traditional role.

We will be looking at the challenges faced by those who are supporting a family while working at a minimum-wage job. At a time when more companies are choosing to create more part-time and contract jobs, we will be working to ensure those workers are treated fairly. And we will be exploring how we can further support workers in an era where jobs no longer last a lifetime -- and sometimes fail to deliver even basic benefits.

As a province, we are a leader in job creation. We are proud of that. But the changing nature of work is leaving some people vulnerable. They are working contract to contract, or otherwise dealing with an unstable or precarious employment. They can be let go with no warning. As a result, some can slip into poverty.

Now, what is the best way to help people manage or endure this uncertainty -- and give them the opportunity to succeed over the long term? Is it our current system of social assistance? Or is there a better way?

For months, we have been doing the background work to explore the idea of a basic income. And today, I'm pleased to announce the details of Ontario's Basic Income Pilot that we will be launching here in the Hamilton area -- and in two other Ontario communities: Lindsay and the Thunder Bay area. The project will explore the effectiveness of providing a basic income to people who are currently living on low incomes, whether they are working or not.

People participating in our pilot communities will receive a minimum amount of income each year -- a basic income, no matter what.

It's not an extravagant sum by any means. For a single person, we are talking about just under \$17,000 a year. But even that amount may make a real difference to someone who is striving to reach for a better life. It says to them: government is with you. The people of Ontario are with you. We are here to help you through the hard times as you get back on your feet.

We are starting small -- a three-year project in these selected communities to start. But our goal is clear: we want to find out whether a basic income makes a positive difference in people's lives -- whether this new approach gives them the ability to begin to achieve their potential. And whether it is an approach that deserves to be adopted across our province as a whole.

The Finance Minister will deliver our new budget in three days' time. A balanced budget will serve as a solid foundation and a starting point for what comes next. It will give us the ability to make choices. It will allow us the freedom to invest smartly and effectively in our people and our province. You will see us investing in our

priorities -- in health care, in education and in those initiatives that make life more affordable for Ontario families. And in the months to follow, we will build on that foundation.

Yes, our economic indicators are positive and pointing in the right direction. That is important. And yes, we are confident in Ontario's ability to do even better in the future -- better in Canada and better in the world. But we need to ensure that all Ontarians see themselves -- their hopes and dreams -- reflected in the choices we are making.

We need to address the concerns of those who worry about falling behind, even as they work so hard to get ahead. We need to create the kinds of opportunities that will allow that young woman I met in Ottawa to feel confident about her future prospects.

From my very first moments as Premier, standing before the people of our province, I have been very clear that I believe government can be a force for good. With a clear, targeted and responsible plan, we can make a positive difference in people's lives. Today, there is a place for government -- a need for government -- to stand up and play an active role in building a fair society where there is more opportunity for everyone, and more security too.

This is no time to retreat. This is no time for government to cling to the status quo or step away from its responsibilities. This is the time for us to be focused and fair. To be bold. To not simply describe and reassert our values, but to defend them and act on them. This is the time to bring forward a clear plan that helps the most vulnerable and works for all.

We can do this -- but only together. So this is the time to work together toward a better way, a better life and a better future. Thank you."

THIS IS EXHIBIT "4"

TO THE AFFIDAVIT OF DEBBIE BURKE-BENN,

SWORN BEFORE ME THIS 28 DAY OF NOVEMBER, 2019

  
A Commissioner, etc.

EXHIBIT No. 2  
ON THE EXAMINATION OF  
Sheila Reghr IN  
Bauman et al V PMQ Ont.  
HELD ON Feb. 20, 2020  
NEESON COURT REPORTING INC



## Ontario's Basic Income Pilot

April 24, 2017 9:00 A.M.

Ministry of Children, Community and Social Services

### **Finding a Better Way: A Basic Income Pilot for Ontario**

Ontario is launching a pilot project to assess whether a basic income can better support vulnerable workers, improve health and education outcomes for people on low incomes, and help ensure that everyone shares in Ontario's economic growth.

**Ontario's March 2016 Budget** was the beginning of the process toward designing the Basic Income pilot. That Budget announced a commitment to create a Basic Income pilot project to test the model in Ontario.

**In June 2016, the government asked** long-time basic income advocate the Hon. Hugh Segal to provide advice on how to best design a made-in-Ontario pilot. His report, Finding a Better Way: A Basic Income Pilot for Ontario, was released in November 2016. It included a number of key considerations and recommendations on how the Government of Ontario should design a basic income pilot. The discussion paper provided advice and recommendations in the areas of pilot design, site selection, basic income amount, delivery, outcomes and measures, and governance and administration.

### **Speaking to People Across Ontario**

The Government of Ontario used Mr. Segal's report to launch the consultation phase of the Ontario Basic Income Pilot (OBIP) in November 2016. Consultations were held across the province, giving people a voice in determining what the pilot could look like. Consultations were broad and inclusive, gathering input from a cross-section of people in Ontario. These consultations included in-person public meetings, online surveys and written submissions to ensure that everyone had an opportunity to express their opinions on how the pilot should work.

Between Nov. 3, 2016 and Jan. 31, 2017:

- 32,870 people responded to the public survey
- 1,213 people responded to the expert survey
- 1,193 people attended the in-person meetings

537 written submissions were received from private citizens and community groups.

## First Nations

The government is working with First Nations communities and partners on an approach that reflects the advice and unique perspectives of First Nations communities, organizations and peoples. In a separate but parallel process, a basic income pilot for First Nations is being co-created and designed in collaboration with First Nations partners.

## Evaluation

The study will be evaluated by a third-party research consortium to be announced shortly. The province will also form an advisory group with research and evaluation experts to ensure the OBIP is conducted with the utmost integrity, rigour and ethical standards.

## Participants

Study participants will be:

- Randomly selected
- 18 to 64 years old
- Living in one of the selected test locations for the past 12 months or longer
- Living on a lower income.

Individuals will be informed and provide consent to participate in the pilot. Participation in the pilot will be voluntary, and participants can opt out at any time.

## How the Ontario Basic Income Pilot Works

The payment will ensure a minimum level of income is provided to participants. Aligning with the advice of Hugh Segal, payments based on 75 per cent of the Low Income Measure (LIM), plus other broadly available tax credits and benefits, would provide an income that will meet household costs and average health-related spending.

Following a tax credit model, the Ontario Basic Income Pilot will ensure that participants receive:

- Up to \$16,989 per year for a single person, less 50 per cent of any earned income
- Up to \$24,027 per year for a couple, less 50 per cent of any earned income
- Up to an additional \$6,000 per year for a person with a disability.

Participants in the pilot will be able to increase their total earnings by combining a basic income with income they earn through work. The basic income amount will decrease by \$0.50 for every dollar an individual earns by working.

The basic income will be responsive to changes in a participant's circumstances, such as a significant decrease in earnings, change in family composition, or change in disability status.

Ontario will invest \$50 million per year in the OBIP for each of the three years of the pilot.

### **Impact on existing benefits**

#### **Child tax benefits**

Participants currently receiving child benefits, such as the Canada Child Benefit (CCB) and the Ontario Child Benefit (OCB), will continue to be eligible to receive them during the pilot.

#### **CPP and EI benefits**

Participants on Employment Insurance (EI) or on the Canada Pension Plan (CPP) will have their monthly basic income payment reduced dollar for dollar.

#### **Drug and dental benefits**

People receiving support through Ontario Works who enter the pilot will continue to receive the Ontario Drug Benefit, and people on the Ontario Disability Support Program will continue to receive the Ontario Drug Benefit and dental benefits.

### **Basic income examples**

1. Single individual with two children on Ontario Works who has no employment earnings.

	<b>Current</b>	<b>Pilot</b>
Basic Income		\$16,989
Ontario Works - Maximum Basic Needs and Shelter	\$12,228	
Other Tax Benefits (e.g. OCB/CCB)	\$16,668	\$16,668



<b>Net Total</b>	<b>\$28,896</b>	<b>\$33,657</b>
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2. Single individual with two children who works a full-time minimum wage job.

	<b>Current</b>	<b>Pilot</b>
Basic Income		\$6,245
Net Employment Earnings	\$20,106	\$20,106
Other Tax Benefits (e.g. OCB/CCB)	\$17,668	\$16,232
<b>Net Total</b>	<b>\$37,774</b>	<b>\$42,583</b>

3. Couple with two children, with both parents working full time in a minimum wage job.

	<b>Current</b>	<b>Pilot</b>
Basic Income		\$2,538
Net Employment Earnings	\$39,199	\$39,199
Other Tax Benefits (e.g. OCB/CCB)	\$12,186	\$11,361
<b>Net Total</b>	<b>\$51,385</b>	<b>\$53,098</b>

#### Next Steps

Later this spring, randomly selected individuals from the Hamilton, Brantford, Brant County and Thunder Bay locations will receive information in the mail inviting them to apply to be part of the OBIP.

Eligible individuals will then be selected to either receive the basic income or be part of a control group made up of people who will not receive payments. Individuals receiving the basic income will be compared to the selected control group. Supports will be available to assist potential participants in completing their applications both centrally (via phone or email) and locally (in-person). Payments are expected to begin in the summer 2017.

Individuals living in Lindsay will receive information in the fall of 2017.

Up to 4,000 participants receiving payments through the OBIP will be included in the pilot at full implementation.

For information on OBIP visit [ontario.ca/basicincome](http://ontario.ca/basicincome).

- [YCombinator](#) is also studying the idea of a basic income in Oakland, California.
- [Read about the impact](#) of the Dauphin, Manitoba basic income experiment in the 1970s.
- The OBIP was also informed by a number of expert reports from across the political spectrum, including feedback from the [Mowat Centre](#), the [Canadian Centre for Policy Alternatives](#), and the [Fraser Institute](#).

This is Exhibit "28" referred to in the Affidavit of Tracey  
Mechefske sworn August 21, 2019.



Commissioner for Taking Affidavits (or as may be)

3  
EXHIBIT No. 3  
ON THE EXAMINATION OF  
Sheila Regehr IN  
Burman et al. v HM Q Ontario  
HELD ON Feb. 20, 2020  
NEESON COURT REPORTING INC.

[Skip to main content](#)



This page was published under a previous government and is available for archival and research purposes.

# Archived - Basic Income consultations: What we heard

This report outlines what was heard when Ontarians were invited to share their feedback on the design of a Basic Income Pilot.

Effective March 2019 we are winding down the basic income pilot project. [Learn more \(https://news.ontario.ca/mcys/en/2018/08/ontarios-government-for-the-people-announces-compassionate-wind-down-of-basic-income-research-projec.html\)](https://news.ontario.ca/mcys/en/2018/08/ontarios-government-for-the-people-announces-compassionate-wind-down-of-basic-income-research-projec.html).

## Ministers' message

### Testing new ways to provide income support and fight poverty

We believe that every family deserves the dignity and security of a life free from poverty. That's why our government is proud to launch a Basic Income Pilot to test a different approach to providing people with income support.

Using the [Discussion Paper \(https://www.ontario.ca/page/finding-better-way-basic-income-pilot-project-ontario#section-8\)](https://www.ontario.ca/page/finding-better-way-basic-income-pilot-project-ontario#section-8) written by the Honourable Hugh Segal as a starting point, consultations were held across the province, giving people a voice in determining what the Pilot could look like. Through this report, we are pleased to present what we heard on how best to design and implement the Basic Income Pilot to address the needs of low income individuals. We continue to work with Indigenous partners to ensure that the unique perspectives of their communities are heard.

Building on this feedback, we will introduce a Basic Income Pilot that will test an evidence-based model on how to improve health, employment and housing outcomes for the people of Ontario.

The Pilot will complement our [Poverty Reduction Strategy \(https://www.ontario.ca/page/realizing-our-potential-ontarios-poverty-reduction-strategy-2014-2019\)](https://www.ontario.ca/page/realizing-our-potential-ontarios-poverty-reduction-strategy-2014-2019). It will also help inform the work of our [Income Security Reform Working Group \(https://news.ontario.ca/mcss/en/2016/06/ontario-establishing-income-security-reform-working-group.html\)](https://news.ontario.ca/mcss/en/2016/06/ontario-establishing-income-security-reform-working-group.html), which has been tasked to build a multi-year plan to reform social assistance within the broader income security landscape.

As we design the Pilot, we will ensure that no one will be worse off because they have chosen to participate. This means that participants can always exit the Pilot if their circumstances change. Evaluation results from the Pilot will be made public to help inform the future income security system.

Basic income is a simplified approach to income support. Beyond a basic income, we know that people in Ontario will need other important services like the Ontario Child Benefit. We will ensure that participants have the information they need to decide if the Basic Income Pilot might be right for them based on their unique circumstances.

The energy and enthusiasm that stakeholders, advocates, people with lived experience and other interested individuals brought to the consultations was truly remarkable. As this report demonstrates, the consultation process has provided us with much to consider as we design a model for a Basic Income Pilot in Ontario.

We would like to thank everyone who participated in this important consultation. We are carefully considering all of the feedback we have received as we work to introduce a Basic Income Pilot and are eager to begin the Pilot later this year.

The Honourable Dr. Helena Jaczek  
Minister of Community and Social Services  
The Honourable Chris Ballard  
Minister Responsible for the Poverty Reduction Strategy  
Minister of Housing

## Background

Every day, individuals and families receive income supports through Ontario Works (<http://www.mcass.gov.on.ca/en/mcass/programs/social/ow/>), the Ontario Disability Support Program (<http://www.mcass.gov.on.ca/en/mcass/programs/social/odsp/>), the Ontario Child Benefit, and various other tax credits and benefits. While we have heard that we must continue to improve these programs through rate increases and other improvements and through targeted measures in the Poverty Reduction Strategy (<https://www.ontario.ca/page/realizing-our-potential-ontarios-poverty-reduction-strategy-2014-2019>), we believe more could be done.

We want to test a new approach to improving the health and well-being of people living on low incomes. That's why in June 2016, we asked the Honourable Hugh Segal for advice on how to design and implement a Basic Income Pilot in Ontario. Mr. Segal submitted a discussion paper, Finding a Better Way: A Basic Income Pilot for Ontario, which we used as the starting point for our consultations with Ontarians.

## What is basic income

A basic income is generally seen as a payment from the government to a person or family to ensure they receive a minimum income level.

Different than social assistance, a basic income can be:

- given to anyone who meets the income eligibility criteria
- generally simpler to administer

A basic income can be implemented in a number of ways, including:

- giving the same amount of money to everyone
- topping up the incomes of people who earn less than a certain amount
- setting up a system where people who earn less than a certain amount get a payment from the government, instead of paying taxes

## How the consultations worked

We sought input from people across the province, including people with lived experience with poverty, municipalities, experts, academics, and the general public. We are also working with Indigenous partners to engage with First Nations, urban Indigenous, Métis and Inuit communities.

### Broad and inclusive consultations

Our consultations were broad and inclusive, gathering input from a cross-section of people in Ontario. To ensure that everyone had an opportunity to express their opinions on how a Basic Income Pilot should work, we used four complementary approaches to gather feedback:

1. In-person public meetings
2. An online survey for the public
3. An online survey aimed at people who either work in or are interested in the sector
4. Written submissions from the public, community and related groups

Between November 3, 2016 and January 31, 2017:

- 32,870  
people responded to the public survey
- 1,213  
people responded to the expert survey
- 1,193  
people attended the in-person meetings
- 537+  
written submissions from private citizens and community groups

The public input we received through the consultations is crucial to designing and implementing an effective Basic Income Pilot.

## Consultation findings at a glance

Many individuals who participated in the consultations support the idea of a Basic Income Pilot. In general, they want the Pilot to:

### 1. Include a representative sample of participants

Many agreed that Pilot participants be restricted to residents of the Pilot sites aged 18-64. Among those who participated in in-person consultations, there was also strong agreement that the pilot should include people who are currently receiving social assistance (Ontario Works, Ontario Disability Support Program).

### 2. Have representative locations

Consultation participants supported selecting locations that represent a cross section of social, economic and demographic profiles that are reflective of the entire province. A majority agreed that the Pilot should include urban, rural and northern locations, with varying populations and poverty rates that are representative of the diverse circumstances experienced across the province.

### 3. Lift people out of poverty

There was strong agreement that the Basic Income amount should be set at a level that will lift participants out of poverty. There was a divide over how much that level should be, with some participants recommending a level of 75% of the Low Income Measure (LIM). Others thought that it should be set at 100% of the LIM. The LIM is a common income-based definition of poverty, equal to half of the median household income in Ontario, and adjusted for the number of household members. For 2016, 75% of the LIM would be \$16,989 for a single person or \$24,027 for a couple.

**4. Run efficiently**

Participants were asked if they agreed with piloting the Negative Income Tax (NIT) model, also described as a “refundable tax credit,” that would guarantee a certain level of income. There was solid support for this model, with many respondents noting that it would be a simple, fair system that would encourage employment. While the Discussion Paper specifically recommends against using a Universal Basic Income (or “demogrant”) where all adults in the Pilot would receive the same payment regardless of income level, some people in the in-person consultations suggested using this method.

**5. Measure specific outcomes**

Participants were primarily focused on the following four outcomes that they believe would be most directly impacted by a basic income: **health, housing, food and work behaviour.**

## What we heard

The following is a summary of the thousands of comments, suggestions, and opinions we received during the consultations. Participants provided us with creative and innovative answers to many of the questions that arose during the consultations. As in any public consultation, there were also some varying opinions on how we should proceed. This summary is a snapshot of the entire consultation process, organized under the following headings:

- Determining eligibility for the Pilot
- Selecting locations for the Pilot
- Determining the Basic Income benefit amount
- Delivering the Pilot results
- Evaluating the Basic Income Pilot

### Determining eligibility for the Pilot

Consultation participants were asked to suggest specific groups of people for the Pilot, and to consider what factors the Pilot should use to determine their eligibility.

#### Eligibility

Many agreed that Pilot participants should be residents of the Pilot sites who are aged 18-64. There was strong agreement that people currently receiving social assistance (Ontario Works, Ontario Disability Support Program) should also be eligible for the Pilot, which was also suggested in the Discussion Paper. Some also wanted to include seniors in the Pilot, and others suggested including youth aged 16 and 17 who are living independently. Many of those consulted suggested that the criteria for Pilot eligibility should be broad.

#### Diversity

Participants felt that it was important to ensure a diverse sample of the population, taking into account some groups that are more likely to benefit from a basic income. Some specific groups suggested were:

- those engaged in precarious work
- people trying to enter the workforce (e.g. new graduates and immigrants)
- people receiving Ontario Works or Ontario Disability Support Program benefits
- undocumented residents
- single parents
- First Nations people and communities
- newcomers
- refugees
- homeless people

## Income determination

Participants were divided in their opinions on whether to use either individual income or family income to determine eligibility for the Pilot. Participants pointed out advantages for both criteria.

People who preferred using **family income** for eligibility noted:

- family income is the most accurate and fair measure of household resources
- income disparity within families means one member could qualify while others wouldn't
- family cost of living is shared
- household expenses are higher for families than individuals
- family members support each other financially

People who preferred using **individual income** for eligibility noted:

- it provides individuals with more autonomy and choice
- it may reduce financial pressure to remain in abusive relationships
- unemployed members of a family could receive their own basic income directly

## Selecting locations for the Pilot

Participants in the consultations were asked to suggest criteria and a process for selecting Pilot locations. They considered whether the Pilot should be launched in multiple communities simultaneously, or phased-in over time.

### Variety of locations

Many agreed that the Pilot should include urban, rural, and northern locations, with varying populations and poverty rates. Participants strongly supported selecting locations that reflect the diverse social and economic contexts of Ontario's communities.

### Locations with demonstrated need

Another area of broad agreement was to select areas that demonstrate the greatest need, or where there are disproportionately high poverty rates. Participants offered specific suggestions to help select relevant communities that would provide meaningful Pilot data. These included:

- areas most in need, based on regional poverty rates
- areas with low employment rates
- First Nation communities, including urban, rural and isolated locations
- the 10 regions in Ontario with the most people receiving social assistance benefits
- areas with poor health statistics and limited access to housing
- locations with significant economic disparities
- communities with a distressed manufacturing sector

### Locations willing to participate

Most participants emphasized the importance of selecting communities that are willing and even enthusiastic to participate in the Pilot. To accomplish this, they suggested:

- identification of suitable communities
- no requirement that communities must apply to be considered
- a simple application process for interested communities

- a random selection process drawing from a pool of interested/suitable communities

Some participants suggested that if someone moves from a designated Pilot area, they should not lose access to Basic Income.

### **Diverse populations**

Many groups underlined the importance of defining diversity in the context of specific communities. For example, diversity in an urban community would likely differ significantly from diversity in a rural setting.

Most groups expressed a preference for locations that reflect various aspects of the province's diversity. These include:

- communities with high levels of ethno-cultural diversity
- First Nations communities

### **Simultaneous start up**

Many participants preferred a simultaneous launch of the Pilot in all locations across Ontario. Advantages cited include:

- different groups can be compared in real time
- the ability to provide data sooner
- being able to offer help to participants sooner
- more reliable and comparable data
- limiting the amount of variation in the study arising from differing timelines

Some suggested a staggered approach to implementing the Pilot, citing the opportunity to work out operational challenges. Possible benefits of a staggered approach include taking the time necessary to slowly roll out the Pilot in a thoughtful and practical way.

### **Determining the Basic Income benefit amount**

Consultation participants considered how much a basic income should be and what that amount should do - should it raise incomes significantly, or provide a modest level of stability? They were also asked to suggest what other services and supports should accompany basic income, and what elements of existing programs (e.g., Ontario Works and Ontario Disability Support Program) should be replaced by the Basic Income during the Pilot.

The Discussion Paper (<https://www.ontario.ca/page/finding-better-way-basic-income-pilot-project-ontario>) recommended using the Low Income Measure (LIM), a common income-based definition of poverty, to set benefits rates. The LIM is equal to half of the median household in Ontario, and adjusted for the number of people in the household.

### **Lifting people out of poverty**

There was agreement that the Basic Income amount should be set at a level that will lift participants out of poverty, with mixed opinion on how much that level should be, ranging between 75% or 100% of LIM. There was a recognition that the amount should consider the additional needs of families with children. There was a general agreement with the Discussion Paper recommendation that people with disabilities receive an additional \$500 per month, in addition to the 75% and 100% LIM amount.

### **Table: Potential Basic Income amounts**



Household size	75% LIM 2016 estimate	100% LIM 2016 estimate
Single person	\$16,989	\$22,653
Couple	\$24,027	\$32,036

### Working with existing programs

There was widespread concern about the effect that a basic income could have on those who are currently receiving Ontario Works or Ontario Disability Support Program benefits. In virtually every consultation, participants agreed with the principle outlined in the Discussion Paper that “no individual will be made worse off during or after the Pilot.”

There was also general agreement that current features of existing benefits (dental, drugs, assistance devices, medical transportation, vision care, etc.) for those on social assistance should be maintained with the Basic Income Pilot.

A small number of participants suggested that the Basic Income should replace other benefit programs, such as Employment Insurance, Old Age Security, Canada Pension Plan, etc.

Many participants also commented that social assistance rates should be raised immediately in order to better meet Ontarians’ needs.

### Considering cost of living

Many consultation participants referred to the cost of living in communities across Ontario, where it can be higher in some urban and northern areas of the province. For example, the amount required to cover living expenses and basic needs such as food and housing differs according to where one lives. Respondents agreed this should be considered when determining how much a basic income should be.

### Additional services and benefits

Many consultation participants offered suggestions for additional services that should be available for participants in the Basic Income Pilot. These suggested services include:

- employment services
- financial literacy training
- income tax support services
- food/nutrition education
- internet access
- life skills training
- medical benefits (including dental and drug)
- mental health and addictions support

### Delivering the Basic Income Pilot

Participants were asked if they agreed with the Negative Income Tax (NIT) model, as recommended in the Discussion Paper. Also defined as a refundable tax credit, this model would guarantee a certain level of income regardless of circumstances.

The Discussion Paper specifically recommends against using a Universal Basic Income (or “demogrant”) where all adults in the Pilot would receive the same payment, subject to income tax. The paper notes that other jurisdictions are testing this method, and that financial costs would be prohibitive. Despite this, many people in the in-person consultations suggested using this method, acknowledging the higher costs.

Consultation participants also offered opinions on how the Basic Income Pilot should respond to changes in a person's income.

### Choosing a benefit delivery model

In the NIT model, benefits are provided to those whose income falls below a minimum level. Benefits are adjusted at an established rate, as earned income increases or decreases. Some respondents preferred this delivery model. The preference for NIT rose significantly in step with their understanding of how it would work in practice.

Many respondents who agreed with the use of the NIT model noted that it would be a simple, fair system that would encourage employment. Most preferred to have some type of income tracking (such as the existing income tax system) in place.

Suggestions to enhance delivery through an NIT include:

- additional supports to help participants navigate the income tax system
- setting income levels annually, and allowing for more frequent payments (e.g. monthly or bi-weekly)

Many participants also stated that the Basic Income Pilot should be flexible to reflect changes in a person's circumstances, for example, job loss, divorce or changes in income. This would ensure that the Basic Income continues to provide stability and income security if a new challenge arises.

For those who favoured a Universal Basic Income model (equal payments to all in the Pilot regardless of income level), its simplicity was seen as a great strength, while its costs were often cited as prohibitive.

### Delivering payments

Most participants who favoured the NIT model also felt that delivery using the income tax system would work best. Opinions on how participants should receive their payments were quite consistent. Various payment systems were suggested, including direct deposit, email money transfers, and reloadable payment cards. Some noted that these payment methods would also ensure privacy and reduce bureaucracy.

### Evaluating the Pilot results

Evaluation of the Pilot depends on reliable, secure data that reflect measurable outcomes. Consultation participants ranked the importance of 10 outcomes that could be affected by the Pilot. These outcomes range from health and education to food insecurity and social inclusion. The participants also offered their views on how to protect the privacy of Pilot participants, while ensuring that the data generated by the Pilot is useful for planning purposes and future programs.

### Measuring outcomes: health and housing top the list

The Discussion Paper suggested 10 measurable outcomes to be assessed in order of importance by consultation participants. They are:

- health
- life and career choices
- education outcomes
- work behaviour, job search and employment status
- community level impacts where the Pilot operates in local areas
- direct administrative costs or savings
- changes in food security status

- perceptions of citizenship and inclusion for participants
- impact on mobility and housing arrangements.
- impact on participants' relationship with existing social programs

There was a general agreement that four of the 10 outcomes listed in the Discussion Paper are particularly important: **health, housing, food, and work behaviour**. Many participants noted that improvements in these four areas would improve outcomes in most of the other suggested areas. Others declined to rank them, stating that all the outcomes were important.

Participants also offered their own ideas for indicators to assist in measuring progress toward the 10 outcomes. These included:

- food bank usage
- health care wait times
- enrolment in post-secondary and trade programs
- volunteer activity
- homelessness rates
- crime rates
- domestic violence rates
- community safety
- quality of life (e.g. family time, arts)
- mental health
- rates of addiction
- high school and postsecondary graduation rates
- visits to hospital and doctors' offices
- community involvement
- ability to cope and provide for family

### Protecting participant privacy

Many participants expressed a strong preference for strict protection of the Pilot participants' privacy and confidentiality. Another common thread was a belief that participants could (and would) share their personal information, as long as it could not be traced back to them. Many participants said that if they were in the Basic Income Pilot, they would share their anonymous personal information if they knew how it would be used. Some did not agree that any data should be shared.

With those privacy caveats in place, a strong majority understood and accepted the need to share anonymized research findings with the public. Many also believed that Pilot participants should have access to the results before they are released to the public.

### Encouraging participation

Consultation participants offered numerous creative ideas to encourage participation in the Pilot. They include:

- communicating through the media
- helping people to understand how their information will be used
- simplifying the application process
- providing success stories
- being transparent about the purpose of the Pilot as the basis for further research
- emphasizing that it could reduce government spending in the future
- explaining that there will be support provided to participants after the Pilot ends
- discussing the benefits of participation in the Pilot
- ensuring service providers receive education about the Pilot

## Comments beyond basic income

Activists from the “Raise the Rates” campaign attended some of the consultations and read a motion from the floor calling for an immediate increase in social assistance rates.

## Submissions to the Basic Income Pilot consultations

The Ministry received submissions from a wide variety of groups and organizations, along with hundreds of submissions from individuals.

### Municipalities

Regional Municipality of York

Regional Municipality of Durham - staff

Regional Municipality of Durham - community

Simcoe Muskoka District Health UNIT (on behalf of alPHA-OPHA and Public Health Ontario)

Simcoe County

City of Kawartha Lakes

Region of Peel - staff

Region of Peel - community

London’s Child and Youth Network and City of London, Social Services - Lived Experience

London’s Child and Youth Network and City of London, Social Services - Staff

Association of Municipalities of Ontario

Halton Region

Ontario Municipal Social Services Association

City of Niagara Falls

United Counties of Leeds and Grenville

Toronto Public Health

City of St. Thomas

### Community organizations

Advocacy Centre for Tenants Ontario

Basic Income Earth Network, Belgium

Bruce Grey Poverty Task Force

Centre for Addiction and Mental Health and Empowerment Council

Campaign 2000/Family Service Toronto

Canadian Diabetes Association

Canadian Mental Health Association

CNIB

Coalition of Community Health and Resource Centres of Ottawa

Dietitians of Canada

Down Syndrome Association of Simcoe County

Group Ottawa for Basic Income Guarantee

Guelph and Wellington Task Force for Poverty Elimination

Halton Poverty Roundtable

Hamilton Community Food Centre

Income and Community Development Pillar, Thunder Bay and District Poverty Reduction Strategy

Income Security Advocacy Centre

Land O'Lakes Community Services

Louis Even Institute of Social Justice

March of Dimes Canada

Middlesex-London health Unit

Niagara Poverty Reduction Network

North Bay Parry Sound District Health Unit

North Lanark Community Health Centre

Ontario Association of Interval & Transition Houses (OAITH) Survivor Group

Ontario Council, Canadian Federation of University Women

Ontario Economic Development Society

Ontario Native Welfare Administrator's Association

Ontario Network of Employment Skills Training Projects

Ontario Non-Profit Housing Association

Ontario Society of Nutrition Professionals in Public Health

Ottawa Poverty Reduction Network

Peel Poverty Action Group

Poverty Reduction Network Sarnia-Lambton

Registered Nurses Association of Ontario

Rideau Community Health Services

Sault Ste. Marie and Algoma District

Scarborough Civic Action Network (SCAN)

Simcoe Muskoka District Health Unit

Social Planning Council of York Region

St. Catharines Road to Empowerment

St. Clare's Multifaith Housing Society

Toronto-Danforth Provincial Liberal Association

United Way Peterborough

University of Toronto Public Health & Preventive Medicine Resident Physicians

West Neighborhood House

West Neighborhood House, Informal Economy project

Yonge Street Mission

YWCA Toronto

## **Labour**

Ontario Federation of Labour

Ontario Public Service Employees Union (OPSEU)

Canadian Union of Public Employees, Ontario

Canadian Union of Public Employees, Local 79

## **Basic income groups**

Voice of the Poor Committee

Basic Income Waterloo Region

Hamilton Basic Income

Basic Income Peterborough Network

Kingston Action Group for a Basic Income

## Political organizations

Green Party of Ontario

Green Party of Canada

## Ministry of Community and Social Services and Ontario Works Offices

ODSP office, Scarborough

ODSP Client Advisory Group

ODSP office, Brantford

ODSP office, Simcoe

ODSP Special Services At Home (SSAH), and Assistance for Children with Severe Disabilities (ACSD)

Lanark County Ontario Works

ODSP office, 47 Sheppard Ave. E, Toronto

ODSP office, Sudbury

Ontario Works, City of Kingston

Updated: August 2, 2019

Published: March 16, 2017

## Related

[Basic Income Pilot home page \(https://www.ontario.ca/page/basic-income-pilot-consultation\)](https://www.ontario.ca/page/basic-income-pilot-consultation)

[Finding a Better Way: A Basic Income Pilot for Ontario](#)

# **Bowman, et al. v. HMQ**

DEBBIE BURKE-BENN  
on Thursday, February 20, 2020



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Toronto, Ontario M5K 1A1

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Court File No. CV-19-00000035-00CP

ONTARIO

SUPERIOR COURT OF JUSTICE

B E T W E E N:

DANA BOWMAN, GRACE MARIE DOYLE HILLION,  
SUSAN LINDSAY and TRACEY MECHEFSKE  
Plaintiffs

- and -

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO  
Defendant

-----  
--- This is the Cross-Examination of DEBBIE  
BURKE-MANN, on her affidavit sworn November 28,  
2019, taken at the offices of Neesons, a Veritext  
Company, Suite 2020, 77 King Street West, Toronto,  
Ontario, on the 20th day of February, 2020.  
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A P P E A R A N C E S :

STEPHEN J. MOREAU, Esq., for the Plaintiffs  
& KALEY DUFF, Esq.,

CHRISTOPHER P. THOMPSON, Esq., for the Defendant  
& CHANTELLE BLOM, Esq.,

Also Present: Michelle Logasov, Student-at-Law

REPORTED BY: Deana Santedicola, RPR, CRR, CSR

I N D E X

WITNESS: DEBBIE BURKE-BENN

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\*\*The following list of undertakings, advisements  
and refusals is meant as a guide only for the  
assistance of counsel and no other purpose\*\*

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and appear on the following pages: 105:13, 110:11,  
112:6

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noted by U/A and appear on the following pages:  
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1:	Printout of the LinkedIn profile for Debbie Burke-Benn.....	19:14
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1 -- Upon commencing at 10:45 a.m.

2  
3 DEBBIE BURKE-BENN; SWORN.

4 CROSS-EXAMINATION BY MR. MOREAU:

5 1 Q. Ms. Burke-Benn, good morning. I  
6 am Stephen Moreau. I'm one of the counsel to the  
7 plaintiffs in the class action known as Bowman et  
8 al. v. Her Majesty The Queen in Right of Ontario.  
9 I am going to be asking you some questions this  
10 morning, as you know.

11 I just want you to know a few things.

12 Number 1, you know, this shouldn't be a  
13 game. In other words, if I ask a question, you  
14 shouldn't feel you have to answer it if you don't  
15 understand it, if you need it repeated. You are  
16 welcome to say, Mr. Moreau, I don't understand what  
17 you just said, or can you repeat it, I didn't hear  
18 you. So I just want you to know that you should  
19 feel free to do that if you need to.

20 I am just going to ask a few  
21 introductory questions, and then we'll get started  
22 into some more detailed questions. The first one  
23 is just confirm for us that at tab "A" of your  
24 motion record, which you have in front of you, that  
25 is where we find your affidavit; is that correct?

1 A. Yes, that is correct.

2 2 Q. And you swore this affidavit at  
3 tab "A" of your record on the 28th day of November,  
4 2019, as I see on the last page.

5 A. That is correct.

6 3 Q. And again, just a small point,  
7 Ms. Burke-Benn, if you just wait until my question  
8 is asked fully, pause and then answer it, just it  
9 helps the reporter record everything.

10 And you have been sworn this morning to  
11 tell the truth; is that correct?

12 A. That is correct.

13 4 Q. Okay. And just for the record,  
14 could you spell your name in full, please?

15 A. Debbie, D-e-b-b-i-e, Burke-Benn,  
16 B-u-r-k-e-hyphen-B-e-n-n.

17 5 Q. So, Ms. Burke-Benn, at the  
18 beginning of your affidavit, you say that you are  
19 employed currently as Director of Strategic Policy,  
20 Youth Strategies Branch, the Ontario Ministry of  
21 Children, Community and Social Services; is that  
22 your title today?

23 A. Yes, it is.

24 6 Q. Okay. And then in the second  
25 paragraph, you say that previously you were the

1 Director of the Basic Income Pilot with MCCSS from  
2 July 2017 to April 2019; do you see that there?

3 A. Yes, I do.

4 7 Q. And you have helped us by noting  
5 that although it is called the MCCSS now, at the  
6 time the pilot was in operation -- at least before  
7 the current government was elected, I should say,  
8 the Ministry was called the MCSS; correct?

9 A. That's correct.

10 8 Q. I mean, at the time the Basic  
11 Income Pilot was active and before the last  
12 election, there were actually two Ministries with a  
13 "C" in the name, if I can put it that way. There  
14 was the Ministry of Community and Social Services,  
15 but there was also the Ministry of Children and  
16 Youth Services, right?

17 MR. THOMPSON: What is the question,  
18 that there were two what? Sorry.

19 BY MR. MOREAU:

20 9 Q. That at one time, Counsel, as I  
21 understand it, there were these two Ministries,  
22 MCSS and MCYS, and then following the last  
23 election, the two merged into what we would call  
24 the MCCSS. I was just going to confirm that is the  
25 case.

1 A. That is correct.

2 10 Q. Okay. In 2017, when you became  
3 the Director, the Minister -- the relevant Minister  
4 of Community and Social Services, that was Helena  
5 Jaczec; is that right?

6 A. Yes, that is correct.

7 11 Q. Okay. Now, just for the record,  
8 Ms. Burke-Benn, starting now, if I ever say "the  
9 Minister" or "the Ministry", I do mean either MCSS  
10 or MCCSS, and hopefully with my question, it will  
11 be obvious which Ministry I'm talking about or  
12 which Minister I'm talking about.

13 Now, in our motion record -- I am just  
14 going to ask Counsel to put it before you. I'm  
15 going to ask you to put Volume 2, tab 29, page 853,  
16 and while it is being put before you,  
17 Ms. Burke-Benn, for the record, this is Exhibit 29  
18 to the Mechefske affidavit.

19 You will see at page 852, Ms.  
20 Burke-Benn -- I see you have it in front of you --  
21 that this is an archived news release from March  
22 16, 2017, about moving forward with the Basic  
23 Income Pilot. And then on the next page, there are  
24 some quotes, and there is a quote from the Minister  
25 of Community and Social Services. There is also a



1 quote from a Chris Ballard listed here as the  
2 Minister responsible for poverty reduction; do you  
3 see that there?

4 A. Yes, I do.

5 12 Q. Was there -- at the time that the  
6 pilot was in play or in operation, was there a  
7 Ministry of poverty reduction, as far as you know?

8 A. Not to my knowledge.

9 13 Q. I see this reference to the  
10 Minister responsible for poverty reduction here and  
11 there throughout these documents, but you would  
12 agree with me that at the time that the BI Pilot,  
13 the Basic Income Pilot, was operational, the team  
14 that was running the pilot fell under the Ministry  
15 of Community and Social Services; correct?

16 A. That's correct.

17 14 Q. In other words, you were never a  
18 director, employee, agent of the Ministry of  
19 poverty reduction, if such a Ministry even ever  
20 existed?

21 A. That's correct.

22 15 Q. Okay. And as the Director of the  
23 Basic Income Pilot, did you report to an Assistant  
24 Deputy Minister?

25 A. Yes, I did.

1 16 Q. And was it Karen Glass?

2 A. That's correct.

3 17 Q. Okay. Now, if you go now -- so  
4 now taking out Volume 2 and going to Volume 3 of  
5 the plaintiffs' motion record at page 1434 -- so,  
6 Counsel, it is almost at the very end of this  
7 record. What you are going to be shown now is a  
8 PowerPoint presentation, Ms. Burke-Benn, and there  
9 is going to be at page 1434 --

10 MR. THOMPSON: I don't have a -- I have  
11 a 32, 33. Oh, there it is. 33 in mine.  
12 Anyways --

13 MR. MOREAU: Mine says 1434 in the top  
14 right-hand corner.

15 MR. THOMPSON: I think it is the same  
16 one. Yeah, I think it is the same one, but the  
17 page before is 1432 and then this does not have a  
18 page number. It looks like we are missing --

19 MR. MOREAU: Just off the record for a  
20 second.

21 (DISCUSSION OFF THE RECORD.)

22 BY MR. MOREAU:

23 18 Q. So, Ms. Burke-Benn, what I am  
24 going to do, just so that we are all clear, just  
25 before we actually get to -- it is page 1434 in my

1 book and a different page in your book. I am going  
2 to take you back to page 1394, and you are going to  
3 see the first page of what is Exhibit 4 to the  
4 Sheila Regehr affidavit, which Sheila calls a  
5 PowerPoint presentation that she remembers seeing  
6 in New York in June of 2017. So you'll see the  
7 first page right in front of you. And do you see  
8 it there?

9 A. I do.

10 19 Q. And there is Karen Glass's name.  
11 Ontario Basic Income Pilot is on the page; do you  
12 see that there?

13 A. I do.

14 20 Q. Again, I am not going to ask you  
15 right at the moment whether you are familiar with  
16 this document. All I want to show you is that at  
17 the very end of this seeming PowerPoint  
18 presentation, Karen Glass is listed here with a  
19 photo. First of all, when you look at that photo,  
20 does that look like Karen Glass?

21 A. That is Karen Glass, correct.

22 21 Q. Okay. She says her title is  
23 Assistant Deputy Minister, and you remember she was  
24 at the relevant time an Assistant Deputy Minister;  
25 correct?

1 A. Correct.

2 22 Q. It says here she is the Assistant  
3 Deputy Minister with the Poverty Reduction Strategy  
4 Division, Ontario Ministry of Community and Social  
5 Services. I mean, to your knowledge, was that her  
6 title throughout the currency of the Basic Income  
7 Pilot, or do you just not know?

8 A. That was her title.

9 23 Q. Okay. And of course today when  
10 you say that you are the Director of Strategic  
11 Policy, that is -- you report to the ADM of  
12 Strategic Policy; correct?

13 A. No, I do not.

14 24 Q. Okay. Who do you report to today?

15 A. I report to Jill Vienneau. She is  
16 the Assistant Deputy Minister, Strategic Policy  
17 Division.

18 25 Q. I see. Okay. Within -- what is  
19 now the Ministry of Children, Community and Social  
20 Services?

21 A. Correct.

22 26 Q. Okay. And when you -- this is  
23 perhaps because I'm not in the Public Service.  
24 When you say at paragraph 1 of your affidavit that  
25 you are a Director with the Youth Strategies

1 Branch, is that how your Ministry is divided, there  
2 is one director per branch and one ADM per  
3 division?

4 A. Yes, that is correct.

5 27 Q. So in other words, Strategic  
6 Policy Division, which you mentioned a moment ago,  
7 Jill Vienneau as ADM of Strategic Policy Division,  
8 that is the division under which you currently  
9 fall?

10 A. That's correct.

11 28 Q. Sticking to this same Volume 3,  
12 Counsel, just going back a few pages to page 1387,  
13 what I am going to be showing you right now,  
14 Ms. Burke-Benn, is a website that we found from the  
15 Rotman School of Management. And it looks like  
16 there is some sort of event happening according to  
17 this, and whether it happened or not is neither  
18 here nor there, but on the second page, Karen Glass  
19 makes her appearance as a member of a panel, and  
20 she is listed as being with the Poverty Reduction  
21 Strategy Office at Treasury Board Secretariat.

22 Do you have any idea as to why she is  
23 reporting herself as being with Treasury Board  
24 Secretariat as opposed to the Ministry?

25 MR. THOMPSON: Well, she is not

1 reporting herself as anything. I think you have to  
2 ask her if she has seen this document before, what  
3 she knows about this document, who put it together,  
4 who wrote that. I mean --

5 MR. MOREAU: Well, with all due  
6 respect, counsel, I could pick a document up off  
7 the floor, show it to the witness, and it says that  
8 Karen Glass is with the Treasury Board Secretariat  
9 and ask her are you personally aware if Karen Glass  
10 at any time was with Treasury Board Secretariat.

11 MR. THOMPSON: Well, if that is what  
12 you want to ask, then go ahead.

13 BY MR. MOREAU:

14 29 Q. That is what I asked and what I  
15 will ask. Are you aware, Ms. Burke-Benn, as to  
16 whether Karen Glass at all fell within the purview  
17 of Treasury Board Secretariat at any point in time  
18 as an ADM?

19 A. I believe she was an ADM with  
20 Treasury Board Secretariat.

21 30 Q. Was she, as far as you know, a  
22 part of Treasury Board Secretariat before the  
23 Ministry or simultaneously with the Ministry?

24 A. Can you clarify which Ministry?

25 31 Q. The Ministry --

1 MR. THOMPSON: Can you clarify why we  
2 are talking about this?

3 MR. MOREAU: Well, I have been told by  
4 Ms. Burke-Benn that she reported to Karen Glass and  
5 that all her work with Karen Glass was under the  
6 umbrella of the Ministry, yet just the year prior,  
7 in 2016, we have a document that suggests that  
8 Karen Glass is not with the Ministry. And again, I  
9 mean the Ministry of Community and Social Services,  
10 but she is with Treasury Board Secretariat. I'm  
11 just wondering if I --

12 MR. THOMPSON: So --

13 MR. MOREAU: We also see that there is  
14 a reference to another Minister out there  
15 associated with the pilot called the Minister of  
16 Poverty Reduction, so I just want to make sure that  
17 I understand who the key players are with respect  
18 to the pilot. That is really all I'm trying to do  
19 here.

20 R/F MR. THOMPSON: Well, she has told you  
21 that Karen Glass was the Assistant Deputy Minister,  
22 and she was the Director. Whether Karen Glass had  
23 other responsibilities, I don't see how that has  
24 any bearing on anything.

25 BY MR. MOREAU:

1 32 Q. Okay. I'll move on.

2 Was the Basic Income Pilot,  
3 Ms. Burke-Benn, a branch or a division of the  
4 Ministry of Community and Social Services?

5 A. The Basic Income Pilot was a  
6 branch of the Ministry.

7 33 Q. Okay. And when you were the  
8 Director of the Basic Income Pilot, did you  
9 maintain any other roles, duties or  
10 responsibilities during the time as Director of the  
11 Basic Income Pilot?

12 A. Can you clarify what you mean by  
13 that?

14 34 Q. Any other -- did you have any  
15 other duties apart from the duties associated of  
16 Director of the Basic Income Branch, Basic Income  
17 Pilot branch?

18 A. No.

19 35 Q. Okay.

20 MR. THOMPSON: Counsel, I'm allowing  
21 these questions to go, but it seems to be in the  
22 nature of discovery-type questions as opposed to  
23 cross-examination on an affidavit for a  
24 certification motion. So I am allowing them to go,  
25 but I would ask you to do your best to confine them



1 to the questions to the issues at hand.

2 MR. MOREAU: I understand. You  
3 probably appreciate, Counsel, that what we have  
4 here is we have an affidavit that is sworn by an  
5 individual who says she is with the Ministry of  
6 Children and Community and Social Services and  
7 previously with the predecessor Ministry, if I can  
8 put it that way, and we have some other documents  
9 here that suggest that maybe there were other  
10 Ministers or Ministries involved.

11 Quite frankly, I don't think there  
12 were. I think that what is relevant is that it is  
13 her Ministry. I would accept that. But we just  
14 see a couple of other documents that reference  
15 other Ministries, and I just want to clear the air  
16 that the Basic Income Pilot was a branch of the  
17 Ministry of Community and Social Services. I have  
18 heard that now, so it may be that I don't have more  
19 questions for this witness on these points.

20 In fact, what I am doing right now is  
21 I'm crossing off a whole series of questions I now  
22 no longer need to ask.

23 BY MR. MOREAU:

24 36 Q. In your affidavit at paragraph 2,  
25 Ms. Burke-Benn -- sorry, I don't have to ask that

1 question. Sorry, just scratch that.

2 Now, I do have a question, though, from  
3 number 2, and I apologize. You tell us at the  
4 start of paragraph 2 that you were the Director of  
5 the Basic Income Pilot from July 2017 to April  
6 2019.

7 I am going to show you your LinkedIn  
8 profile, and I will just tell you why. Your  
9 LinkedIn profile says that you were the Director  
10 starting June of 2017. I just want to show you  
11 that and just ask you to tell us is it actually  
12 June, is it July, is it something else. And just  
13 perhaps in seeing your profile, that might help you  
14 either jog your memory or confirm or clarify your  
15 answers.

16 Here it comes. So, Ms. Burke-Benn, I  
17 am handing one copy to you and one copy to counsel  
18 of what appears to be your LinkedIn profile, and I  
19 wonder if you could confirm this is indeed a  
20 printout of your LinkedIn profile. Take as much  
21 time as you need to confirm that.

22 A. Yeah, it looks like my -- yes, it  
23 is.

24 37 Q. And if you go to the second page  
25 of the LinkedIn profile at the bottom, you are

1 listed here as being with the Ontario Public  
2 Service for three years, one month, and underneath  
3 that, you are listed as the Director of the Basic  
4 Income Pilot from June 2017 to the present.

5 So never mind the present part. It  
6 says June 2017, yet your affidavit says July 2017.  
7 So was it June, was it July, was it some other  
8 date?

9 A. I believe it could be the end of  
10 June.

11 38 Q. Okay. Counsel, let's just mark  
12 this as the first exhibit to this examination, if  
13 you don't mind.

14 EXHIBIT NO. 1: Printout of the  
15 LinkedIn profile for Debbie Burke-Benn.  
16 MR. MOREAU: I take it you have no  
17 objection?

18 MR. THOMPSON: No.

19 THE DEPONENT: If I could just qualify,  
20 I started at the Basic Income in a function that  
21 was different from the function that I originally  
22 took on as the Basic -- responsible for the Basic  
23 Income in its entirety from a Director perspective.  
24 I was first hired as someone supporting a project  
25 management function.

1 BY MR. MOREAU:

2 39 Q. Okay. Do you remember when that  
3 was?

4 A. I would prefer to just go back and  
5 look at my start date information and provide it to  
6 you.

7 40 Q. Okay. I mean, where would you  
8 have to go to just look that up?

9 A. On my WIN profile, and the  
10 government has a WIN profile.

11 MR. THOMPSON: Well, does anything turn  
12 on, Stephen, whether it is June or July?

13 BY MR. MOREAU:

14 41 Q. Well, I am planning on asking this  
15 witness some questions about some documents that  
16 predate June, July, so documents that emanated from  
17 the Ministry or the Basic Income Pilot, and it  
18 sounds like I am going to be able to get some  
19 answers from this witness to some of these  
20 documents. So knowing that she has a start date  
21 within the Pilot of April or March could be of some  
22 relevance.

23 I am going to have to obviously  
24 continue with my questions, and what I am hearing  
25 from the witness here is she is not prepared to

1 answer this question just off the top of her head,  
2 but I do think it is relevant to know when she  
3 first becomes associated with the Pilot.

4 A. I can clarify I was not there in  
5 April or -- March or April.

6 42 Q. Okay. So you know for sure you  
7 had no affiliation with the Basic Income Pilot in  
8 March and April; is that what you are saying?

9 A. That's correct.

10 43 Q. Okay. So it may be that --  
11 sometime after March, but you can't remember  
12 precisely when -- not it may be. It is in fact the  
13 case that sometime after March you acquired some  
14 kind of role associated with the Pilot; correct?

15 A. Between the end of June and early  
16 July, sometime after March.

17 44 Q. Between the end of June and early  
18 July, that is when you become the Director of the  
19 Basic Income Pilot; correct?

20 A. That's correct.

21 45 Q. But before you became the Director  
22 of the Basic Income Pilot and therefore after March  
23 as well, you had some other role; correct?

24 A. That's correct.

25 46 Q. And do you actually at least

1 remember the title that you had?

2 A. In my previous role?

3 47 Q. That's right. And if you don't,  
4 that is fine, you can just tell me you don't  
5 remember.

6 A. I don't remember at this moment.

7 48 Q. Whatever title you had at that  
8 time, were you reporting to the then Director of  
9 the Basic Income Pilot?

10 A. No, I was not.

11 49 Q. You were also reporting to Karen  
12 Glass in that role too?

13 A. Can you clarify which period we  
14 are talking about here?

15 50 Q. I'm talking about the period after  
16 March but before you become the Director of the  
17 Basic Income Pilot?

18 A. I was not reporting to Karen  
19 Glass.

20 51 Q. Who were you reporting to?

21 A. Fred Pitt.

22 52 Q. Okay. Do you remember what Fred  
23 Pitt's role was at that point?

24 A. I can't remember his exact title.

25 53 Q. But he was also affiliated with

1 the Basic Income Pilot?

2 A. No, he was not.

3 54 Q. So did you, therefore, have a role  
4 just prior to being the Director of the Basic  
5 Income Pilot that was affiliated in part with the  
6 Basic Income Pilot and therefore you had some  
7 responsibilities that were Pilot-related and some  
8 that were not?

9 A. No, that is not correct.

10 55 Q. All your responsibilities in the  
11 job just prior to being the Director were related  
12 to the Pilot?

13 A. I came into the Basic Income Pilot  
14 to do a director role that was associated with  
15 governance and project management, and then shortly  
16 after that, the Director responsible for  
17 implementing the Pilot left, and I became the sole  
18 Director of the Basic Income Pilot.

19 56 Q. Okay. No, that is fair, and the  
20 Director who left, that was Kevin Pal; correct?

21 A. That's correct.

22 MR. MOREAU: Now, Counsel, I am going  
23 to just take the witness through one final document  
24 just to see if we can better establish the dates  
25 here. We have gone on to the Ministry of Community

1 and Social Services' website and more specifically  
2 to archived versions of the site where we can find  
3 organizational charts. I am just going to -- I'm  
4 probably only going to refer to one or two of them,  
5 but these are all the organizational charts that we  
6 can get our hands on beginning November of 2015  
7 onward. I have a second copy if you want one for  
8 the witness and one for you, Counsel.

9 MR. THOMPSON: Sure. Thanks.

10 BY MR. MOREAU:

11 57 Q. So, Ms. Burke-Benn, what you are  
12 seeing on the first page is an organizational chart  
13 dated November 2015, and you see the Minister is  
14 Helena Jaczec; do you see that there?

15 A. I do.

16 58 Q. And if you go further ahead to the  
17 next one, October 2016, you are going to see Karen  
18 Glass on the left side is the ADM, Poverty  
19 Reduction Strategy Office; do you see that there?

20 A. I do.

21 59 Q. And if you go to the next one, May  
22 of 2017, Kevin Pal makes his appearance for the  
23 first time under Ms. Glass as the Director of the  
24 Basic Income Pilot Project; do you see that there?

25 A. I do.



1                   60                   Q.     Okay.   Just pausing on these for a  
2                                   moment, do you recognize these org. charts as org.  
3                                   charts that were in use at the Ministry at the  
4                                   time, or do these not look familiar to you?

5                   A.     I do not.

6                   61                   Q.     Okay.   And then on the fourth  
7                                   page, there is an organizational chart from July of  
8                                   2017, and Mr. Pal is still there listed as the  
9                                   Director of the Basic Income Pilot Project.   So if  
10                                  I show you that and suggest to you that in fact you  
11                                  became the Director of the Basic Income Pilot  
12                                  Project in August, would you say to me, no, that is  
13                                  wrong; no, now that I see this name on this org.  
14                                  chart, actually it was August?   What would you say  
15                                  to that?

16                   A.     I would say that Ministry  
17                                  organizational charts are developed in a corporate  
18                                  entity on a frequency that I am not aware of.

19                   62                   Q.     Right.

20                   A.     And when they are updated in  
21                                  relation to when multiple people come and go has  
22                                  little relevance, from my perspective -- although I  
23                                  have never seen any of these -- to the dates that  
24                                  are put on this chart.

25                   MR. MOREAU:   Since the witness can't

1 identify these documents, I am not planning or  
2 proposing to mark them as exhibits, and I am  
3 proposing that we move on.

4 I can take them back unless you would  
5 like to keep them, Counsel.

6 MR. THOMPSON: Why don't I keep one  
7 copy.

8 BY MR. MOREAU:

9 63 Q. Okay. Thank you.

10 Your affidavit, Ms. Burke-Benn, at  
11 Exhibits 11, 12 and 13 is a series of documents  
12 entitled "Study Protocol" or "Study Protocols".  
13 Without having to read them all, you are familiar  
14 with these documents, I take it; is that right?

15 A. Yes, I am.

16 64 Q. And just so that we are clear, the  
17 first Study Protocol, the one behind Exhibit 11, at  
18 the bottom -- this would be at page 185 of the  
19 record, but you see it on the bottom of each page,  
20 it says here this is a V5, which I take to mean  
21 version 5, dated May 1, 2017; do you see that date  
22 there?

23 A. I do.

24 65 Q. And just for the record, the one  
25 at 13, Ms. Burke-Benn, is V2.1, although it seems

1 to have been crossed out, and it says V2.2. If you  
2 go throughout the document -- I don't know what  
3 version this is, but we see a version at Exhibit --  
4 my apologies, version 2.1 is the one we see at 12,  
5 and you can see that at page 213 of the record, and  
6 you can see that there. I'm sorry, it is the first  
7 page, page 213 of Exhibit 12 that I am looking at.

8 A. Okay.

9 66 Q. You can see also V2.1, January 22,  
10 2018, at the bottom of the pages of the Study  
11 Protocol; do you not?

12 A. I do.

13 67 Q. At Exhibit 13, the 1 has been  
14 crossed out at page 257. You have gone just a  
15 little too far. You can see the 1 has been crossed  
16 out, and we now have a version 2.2, and this one is  
17 dated March 19, 2018; do you see that there?

18 A. I do.

19 68 Q. Sticking with the first one, the  
20 V5, Exhibit 11, dated May 1, 2017, were there V1s,  
21 2s, 3s and 4s, before V5, as far as you know?

22 A. I am not aware.

23 69 Q. So if I said to you that versions  
24 1 to 4 were drafts or finals, you wouldn't be able  
25 to help me answer that question, would you?

1 A. No, I would not.

2 70 Q. Do you know who drafted the Study  
3 Protocol found at Exhibit 11 of your affidavit?

4 A. No, I do not.

5 71 Q. Do you know who, if anyone, at the  
6 Ministry had consulted in order to put together  
7 this Study Protocol?

8 A. No, I do not.

9 72 Q. Okay. If you go -- Counsel, I am  
10 going to ask you to put up Volume 2 of our motion  
11 record, Exhibit 38 to the Mechefske affidavit.

12 MR. THOMPSON: Sorry, Exhibit 38?

13 BY MR. MOREAU:

14 73 Q. Exhibit 38. I mean, this may be  
15 taking us through a version of the Study Protocol  
16 which you used from Ms. Burke-Benn's affidavit, but  
17 I'm just going to use this version. I'm going to  
18 take you to page 902, and what we are putting in  
19 front of you, ma'am, Ms. Burke-Benn, is we are  
20 putting one of the Study Protocols that was  
21 appended to a Veritas submission. This is in fact  
22 the March 19, 2018, version 2.2 Study Protocol.

23 A. Uhm-hmm.

24 74 Q. And I am taking you to page 902.  
25 Do you see, under "Overview of Process", it says

1 here:

2 "The Ontario Government will  
3 administer the intervention. A team  
4 of researchers led by St. Michael's  
5 Hospital and McMaster University are  
6 undertaking the evaluation of the  
7 Pilot."

8 Now, you know that these evaluators  
9 came in in October of 2017; correct?

10 A. That's correct.

11 75 Q. Four lines down, we hear that:

12 "As recruitment began prior to  
13 the selection of the evaluation  
14 team, Dr. Greg Mason (University of  
15 Manitoba) and Dr. Walter Wodchis,  
16 (University of Toronto), contracted  
17 as academic advisors to the Ontario  
18 Basic Income Pilot, drafted the  
19 initial baseline survey data and  
20 survey research service (PRA Inc.)  
21 collected data from participants at  
22 the beginning of the study."

23 If I put to you that Dr. Mason and/or  
24 Dr. Wodchis assisted in the drafting of the first  
25 Study Protocol at Exhibit 11, would you say to me

1           that is correct, that is not correct, or I don't  
2           know?

3                       MR. THOMPSON: That is not what it  
4           says.

5                       BY MR. MOREAU:

6       76               Q.     That is not what it says, Counsel,  
7           but I am asking if this witness knows whether  
8           something that is not said in this document is  
9           true, which is more than a fair question.

10                      I am putting to you a proposition that  
11           these professors, one or both, helped draft or were  
12           consulted to draft the Study Protocol found at  
13           Exhibit 11 of your affidavit. Would you say that  
14           is right, Mr. Moreau, that is wrong, or I have no  
15           idea?

16                      A.     I have no idea.

17       77               Q.     Okay. Do you know, now going --  
18           so never mind Volume 2. If we look at Exhibits 12  
19           and 13, the more recent Study Protocols, who  
20           drafted these Study Protocols, Ms. Burke-Benn?

21                      A.     They were drafted by the team that  
22           reported to me, alongside the St. Mike's research  
23           team.

24       78               Q.     So when you say "alongside", they  
25           worked in conjunction with Dr. Huang from

1 St. Mike's to put together these Study Protocols;  
2 is that what you mean?

3 A. That's correct.

4 79 Q. Okay. Did they also work with  
5 Dr. Dunn?

6 A. Yes.

7 80 Q. Okay. Did you yourself have any  
8 experience designing surveys before becoming  
9 Director of Basic Income Pilot?

10 A. Can you clarify what you mean by  
11 "surveys"?

12 81 Q. Okay. Did you have any experience  
13 designing the kinds of surveys that were being done  
14 in conjunction with the Basic Income Pilot?

15 MR. THOMPSON: Can you explain how that  
16 is relevant?

17 MR. MOREAU: I guess I -- my  
18 understanding, Counsel, is that Exhibits 12 and 13  
19 and also Exhibit 11 have -- it is not my  
20 understanding. It is clear from reading the  
21 documents, have references to the kinds of  
22 materials that could only have been put together by  
23 persons with certain levels of expertise, expertise  
24 in research, human research, and survey, and there  
25 are going to be some questions that follow from

1           that because this witness has put some conclusions  
2           in her affidavit which suggest she has an expertise  
3           that she does not in fact have.

4                   MR. THOMPSON: Well, we haven't put her  
5           forth as an expert witness.

6                   MR. MOREAU: I understand, which is  
7           part of the problem with putting forward  
8           conclusions that can only come from an expert. And  
9           you will see where I'm at when I ask those  
10          questions later. I just want to establish that  
11          this witness does not have the kind of expertise  
12          necessary to design a survey like the survey that  
13          had been put together for the Basic Income Pilot,  
14          keeping in mind how wide a latitude I gave you on  
15          the cross-examination that happened just before  
16          this one.

17                  MR. THOMPSON: Yeah, and I guess -- I  
18          am not saying no, but I guess I'm having trouble  
19          with how it relates to the issues on the motion.

20                  MR. MOREAU: Well, when you get the  
21          questions about some of the content of the  
22          affidavit, you'll probably readily see how relevant  
23          it is, and I don't think it would be fair to have  
24          me disclose to you where I'm going with these  
25          questions.



1 So how about you object to the  
2 question, maintain your objection, but allow me to  
3 ask the question as per rule 34.12 or it is 34.14  
4 so we can move this forward, if you don't mind.

5 MR. THOMPSON: Sure, let's proceed like  
6 that, and then if for whatever reason it is fine,  
7 then we'll discontinue with it. If I have an  
8 objection, a secondary objection that I don't want  
9 her to answer, then we'll deal with it then.

10 BY MR. MOREAU:

11 82 Q. Okay. Let me try and break this  
12 question down then, Ms. Burke-Benn. You are aware  
13 that a survey was being developed -- no, scratch  
14 that.

15 You are aware of the fact that a  
16 baseline survey was put together and conducted for  
17 each of the participants in the Basic Income Pilot;  
18 correct?

19 A. Correct.

20 83 Q. Did you, at the time you began as  
21 Director, have any experience or expertise  
22 designing a survey of that nature?

23 A. Can you clarify "of that nature"?

24 84 Q. A survey in which questions are  
25 being asked of people, answers are being given, so

1 as to actually analyze their answers. So questions  
2 of a personal nature like the questions that were  
3 put together for the baseline survey.

4 MR. THOMPSON: So you are not asking  
5 her about this document, the study document? You  
6 are asking her about her knowledge in drafting the  
7 survey questions?

8 BY MR. MOREAU:

9 85 Q. Well, I had started with a broader  
10 question about this document, and the witness  
11 didn't seem to understand the question, and that is  
12 fair. So now I'm just focussing on the baseline  
13 survey. We are off this document now and just  
14 talking about the baseline, albeit the baseline  
15 survey is referenced many times in these Study  
16 Protocols.

17 A. I have a background, a consulting  
18 background, of creating surveys --

19 86 Q. Okay.

20 A. -- to determine impact and outcome  
21 from a social policy perspective.

22 87 Q. Okay. If you go to pages 233 and  
23 234, so now we are into the version 2.1 Study  
24 Protocol.

25 A. Okay. Uhm-hmm, yes.

88 Q. At page 233, the writers of this document talk about what they call a power calculation where they say that:

"To compute minimum sample sizes to test the effect of the intervention on any outcome requires a measure of the mean/median value and the standard deviation of that indicator."

They then go on to talk about -- in the second paragraph at page 233, they write:

"A challenge of the Pilot is that the qualifying group is diverse and the size of benefit will vary depending on initial circumstances."

And then further down, they talk about a sample size of 848 is needed to detect a change with 90 percent power.

They talk about how:

"The evaluation team is unaware of any available evidence for the PSS-4, however Cohen and Janicki-Deverts (2012), use the PSS-10."

I don't understand a word of this,

1 Ms. Burke-Benn. Do you?

2 A. My role as a director in the Basic  
3 Income Pilot or in any government position is to  
4 lead a team of people who have an expertise. In  
5 the case of a basic income, the governance  
6 structure in place was supported by a research and  
7 evaluation committee chaired by Kwame McKenzie and  
8 a whole host of experts, academic, corporate, who  
9 provided the -- would have reviewed this material  
10 so that there were checks and balances around  
11 St. Mike's, who created the material that you see  
12 on 233 and 234.

13 89 Q. Okay. So at 234 where we are told  
14 that:

15 "There are going to be 491  
16 people in the intervention group who  
17 are pre-randomization and 509 who  
18 are post-randomization."

19 That is another example of something  
20 that was developed by the third party researchers;  
21 correct?

22 A. No, that is not correct.

23 90 Q. Okay. That was developed by some  
24 of these teams of experts, including the third  
25 party evaluators? Maybe that question is unclear.

1           You know what? I am just going to withdraw the  
2           question.

3                       Who amongst your team -- and when I say  
4           the "team", I mean the team of employees at the  
5           Ministry, but I'm also including the third party  
6           evaluators, the REAC, the research chair and/or  
7           members of the Ministry's Advisory Council, had the  
8           kind of expertise or experience to put together  
9           pages 233, 234, to your knowledge?

10                      MR. THOMPSON: Stephen, why don't we do  
11           this? Why don't we ask the witness to leave the  
12           room and then maybe we can have a discussion.

13                      MR. MOREAU: Sure. Okay. Off the  
14           record.

15                      [Reporter's Note: Witness exits the  
16           room.]

17                      (DISCUSSION OFF THE RECORD.)

18                      [Reporter's Note: Witness re-enters  
19           the room.]

20                      BY MR. MOREAU:

21           91           Q. Ms. Burke-Benn, I'm moving on to a  
22           different set of questions. The documents at  
23           Exhibits 11, 12 and 13, those Study Protocols,  
24           those were all, when they were finalized, approved  
25           by the Ministry; is that correct?

1 A. That's correct.

2 92 Q. Okay. Was the version 5 version  
3 found at Exhibit 11 of your affidavit the one being  
4 utilized before the one at Exhibit 12, or maybe if  
5 I could put it another way, are there any other  
6 versions between the Exhibit 11 Study Protocol and  
7 the Exhibit 12 Study Protocol? In other words, is  
8 there a version 6 or a 5.1?

9 A. I can't recall off the top of my  
10 head.

11 93 Q. Okay. I'm wondering if I can get  
12 an undertaking, Counsel, just to confirm that there  
13 are no other versions of the Study Protocol between  
14 the version at Exhibit 11 of the Burke-Benn  
15 affidavit and Exhibit 12 of the Burke-Benn  
16 affidavit?

17 MR. THOMPSON: I think her affidavit  
18 states that these are the only approved versions of  
19 the Study Protocol, and so I think those are the  
20 only ones that would be important, approved  
21 versions.

22 BY MR. MOREAU:

23 94 Q. Yes. So I guess the undertaking  
24 would be only with respect to approved, not draft  
25 versions. I confess I don't recall the witness

1 saying that these were approved versions. I mean,  
2 she calls them the approved Study Protocol and the  
3 approved Study Protocol, but she never says these  
4 are the only approved Study Protocols. They must  
5 be, and I think we can infer that, but I don't know  
6 a hundred percent, and the witness doesn't know a  
7 hundred percent.

8 MR. THOMPSON: Do you know if these are  
9 the only approved Study Protocols, or were there  
10 other approved Study Protocols?

11 THE DEPONENT: These are the only  
12 approved Study Protocols. By "approved", meaning  
13 submitted.

14 BY MR. MOREAU:

15 95 Q. Okay. Submitted to Veritas;  
16 correct?

17 A. Correct.

18 96 Q. Okay. And I might have some  
19 questions about Veritas in a little, but there is  
20 no need for that undertaking now, Counsel. Thanks  
21 for helping with that.

22 MR. THOMPSON: Sure. Thanks.

23 BY MR. MOREAU:

24 97 Q. If you go now to paragraph 26 of  
25 your affidavit, Ms. Burke-Benn, so back to 26,

1 which is page 9 of your record, it says here:

2 "On June 28, 2017, an order in  
3 council was passed that established  
4 the Basic Income Pilot Minister's  
5 Advisory Council and that the  
6 mandate of the MAC was to provide  
7 advice about the delivery of OBIP."  
8 So do you see that there?

9 A. I do.

10 98 Q. Did you and/or your team managing  
11 the Basic Income Pilot get that kind of advice from  
12 members of the Minister's Advisory Council?

13 A. Yes, I would say we did.

14 99 Q. Okay. I know you mentioned a few  
15 minutes back a person. I think I heard the name  
16 Kwame. Was that the Research and Evaluation  
17 Advisory Chair or Co-Chair?

18 A. That's correct.

19 100 Q. Did you and/or your team also get  
20 advice from that individual throughout the  
21 administration of the Pilot?

22 A. Yes, we did.

23 101 Q. Okay. If you now go to page 157  
24 of your affidavit, that is going to take us into  
25 Exhibit 8 a bit, and Exhibit 8 is the terms of



reference for the Minister's Advisory Council.

A. Okay.

102 Q. And we have a title here  
"Objectives, Deliverables and Critical Success  
Factors", and you see the third bullet down, it  
says:

"Provide strategic advice to  
the ADM lead who is responsible for  
the project and the Project  
Management Office."

Do you see that there?

A. That's correct, I see that.

103 Q. What is the Project Management  
Office?

A. The Project Management Office is  
the office that I was originally brought in,  
alongside with Kevin Pal, who was the Director at  
the time, to lead.

104 Q. Right. And then when Mr. Pal  
left, you led that Project Management Office;  
correct?

A. I led the entire thing, yes,  
that's correct.

105 Q. So is Project Management Office  
synonymous with the Basic Income Pilot or, as it

1           were, the office managing the Pilot, if I can put  
2           it that way?

3                   A.    No.  No, it is not.  The Project  
4           Management Office function was working with the  
5           Minister's Advisory Council and the Research and  
6           Evaluation Chair.

7   106                   Q.    Okay.

8                   A.    Mainly around governance.

9   107                   Q.    And were you part of the Project  
10          Management Office yourself?

11                   A.    As the Director, I became  
12          responsible for the entire Pilot.

13   108                   Q.    Okay.  So in other words, the  
14          Project Management Office is part of the Pilot, but  
15          is not the Pilot in and of itself?

16                   A.    That's correct.

17   109                   Q.    Okay.  At pages 158 and 159, there  
18          is a reference to the membership of the Advisory  
19          Council.  It says here -- the very first thing we  
20          read is that the Advisory Council will be composed  
21          of up to five individuals.  Do you know how many  
22          members ultimately formed the Advisory Council?

23                   A.    I don't recall the exact number at  
24          the moment.

25   110                   Q.    Okay.  On page 159 -- well,

1 actually at the bottom of 158, we are told that  
2 members of the Advisory Council will have  
3 experience in one or more of the following areas,  
4 and then on 159, one area of expertise is expertise  
5 in the research and evaluation of public policy and  
6 programs.

7 Would you say that at least one member  
8 of the Advisory Council had that research and  
9 evaluation of public policy and programs  
10 experience?

11 A. Yes, I would.

12 111 Q. And the last bullet says that  
13 there needs to be some experience with implementing  
14 large scale research in evaluation projects in the  
15 health, education and social services sector.

16 Would you say at least one member of  
17 the Advisory Council had that experience?

18 A. Yes, I would.

19 112 Q. Okay. Were members of the  
20 Advisory Council consulted with respect to the  
21 drafting of any of the Study Protocols that were  
22 approved, Exhibits 11 through 13?

23 A. Can you verify what you mean by  
24 "consulted"?

25 113 Q. Were they asked questions about

1 the content of the Study Protocols? Were they  
2 asked to draft the Study Protocols or parts  
3 thereof?

4 A. Could you break down the question  
5 by each one of those, please?

6 114 Q. Sure. Were members of the  
7 Advisory Council asked to and did indeed draft part  
8 of the Study Protocols, approved Study Protocols?

9 A. No, they did not draft.

10 115 Q. Okay. Did they review the Study  
11 Protocols?

12 A. No, they did not.

13 116 Q. Did they offer advice on the Study  
14 Protocols? I would think not if they didn't review  
15 them, but did they offer advice on the Study  
16 Protocols?

17 A. That needs to be clarified what  
18 you mean by "advice".

19 117 Q. Telling you or other members  
20 managing the pilot and/or the Project Management  
21 Office, Hey, I don't like what I am reading at page  
22 218 of the Study Protocol. I think it should be  
23 worded differently.

24 A. No, they did not.

25 118 Q. Okay. If you could now flip to

1 Exhibit 10, we are going to see a similar terms of  
2 reference document, but this is now for the  
3 Research and Evaluation Co-Chair. Was there just  
4 one Chair, or were there more than one Chairs?

5 A. There was only one Chair.

6 119 Q. And that is this individual you  
7 mentioned earlier, right?

8 A. That's correct.

9 120 Q. Could you just give us his full  
10 name again?

11 A. Dr. Kwame McKenzie.

12 121 Q. Dr. K-w-a-m-e?

13 A. Yes.

14 122 Q. And sorry, could you spell the  
15 last name for us?

16 A. McKenzie. I am going to recall  
17 M-c-k-e-n-z-i-e.

18 123 Q. Now, at page 171, so this is now  
19 into the terms of reference, under  
20 "Qualifications", there is a series of  
21 qualifications that this individual has to have.  
22 The first bullet says that they have to have  
23 demonstrated experience managing large scale field  
24 experiments with vulnerable populations.

25 Would you say Dr. McKenzie had that

1 experience?

2 A. As far as I know, yes.

3 124 Q. Okay. The fifth bullet down says  
4 that this individual should have a broad range of  
5 research affiliations, including other academic  
6 institutions in research/evaluation organizations.

7 Did he have that experience, as far as  
8 you know?

9 A. Yes, he did.

10 125 Q. Okay. Was he an individual who  
11 helped draft any of the approved Study Protocols?

12 A. No, he did not draft them.

13 126 Q. Was he somebody who gave advice  
14 about the content of the approved Study Protocols?

15 A. I need you to define advice.

16 127 Q. Well, I think I did already,  
17 Ms. Burke-Benn, but I think advice would mean what  
18 we would normally call it to mean, which is  
19 somebody who is reviewing the document or a draft  
20 of the document and is talking to individuals  
21 responsible for the document and saying I don't  
22 like what I am reading here; I think this is  
23 well-written; I think you could clarify this a bit  
24 more; I think you have to expand upon this point; I  
25 think you should take that point out.

1 So somebody giving advice about the  
2 content.

3 A. The research -- yes, he would have  
4 provided advice on the Study Protocol.

5 128 Q. And he was providing this advice  
6 to members of the -- is it the project management  
7 team? I don't want to use the wrong term here.  
8 The Project Management Office. Were persons in the  
9 Project Management Office the persons receiving  
10 that advice, from your experience?

11 A. We -- it was a pilot, and so the  
12 material was developed by the researchers, and we  
13 would have spoken to the REAC about the approach in  
14 the Study Protocol, and if they had any advice to  
15 provide to us, they would have provided advice to  
16 us.

17 129 Q. Okay. And the researchers, again,  
18 you mean McMaster and St. Mike's; correct?

19 A. St. Mike's, that's correct.

20 130 Q. Okay. So just cutting to the  
21 chase then, I take it St. Mike's and McMaster and  
22 the persons affiliated with those organizations  
23 provided some drafting assistance with the Study  
24 Protocols at Exhibits 12 and 13; is that fair to  
25 say?

1 A. That is correct.

2 131 Q. They actually literally drafted  
3 some of the Study Protocols; correct?

4 A. That is correct. Just to give you  
5 some context.

6 132 Q. Okay.

7 A. We went with a third party  
8 evaluator because we wanted to have a study that  
9 was rigorous, and so the protocol factors that are  
10 scientific were developed by the scientists.

11 133 Q. Right. So you wanted rigorous --  
12 a rigorous study; correct?

13 A. That's correct.

14 134 Q. And having a research ethics board  
15 like Veritas, for instance, was one of those  
16 aspects that would ensure rigorousness; is that  
17 fair to say? Maybe not. Maybe it is just you  
18 needed a research ethics board to ensure that  
19 certain ethical standards were met.

20 A. We wanted to include a research  
21 ethics board.

22 135 Q. Okay. And you wanted  
23 Dr. McKenzie's advice so you could have another  
24 voice that was giving advice with expertise on what  
25 you were getting from the third party evaluators,



1 so that you were not just receiving third party  
2 evaluator information and just simply accepting it?

3 A. That's correct.

4 136 Q. Okay. So having Dr. McKenzie also  
5 helped with the rigorousness of the study; that  
6 would be fair to say?

7 A. That would be fair to say.

8 137 Q. Okay. If you go to paragraph 7 of  
9 your affidavit, you tell us that for -- we are  
10 about to read -- and so I'll give you a moment to  
11 find it -- paragraph 7.

12 A. Uhm-hmm.

13 138 Q. So page 3, paragraph 7, you tell  
14 us that:

15 "Laurie Belfie, the Director of  
16 Social Assistance Program Policy  
17 with MCCSS, has informed me of the  
18 following with respect to ODSP, OW  
19 and other social programs."

20 Which paragraphs of your affidavit were  
21 informed by Laurie Belfie? In other words, it  
22 starts at 7, but where does it end?

23 A. It ends at page 6, paragraph 16.

24 139 Q. Okay. Now, you tell us that you  
25 were informed by her of this. I take it you have

1 no reason to believe that she is incorrect in her  
2 summary of these programs; is that right?

3 A. I have no reason to believe that,  
4 that's correct.

5 140 Q. Okay. At paragraph 18, you  
6 reference the speech of the Honourable Kathleen  
7 Wynne on April 24, 2017. Were you present when  
8 Ms. Wynne made the speech that is referenced here?

9 A. No, I was not.

10 141 Q. Okay. In paragraph 19, we hear  
11 about the authority for OBIP, and we hear that I am  
12 informed -- or what is written here is:

13 "I am informed Drew  
14 Vanderduim", that must mean "I am  
15 informed [by] Drew Vanderduim, Chief  
16 Administrative Officer/Assistant  
17 Deputy Minister with MCCSS, with  
18 respect to this section on the  
19 authority for OBIP."

20 Can I take it then that paragraphs 19  
21 to 24 are the paragraphs that come from  
22 Mr. Vanderduim?

23 A. That's correct.

24 142 Q. Okay. Now, I appreciate that  
25 starting at paragraph 25 until the very end there

1 are a couple of references to information from Gail  
2 Bloschinsky, but apart from her, there are no other  
3 references to other persons that you obtained  
4 information from. So would it be fair to say that  
5 paragraphs 25 to the end of your affidavit are  
6 based on your knowledge, experience and  
7 understanding of the Pilot?

8 MR. THOMPSON: Save for the paragraphs  
9 that talk about Gail?

10 BY MR. MOREAU:

11 143 Q. That's right, that talk about  
12 Gail.

13 A. I would say that, yes, in varying  
14 degrees of experience, when -- by defining  
15 experience, yeah.

16 144 Q. And, again, I don't want to put  
17 you on the spot. I'll give you an obvious example  
18 where -- let me give you an obvious example where  
19 you wouldn't know a whole lot about what you have  
20 stated here except from what you have read, but  
21 what you have read happens to be true. If you go  
22 to paragraph 54 of your affidavit.

23 A. Uhm-hmm.

24 145 Q. You write at paragraph 54, page 15  
25 of the record, it is written here:

1 "Three of the four proposed  
2 representative plaintiffs made  
3 declarations of income, Grace Marie  
4 Doyle Hillion, Tracey Mechefske and  
5 Susan Lindsay."

6 You know that is true not because you  
7 were in the room when they made those declarations,  
8 right?

9 A. That's correct.

10 146 Q. You know that because you have  
11 access to their declarations and can see them for  
12 yourself; right?

13 A. My team did, yes.

14 147 Q. Your team. Okay. How many people  
15 were your on your team during the course of the  
16 Pilot? And it may have varied during the course of  
17 the Pilot.

18 A. I would say -- and I don't know  
19 exactly the number. I would say between 20 and 30  
20 people, and we had people coming and going  
21 throughout the course of the Pilot.

22 148 Q. And this team included persons who  
23 literally went out to the information and  
24 enrollment sessions?

25 A. That's correct.

1 149 Q. Apart from the team, were there  
2 other Ministry employees that helped with the  
3 information and enrollment sessions?

4 A. Define -- do you mean -- can you  
5 define Ministry?

6 150 Q. Sure. The Ministry of Community  
7 and Social Services.

8 A. There were greeters from other  
9 Ministries at the enrollment sessions.

10 151 Q. And greeters are literally people  
11 who would greet people at the door and sort of  
12 direct them to other persons or stations, right?

13 A. Or direct them to sit down or  
14 there is donuts.

15 152 Q. Right. So there is donuts over  
16 here, we are going to ask you to sit over there,  
17 and you will be talking to somebody else about the  
18 Pilot; that was the greeter's role during the  
19 information and enrollment sessions, correct?

20 A. I would say that and other  
21 potential things that they could have done.

22 153 Q. Can you give me some other  
23 potential things they could have done?

24 A. I need some help getting through  
25 the door because I have an accessible requirement.

1 154 Q. Okay. So the greeter might hold  
2 the door for them or find a ramp for that person?

3 A. Correct.

4 155 Q. Okay. Did you draft any of the  
5 study questions that were used on the baseline  
6 survey?

7 A. No, I did not.

8 156 Q. If you go to page 902,  
9 Ms. Burke-Benn, of our record. So I think,  
10 Counsel, it is Volume 2. This is going to be  
11 taking us back into the meat of one of the Study  
12 Protocols. I'm sorry we are using the thicker  
13 version, but there you have it.

14 No. I'm so sorry, I'm actually asking  
15 you to go to page 202 of your record. My  
16 apologies. Page 202 of your record.

17 We are going to be looking at the first  
18 approved Study Protocol, Ms. Burke-Benn, and we are  
19 diving into 202.

20 A. Okay.

21 157 Q. Which is page 18 of this document.  
22 Do you see the very first full paragraph says:

23 "A primary source of questions  
24 for the baseline survey [...]"

25 And just pausing here, you knew that

1 the baseline survey was the initial survey given to  
2 persons who proposed to be participants in the  
3 Basic Income Pilot; correct?

4 A. Can you repeat that? Sorry.

5 158 Q. What was the baseline survey?

6 A. It was the first survey given to  
7 participants who were either in the control group  
8 or in the intervention group on the baseline  
9 survey.

10 159 Q. We are told here that a primary  
11 source of questions for the baseline survey is  
12 existing Statistics Canada surveys, and then in the  
13 next sentence:

14 "Other measures are from well  
15 validated questionnaires in academic  
16 literature."

17 Are you familiar with the academic  
18 literature that was consulted in order to put  
19 together the baseline survey?

20 A. I was not part of the Pilot during  
21 this period.

22 160 Q. Right. You would have -- after  
23 you became the Director, you would have had ongoing  
24 discussions with the third party researchers about  
25 what was going to go into the next survey; is that

1 fair to say?

2 A. That's correct.

3 161 Q. Okay. If we now go two pages  
4 ahead at page 204, so we are now in the approved  
5 Study Protocol, Exhibit 11, page 204 of your  
6 record, there is a reference here under  
7 "Implementation" to the fact that:

8 "Persons in the control group  
9 will be compensated up to \$50 per  
10 survey completed."

11 A. Yes.

12 162 Q. I take it that was designed to  
13 minimize attrition; is that correct? The idea of  
14 actually paying people in the control group \$50 per  
15 survey was designed to avoid attrition; that is  
16 fair to say, isn't it?

17 A. I believe it was the -- if I  
18 recall correctly from my involvement in later  
19 conversations with researchers, it is common  
20 practice. It is common practice to pay people for  
21 surveys.

22 163 Q. Okay.

23 A. And yes, I would say that would  
24 be -- I didn't hear the words "attrition" used  
25 around the survey, but I did understand it was



1 common practice.

2 164 Q. Okay. So then if you go to page  
3 243, you are going to see now the next version of  
4 the approved -- the next approved Study Protocol,  
5 page 243.

6 A. Uhm-hmm.

7 165 Q. You will see in the bottom,  
8 right-hand corner there is an italicized heading  
9 "Compensation". Now, it says here:

10 "All participants will receive  
11 \$50 for completing the baseline  
12 survey."

13 A. Go ahead.

14 166 Q. Yeah:

15 "Participants in the  
16 intervention group will be  
17 compensated for completing the  
18 follow-up survey, and participants  
19 in the comparison group will be  
20 provided a higher compensation for  
21 completing the follow-up survey as a  
22 means of preventing attrition."

23 So you understood that money is paid  
24 because that is just a practice, but whoever wrote  
25 this paragraph said not so much that it is a

1 practice but the goal is to prevent attrition.

2 A. So the researchers wrote that.

3 167 Q. Okay. So your understanding is  
4 the researchers wrote that. And you know that  
5 eventually the goal was going to be to give \$30 to  
6 each member of what I am going to call the payment  
7 or intervention group, correct, per survey?

8 A. I do know that that was eventually  
9 what was discussed, yes.

10 168 Q. Okay.

11 A. I would like to qualify, again,  
12 that my role is not to be a researcher as the Basic  
13 Income Pilot Director but was to rely on the  
14 expertise of the researchers and on the governance  
15 process that was put in place to ensure that checks  
16 and balances on behalf of the Ministers were in  
17 place through the MAC appointment and the REAC  
18 appointment.

19 169 Q. Okay. And as you dealt with  
20 specifically the third party experts, you had no  
21 reason to question their expertise, did you?

22 A. No, I did not.

23 170 Q. Okay. You were satisfied, as you  
24 interacted with Dr. Huang and Dr. Dunn and maybe  
25 others within what I am going to call the third

1 party research group, that they were exercising  
2 their expertise in a way that was beneficial for  
3 the administration of the Pilot?

4 A. I was, because I was not the  
5 person responsible for determining whether their  
6 research methodologies were in place and accurate.  
7 We had checks and balances of other researchers who  
8 were on the MAC and the REAC to provide us with  
9 that check and balance.

10 171 Q. Did those persons who were there  
11 to provide checks and balances ever raise any red  
12 flags with the work of Drs. Huang or Dunn?

13 A. No, they did not.

14 172 Q. Okay.

15 A. That I am aware of.

16 173 Q. At Exhibit 26, we have here a  
17 letter being sent to -- you tell us in the  
18 affidavit this is a form letter that is going to be  
19 sent to a control group, individuals -- somebody  
20 who has been selected for the control group. You  
21 can see that at the start of there, right, randomly  
22 selected to participate in the control group?

23 A. Right.

24 174 Q. Further down, we see here that:

25 "For each survey you complete

1                   you will receive [...]" -- it is  
2                   hard to read, but it looks like  
3                   "\$50." "You will also receive \$50  
4                   for completing the baseline survey."  
5                   Do you see that?

6                   A.     I do.

7     175           Q.     Okay. Does there exist a letter,  
8                   a form letter, that was sent to persons in the  
9                   payment or intervention group that used the number  
10                  \$30 instead of \$50? Was such a letter developed,  
11                  as far as you know?

12                  A.     Not that I can recall.

13     176           Q.     Okay.

14                  A.     Can I just bring some context  
15                  around the Pilot, Basic Income Pilot. It was an  
16                  iterative process. Research was -- research and  
17                  implementation was being reviewed on an ongoing  
18                  basis.

19     177           Q.     Right.

20                  A.     And we made changes based on the  
21                  research methodology, based on the implementation,  
22                  and based on the experiences that were taking place  
23                  on a daily basis.

24     178           Q.     Right. And, for instance, giving  
25                  \$30 to each member of the payment -- or

1 intervention group, that was not something that was  
2 being done -- or that was contemplated initially,  
3 but then it was injected into the administration at  
4 a later point; correct?

5 A. That's correct.

6 179 Q. So that this doesn't become a  
7 quiz, if you go to page 460, so that is going to be  
8 Exhibit 23 of your affidavit. So you may have gone  
9 too far back. Your affidavit, Exhibit 23.

10 A. Right.

11 180 Q. We have here what looks like a  
12 form letter being sent to a person who has been  
13 assigned to receive basic income payments; do you  
14 see that there?

15 A. Correct.

16 181 Q. Under the heading "How will you  
17 contact me to fill out the surveys?", in the second  
18 sentence, it says:

19 "You will receive \$30 for  
20 completing each survey".

21 Was this letter ever actually  
22 implemented such that there are people in the basic  
23 income payment group who received this form letter  
24 with this reference to \$30?

25 A. Can you show me where it says \$30?

1 Sorry, I missed that.

2 182 Q. Oh, sorry, halfway down the page.

3 A. (Witness reviews document.)

4 183 Q. If you just don't know the answer  
5 to my question, that is fine. I'm just wondering  
6 if you do know whether a letter of this sort was  
7 ever actually sent to an actual basic payment group  
8 member.

9 A. I think this is an error.

10 184 Q. Okay.

11 A. Because the \$30 for the survey is  
12 for the second survey, not for the first, and this  
13 letter:

14 "You have been randomly  
15 assigned [...]"

16 "How will you contact me to  
17 fill out the surveys?"

18 "Right before each survey is  
19 due [...]" --

20 Okay. So then:

21 "You will receive \$30 for  
22 completing each survey."

23 So, again, this is a pilot, and I  
24 actually don't know at what point this letter, if  
25 it was sent out and when it was sent out, because

1 decisions were being made about the Pilot, and as  
2 the decisions were made about the Pilot, material  
3 can be created.

4 What I don't remember is whether this  
5 letter actually went out, and if it did go out,  
6 when it went out.

7 185 Q. That is fair. I mean -- no, that  
8 is a very fair answer, and look, just to complete  
9 the circle here, if we go to Volume 3, page 1026 of  
10 our record, Counsel, you are going to find the  
11 actual letter that looks an awful lot like this  
12 letter at Exhibit 23. You'll see the actual letter  
13 sent to Dana Bowman.

14 MR. THOMPSON: Sorry, can you repeat  
15 that page number again?

16 BY MR. MOREAU:

17 186 Q. 1026. So we are going to see a  
18 letter that looks very similar sent to Dana Bowman.  
19 So this is her actual letter. She tells us this is  
20 the letter I got, and you see it is dated December  
21 27, 2017. Do you see that there?

22 A. Yeah.

23 187 Q. About halfway down the page, she  
24 is told:

25 "You will also receive \$50 for

1 completing the baseline survey.

2 Since you will receive basic income  
3 payments, you will not receive  
4 further compensation for surveys."

5 A. That's correct.

6 188 Q. So you acknowledge that that  
7 language of not receiving further compensation,  
8 that was sent to more than one basic income payment  
9 group recipient; correct?

10 A. That's correct, because it was a  
11 pilot, and as things changed, material would have  
12 been produced based on what was happening with the  
13 Pilot, and we would have had to make sure that  
14 people were up to date at the time of the further  
15 surveys on what the final decision was in the Study  
16 Protocol.

17 189 Q. Right. But what I heard from you  
18 earlier is you don't know if the \$30 item  
19 referenced at page 460 was ever communicated in  
20 this form to any member of the payment group? You  
21 just don't know that?

22 A. The reason why I don't know that  
23 is there were 4,000 people in the study all coming  
24 in between July and April, and at what point they  
25 came in and at what point the -- I can't correlate



1 at the moment the point at which the researchers  
2 said that you need to continue to pay people who  
3 are participating in the study with a potentially  
4 lesser amount than the control group.

5 190 Q. Just very basically, if I said to  
6 you one or more members of the basic income payment  
7 group received a letter telling them they would get  
8 \$30 for completing each survey, you would say to  
9 me, yes, one or more persons got that letter, no,  
10 nobody got that letter, or I do not know?

11 A. I do not recall. I think what it  
12 demonstrates is how iterative this process was,  
13 though, Counsel.

14 191 Q. No, you may be right. I may even  
15 agree with you. I just needed a yes, no, or don't  
16 know answer. I got the answer.

17 A. Okay.

18 192 Q. I am going to move on now to  
19 paragraph 28 of your affidavit. I note it is  
20 12:05. Maybe we could go until 12:30, and we might  
21 be done, and if not, we'll have a brief break for  
22 lunch?

23 MR. THOMPSON: Sure.

24 BY MR. MOREAU:

25 193 Q. Okay. At paragraph 28, you say:

1 "On October 2, 2017, Ontario  
2 retained Providence St. Joseph's and  
3 St. Michael's Healthcare", I guess,  
4 "[...] as independent third-party  
5 researchers [...]"

6 Is Providence St. Joseph's McMaster, or  
7 is Providence St. Joseph's affiliated with St.  
8 Michael's?

9 A. Affiliated with St. Michael's.

10 194 Q. I guess the reason why you've  
11 named -- so you haven't named McMaster here;  
12 correct?

13 A. No, we have not.

14 195 Q. I take it the reason why that is  
15 is that the actual sort of -- I'll call it the  
16 official contracting party with the Government of  
17 Ontario was Providence St. Joseph's and St.  
18 Michael's Healthcare with McMaster constituting, as  
19 it were, a subcontractor; is that right?

20 A. No, that is not correct.  
21 Providence St. Joseph's and St. Michael's was the  
22 contractor.

23 196 Q. Okay. So how does McMaster and  
24 Jim Dunn come into this process as part of the  
25 third party research group?

1                   A.     McMaster -- so the Government  
2                   contracted with St. Michael's, and McMaster was  
3                   part of the research team.

4     197               Q.     Okay. So it is possible McMaster  
5                   had its own contract with Providence St. Joseph's  
6                   and St. Michael's, it is possible they didn't, or  
7                   they -- I guess I'll ask you. Do you know if  
8                   McMaster had a contract directly with Providence  
9                   St. Joseph's and St. Michael's Healthcare?

10                  A.     It wasn't relevant to our contract  
11                  with St. Michael's, so I do not know.

12     198               Q.     You don't know. Okay. But you  
13                   would agree -- because you answered this  
14                   previously, but I just want to -- just to clarify  
15                   here. You did have interactions with Dr. Jim Dunn;  
16                   correct?

17                  A.     As part of the research team, yes.

18     199               Q.     Yes. And Jim Dunn you knew at the  
19                   time was with McMaster, right?

20                  A.     Yes.

21     200               Q.     Okay. Were these interactions  
22                   with Drs. Huang and Dunn in person, over the phone  
23                   or some combination?

24                  A.     A combination.

25     201               Q.     Okay. How often did you interact

1 with Drs. Huang and Dunn?

2 A. It varied.

3 202 Q. Sometimes very often, sometimes  
4 you could go, let's say, weeks without having an  
5 interaction with them; is that fair to say?

6 A. No, it would not be fair to say.  
7 I don't recall how often I spoke to them, but we  
8 did speak to them on a regular basis.

9 203 Q. The contract with these third  
10 party researchers was a three-year contract;  
11 correct?

12 A. That's correct.

13 204 Q. And the Ministry of Community and  
14 Social Services had the right to extend it a  
15 further year; correct?

16 A. That's correct.

17 205 Q. Was it you or Ms. Glass that  
18 advised the third party researchers that you  
19 intended to exercise the one-year option?

20 MR. THOMPSON: Excuse me, can you ask  
21 that again, Counsel?

22 BY MR. MOREAU:

23 206 Q. Was it you or Ms. Glass who  
24 advised the third party researchers that you  
25 intended to exercise the one-year extension option?

1 MR. THOMPSON: One year, what is this  
2 about? Sorry, I'm having trouble following on  
3 the --

4 MR. MOREAU: We have now heard from the  
5 witness that the contract in place between Ontario  
6 and these researchers was for a three-year period.  
7 We have heard that there was a one-year extension  
8 right granted to the Ministry. I think these  
9 researchers were contracted for three years and  
10 possibly four. I think that is entirely relevant  
11 to the issues at play in this case. I'm not sure I  
12 have to spell it out any more clearly in fact.

13 MR. THOMPSON: Hold on a second.

14 MR. MOREAU: It is paragraph 28 where  
15 we are introduced to the third party researchers,  
16 Counsel.

17 R/F MR. THOMPSON: I am going to refuse the  
18 question. I don't see it is relevant. This isn't  
19 something that was even shared with participants.

20 MR. MOREAU: Well, Counsel, you have  
21 exhibited Exhibits 7 through 10 of this affidavit,  
22 Orders in Council and Terms of Reference, and there  
23 is no evidence that those were shared with  
24 participants either, and they tell us about the  
25 term and period of time in which REAC and MAC would

1 have been put in place.

2 So you somehow seemed to think that it  
3 was relevant to tell us a little bit about the  
4 governance structure, yet somehow the governance  
5 structure in relation to the third party valuers  
6 makes no appearance in this affidavit. I'm just  
7 asking to complete the picture that you have  
8 painted for us, and you are saying it is not  
9 relevant, and you are refusing to tell us whether  
10 the third-year or the fourth-year extension option  
11 was exercised.

12 MR. THOMPSON: Go ahead. The witness  
13 can answer the question.

14 BY MR. MOREAU:

15 207 Q. Thank you.

16 A. Neither Karen Glass nor I provided  
17 the researchers with information to extend the  
18 contract because we would have had to get approval  
19 for that.

20 208 Q. Right. And by the time that you  
21 would have had to get that approval, you were in  
22 the writ period, correct?

23 A. No, I don't agree with that  
24 statement.

25 MR. THOMPSON: We haven't even --

1           yeah.

2                           BY MR. MOREAU:

3       209                   Q.     No, I --

4                           A.     We wouldn't have -- we didn't have  
5       a period of time that was discussed to -- we  
6       weren't discussing extending the contract.

7       210                   Q.     Okay.

8                           A.     At any time because we wouldn't be  
9       able to do that without approval.

10      211                   Q.     Right. Approval from whom?

11                           A.     Decision-makers, Treasury Board,  
12      Cabinet.

13      212                   Q.     Uhm-hmm. Okay. Now, in our  
14      Volume 2 of our motion record starting at  
15      Exhibit -- well, it is Exhibits 38 and 39. I know  
16      some of these are in yours, but I am just going to  
17      go with the versions we have, Counsel. There are  
18      these documents that appear to be on what I am  
19      going to call on Veritas letterhead or the Veritas  
20      logo.

21                           MR. THOMPSON: Can you tell us where  
22      you are?

23                           BY MR. MOREAU:

24      213                   Q.     I'm going to start with Exhibit  
25      38, page 894. So do you see there is -- at page

1 894, there is a Veritas logo there?

2 A. I do.

3 214 Q. And we see here that the sponsor,  
4 according to this document, is the Government of  
5 Ontario, and the study name is the Ontario Basic  
6 Income Pilot Study; do you see that there?

7 A. Can you just repeat that, please?

8 215 Q. I'm just noting that one-third of  
9 the way up, under Study Name, it says the Ontario  
10 Basic Income Pilot Study.

11 A. Yes, I see that.

12 216 Q. Okay. So it appears to be a  
13 two-page Veritas document. On the second page --  
14 or, sorry, page 895 of our record, it says:

15 "Thank you, Veritas IRB Inc."

16 At the bottom, verified by Pier-Luc  
17 Pichette on April 2018 at 16:47. Pichette, is this  
18 an individual with Veritas or with the Basic Income  
19 Pilot, with the Ministry, or do you not know?

20 A. I would assume it is with Veritas,  
21 but I do not know --

22 217 Q. You do not know. Okay.

23 A. -- specifically.

24 218 Q. So after this Veritas  
25 communication, we see the 2.2 Study Protocol, and



1 then if you go to 39, Exhibit 39, please, there is  
2 a document dated May 1, 2018, from Veritas, and do  
3 you see that it says here after the "re" line:

4 "The following documents were  
5 reviewed and acknowledged by the  
6 independent review board in  
7 compliance with normative documents  
8 governing research with humans."

9 And document number 1 is  
10 "communications 2" from the Ontario Ministry of  
11 Community and Social Services dated April 9 and May  
12 1, 2018, and then if you go to the next page, there  
13 seems to be those very communications themselves or  
14 maybe one of those communications. There is a  
15 two-page communication. Now, just pausing on the  
16 two-page communication, if you don't mind, at page  
17 946, your name is there as the submitting party.  
18 Do you see that there at the top?

19 A. I do.

20 219 Q. Is that your signature on the end  
21 of the second page?

22 A. Yes, it is.

23 220 Q. Okay. And you have no reason to  
24 doubt that you signed this document on the date I  
25 see here, which is March 20th, 2018; correct ?

1 A. That's correct.

2 221 Q. What was the purpose of this  
3 document that you have signed with the Veritas logo  
4 on the top?

5 MR. THOMPSON: Just give her a minute  
6 to review it.

7 MR. MOREAU: Absolutely.

8 THE DEPONENT: (Witness reviews  
9 document.)

10 I have to read my own affidavit to  
11 review this.

12 MR. THOMPSON: It is Exhibit 16 of your  
13 affidavit.

14 THE DEPONENT: (Witness reviews  
15 document.)

16 BY MR. MOREAU:

17 222 Q. My question, as you are reading  
18 through it, is what was the purpose of this  
19 document?

20 MR. THOMPSON: The document, the first  
21 two pages?

22 BY MR. MOREAU:

23 223 Q. Yeah, those first two pages dated  
24 March 20, 2018.

25 A. First two pages? Oh, this is a

1 standard Veritas document, that we provided them  
2 with an update.

3 224 Q. So the document itself, I take it,  
4 was drafted by Veritas, and you or, if I can put it  
5 this way, the Ministry inserted some of the answers  
6 to questions or commentary that one sees within  
7 this document; is that fair to say?

8 A. That's correct.

9 225 Q. Okay. You would agree with me it  
10 was important to be truthful in this document?

11 A. Yes, I would agree with that.

12 226 Q. So turning to the next one, there  
13 is a document entitled "Principal Investigator  
14 Review of Ongoing Research Report Document". I  
15 imagine that is also in your affidavit. For me, it  
16 is page 949 of our motion record.

17 MR. THOMPSON: It is the next page.

18 BY MR. MOREAU:

19 227 Q. Right. Well, I think we are  
20 looking at the same one. You are looking at page  
21 368, I guess, of your record; is that correct?

22 A. Yes, that's correct.

23 228 Q. This document also has your  
24 signature, and I just want you to verify that is  
25 indeed your signature and that -- my apologies. It

1 looks like somebody else signed, but your name is  
2 printed.

3 A. My manager signed this document.

4 229 Q. Okay. And it is dated April 27,  
5 2018. You have no reason to doubt that that's the  
6 date of that signature, right?

7 A. I have no reason to doubt it.

8 230 Q. Was the purpose -- or I take it  
9 that the Ministry -- it was important for the  
10 Ministry to be truthful in preparing and submitting  
11 this document as well; correct?

12 A. Correct.

13 231 Q. Do you recall if the Ministry, the  
14 project management group and/or the Basic Income  
15 Pilot personnel received advice on drafting these  
16 documents, and if so, from whom?

17 A. I am challenged by the word  
18 "advice" only because there would have been  
19 conversations about updating the material.

20 232 Q. Right.

21 A. And if there were any concerns  
22 brought to our attention by the research team, we  
23 would have --

24 233 Q. Let's skip the word "advice". Was  
25 the third party research team involved in any way

1 in drafting these two documents, reviewing these  
2 documents, and/or editing these documents?

3 A. I don't recall.

4 234 Q. Okay. Were there any further  
5 communications from the Ministry to Veritas after  
6 the one at Exhibit 39, which would be the -- I  
7 guess the April 27 one that you are looking at in  
8 your record?

9 MR. THOMPSON: After May --

10 BY MR. MOREAU:

11 235 Q. I guess it is May 1. After the  
12 communication found at page -- starting at page 368  
13 of your record, were there any other communications  
14 from the Ministry to Veritas?

15 A. I don't recall.

16 236 Q. I mean, there would have been some  
17 communications to Veritas following the  
18 cancellation of the Pilot; is that correct? If you  
19 don't know, you don't know, but I'm just wondering  
20 if you know if there were communications to Veritas  
21 after the cancellation of the Pilot?

22 A. I don't recall submitting an -- I  
23 don't recall.

24 237 Q. Okay. Now, Mr. Vanderduim in his  
25 affidavit that was put forward on the judicial

1 review -- and we have reproduced it at Volume 1,  
2 and the specific passages are at pages 177 and 178.  
3 Sorry, 177 and 178 of our motion record, we have  
4 reproduced parts of the Vanderduim affidavit.

5 A. Can I go back to this question?

6 238 Q. Oh, sure.

7 A. Because my challenge with this  
8 question is that there is officials submitting  
9 information to Veritas, and on occasion, I would  
10 call them and speak to one of -- to ask a question  
11 of somebody there.

12 239 Q. "Them" being Veritas or "them"  
13 being --

14 A. Veritas.

15 240 Q. Okay.

16 A. To understand something. So I  
17 can't recall outside of what is in my affidavit  
18 what -- if I spoke to them.

19 241 Q. Okay. And you are including in  
20 communications to Veritas verbal communications, so  
21 it is possible you might have had some of those?

22 A. I had -- I can recall having  
23 conversations with them about things that stick out  
24 in my mind that I wanted to ask them an opinion  
25 about, and they would give me their opinion, but it

1                   wasn't an official document.

2                   242                   Q.     Got it.   Okay.   If we go to page  
3                   177, then, Counsel.

4                   MR. THOMPSON:   This is from  
5                   Mr. Vanderduim's affidavit?

6                   BY MR. MOREAU:

7                   243                   Q.     That's right.   Starting at  
8                   paragraph 26, he tells us that on June 7, 2018,  
9                   there was an election in Ontario, a new government  
10                  was elected.   At paragraph 27, he says:

11                                 "June 7, 2018 to June 29, 2018  
12                                 was the elections transition period  
13                                 for the newly elected government to  
14                                 be briefed on matters while the  
15                                 previous government remained in  
16                                 power."

17                                 And then on June 29, there is the  
18                                 resignation of Premier Wynne, and then on June 29,  
19                                 we are told that a number of OICs were revoked and  
20                                 especially notably revoked the OICs that put in  
21                                 place the MAC and the research and evaluation  
22                                 co-chairs; so you see all that there, do you?

23                                 A.     I do.

24                   244                   Q.     These briefings referenced at  
25                   paragraph 27, were you involved in any briefings in

1 June with the --

2 R/F MR. THOMPSON: I am not going to talk  
3 about anything during the transition of power.

4 MR. MOREAU: Okay. I suspect there is  
5 probably good reason for the objection, to be quite  
6 honest, but I just want to hear what that objection  
7 would be.

8 MR. THOMPSON: Privilege.

9 BY MR. MOREAU:

10 245 Q. Okay. What I am inferring from  
11 the comment at paragraph 29 about the revocation of  
12 the Orders in Council was that the decision to  
13 cancel the Basic Income Pilot took place sometime  
14 in June of 2018. Are you able to tell me that that  
15 is the case, yes or no, or is that privileged?

16 R/F MR. THOMPSON: We are not going to  
17 answer that question.

18 MR. MOREAU: Is it Cabinet privilege  
19 you are asserting, Counsel --

20 MR. THOMPSON: Cabinet privilege and  
21 relevance.

22 MR. MOREAU: Okay.

23 MR. THOMPSON: And possibly  
24 solicitor-client privilege as well.

25 BY MR. MOREAU:



1           246                   Q.    Okay.  Sticking to -- and I think  
2                                   you still have it, or if you don't, if you could  
3                                   put back page 368 of your motion record.  You will  
4                                   see that, the Veritas communication.

5                                   A.    Uhm-hmm.

6           247                   Q.    At page 369, there is a section --  
7                                   it is hard to read, but it looks like it is section  
8                                   5, and under it, you see the words "date of the  
9                                   informed consent documentation currently in use",  
10                                  and we have a date of 25/01/2018; do you see that  
11                                  there?

12                                  A.    I do.

13           248                   Q.    And then there is a next question:  
14                                   "Was the informed consent  
15                                  document duly signed by the study  
16                                  participant and the investigator or  
17                                  his delegate prior to any  
18                                  study-related procedures?"

19                                  And the answer is "See Appendix C"; do  
20                                  you see that there?

21                                  A.    Yes, I do.

22           249                   Q.    When I go to Appendix C -- so you  
23                                   have to go over two pages.  When I read in Appendix  
24                                   C, which is about informed consent documentation,  
25                                   is:

1 "The informed consent  
2 documentation was signed by all  
3 participants."

4 And then in the next paragraph:

5 "A copy of the participant's  
6 application which contains all  
7 informed consent materials is  
8 available to all participants."

9 Do you know what constitutes the  
10 informed consent documentation, Ms. Burke-Benn?

11 A. It could be a number of documents.  
12 The application package.

13 250 Q. Right.

14 A. The information booklet.

15 251 Q. Right.

16 A. The informed consent form.

17 252 Q. Okay. Because when the  
18 information booklet was in use, there was sort of  
19 an application or informed consent portion  
20 affiliated with the booklet at that time; is that  
21 right?

22 A. That's correct.

23 253 Q. You have no reason to doubt the  
24 veracity of the statement, that a copy of the  
25 participant's application, which contains all

1 informed consent materials, is available? You  
2 would say as of today -- okay. Well, you would say  
3 that as of the date of this document that was  
4 indeed true, that you had a copy or the Ministry  
5 had a copy of the informed consent for all  
6 participants; is that fair to say?

7 A. Yes, that is fair to say.

8 254 Q. And you still have those documents  
9 today, do you not?

10 A. Yes, we do. I would like to  
11 qualify this.

12 255 Q. Sure.

13 A. Although you are talking about  
14 Veritas, that there -- each individual who signed  
15 up with the Pilot had a different experience of the  
16 application and consent forms and material change  
17 throughout the Pilot to respond to the Pilot and  
18 research methodologies.

19 256 Q. But there are certain kinds of  
20 documents that you could point to that constitute  
21 the informed consent materials; correct?

22 A. That's correct.

23 257 Q. And those would include the  
24 information booklet, right?

25 A. Correct.

1           258                   Q.    The consent or other documents  
2                               signed along with the information booklet; correct?

3                               A.    Correct.

4           259                   Q.    And the application package that  
5                               was implemented later on in the administration of  
6                               the Pilot, right?

7                               A.    Yes, that's correct, and some  
8                               people would have experienced those various  
9                               documents in varying different ways because of how  
10                              the research enrollment process took place.

11          260                   Q.    And you are basing this on  
12                               interviews you had with individuals?

13                              A.    I am basing it on the knowledge of  
14                              how the enrollment took place.

15          261                   Q.    Okay.  At paragraph 76 of your  
16                              affidavit --

17                              MR. THOMPSON:  Can I close this one up?

18                              BY MR. MOREAU:

19          262                   Q.    Yes, I think so.  Paragraph 76.  
20                              So way back, page 22 of your record, paragraph 76,  
21                              you write here that:

22                              "The final applications were  
23                              received on April 19, 2018, with all  
24                              participants enrolled as of May 2018  
25                              with a total of 4001 households by

1 that point".

2 I appreciate the 4,001, that by then  
3 some individuals sort of have withdrawn and so on.  
4 So you give us those numbers there. I guess -- I'm  
5 sorry, Counsel, I am actually going to take you to  
6 Volume 2 of our record after all, Exhibit 34,  
7 Exhibit 34 to the Mechefske affidavit.

8 What you are going to be shown here is  
9 a news release dated April 24, 2018, so that is  
10 five days after this April 19 date in your  
11 affidavit; do you see that there?

12 A. That's correct.

13 263 Q. And it says here that:

14 "Ontario is providing more than  
15 4,000 people with a basic income,  
16 successfully completing the  
17 enrollment phase of the three-year  
18 pilot."

19 So you must have known by April 24 that  
20 there were already 4,000 persons actually receiving  
21 a basic income.

22 A. That's correct.

23 264 Q. Okay. When is the last time you  
24 met with the third party evaluators, actually met  
25 them in person, Ms. Burke-Benn, to the best of your

1 recollection?

2 A. To the best of my recollection? I  
3 don't have an exact date.

4 265 Q. Okay. If I said it was April or  
5 May, would that jog your memory or would that not  
6 help?

7 A. I believe we would have met with  
8 them to let them know that the Pilot was winding  
9 down, but I don't recall the exact date.

10 266 Q. Okay. But I take it the last  
11 meeting you had with them, apart from any meetings  
12 you had or may have had about windup, the last  
13 meeting you had with them was before the general  
14 election of 2018; correct?

15 A. No, I wouldn't say that is  
16 correct.

17 267 Q. So you may have met with the --  
18 you may have -- or you actually recall meeting the  
19 third party researchers at some point during the  
20 election?

21 A. No, we did not meet with them  
22 during the election.

23 268 Q. Okay. So apart from the windup  
24 meeting that may or may not have taken place, when  
25 is the last time you met with them? I guess -- I'm

1 suggesting to you it must have been before the  
2 election?

3 A. The last time we met with them I  
4 recall was to let them know that the Pilot was  
5 winding down.

6 269 Q. Okay. So that is the last  
7 meeting, and now I want to ask about the  
8 penultimate meeting, that being the second-last  
9 meeting. Was that after the election or before the  
10 election?

11 A. Can you clarify your question?

12 270 Q. So the last meeting, which was to  
13 talk about the windup. The second-last meeting, I  
14 therefore put to you happened before the election?

15 A. I would -- yes, that would make  
16 sense.

17 271 Q. Okay. Are you aware,  
18 Ms. Burke-Benn, of any class member -- well, let's  
19 not use the term "class member". Any person who  
20 was put in the payment group chose French as the  
21 language they wanted to communicate in?

22 A. I am not aware.

23 272 Q. Okay. Since it is possible that  
24 may have happened, I'm wondering if I could get a  
25 copy in French of the documents found at Exhibits

1 14 and 15 of the Burke-Benn affidavit?

2 MR. THOMPSON: One second. 14 and 15.

3 MR. MOREAU: While you are looking,  
4 Counsel, just for the record, Exhibit 14 we are  
5 told is the information booklet, and it has an  
6 application form at the back end, and then Exhibit  
7 15 we are told is the application form in use at  
8 the latter stages of the administration of the  
9 Pilot.

10 U/A MR. THOMPSON: I'll take it under  
11 advisement. I don't know if it exists.

12 BY MR. MOREAU:

13 273 Q. Okay. There were French documents  
14 that were drafted, were there not, Ms. Burke-Benn?

15 A. Yes, there were.

16 274 Q. A French version of the  
17 information booklet was drafted; correct?

18 A. Correct.

19 275 Q. A French version of the  
20 application form was drafted; correct, the  
21 application form at Exhibit 15 of Ms. Burke-Benn's  
22 affidavit. There was such a document drafted.

23 A. The government drafts all  
24 documents in French and -- most -- there is a  
25 French and English requirement, as far as I am



1           aware of. I don't have those -- I don't recall  
2           seeing, although I know that we needed to do  
3           everything in French and English.

4       276                   Q.     Correct. So I guess I would like  
5           to see the French versions of the very documents  
6           that are identified by Ms. Burke-Benn as being  
7           critical documents as part of the process,  
8           documents that formed the informed consent  
9           documents, the documents that very well might have  
10          been executed by some class members who prefer to  
11          and/or have a right to communicate in the French  
12          language.

13       U/A               MR. THOMPSON: I'm going to take it  
14          under advisement.

15                       BY MR. MOREAU:

16       277                   Q.     Okay. Going to our Volume 1 of  
17          our record, counsel, and our Notice of Motion of  
18          all places. So our Notice of Motion is at tab "A",  
19          and I am taking you to page 2. So we are right at  
20          the very start of our record.

21                       MR. THOMPSON: One second, Counsel. 2?

22                       MR. MOREAU: Yes, page 2 of our motion  
23          record. You have to go past tab "A", the Notice of  
24          Motion, and then page 2.

25                       MR. THOMPSON: Okay. We are there.

1 BY MR. MOREAU:

2 278 Q. What we are doing in this  
3 document, Ms. Burke-Benn, is we are asking the  
4 Court to give us an order defining the class as:

5 "All persons who are enrolled  
6 by the defendant [...]", and the  
7 defendant in this case is Her  
8 Majesty the Queen, "[...] in the  
9 Basic Income Pilot project as part  
10 of the payment group."

11 And then if you flip to page 36,  
12 further down, you are going to find the term  
13 "payment group" defined at the very bottom:

14 "'Payment group' means the  
15 group of individuals who were  
16 enrolled in the Basic Income Pilot  
17 project and were approved for the  
18 payment of BI payments and who  
19 thereafter received BI payments."

20 So when you look at that read -- if I  
21 said to you that person over there is a class  
22 member, you would be able to -- with the various  
23 documents you would have access to, you would be  
24 able to identify who that person is?

25 MR. THOMPSON: By their photo?

1 BY MR. MOREAU:

2 279 Q. By -- I just said by virtue of  
3 having access to the documents that you would have  
4 as Director of the Basic Income Pilot. If I said  
5 Dana Bowman is a class member, you would be able to  
6 answer that question with a yes or no answer?

7 MR. THOMPSON: With just the name?

8 BY MR. MOREAU:

9 280 Q. With the name, and I suppose --  
10 okay. Well, what would you need in order to answer  
11 the question to say that Dana Bowman is a class  
12 member, having now read what a class member is  
13 defined to be?

14 A. I would need --

15 281 Q. Assuming you have complete access  
16 to all the records within the Ministry relating to  
17 the Basic Income Pilot, what would you need from  
18 Dana Bowman to tell her that she is or is not a  
19 class member?

20 A. It depends on what point in the  
21 process you are talking about.

22 282 Q. Okay. Well, can you explain what  
23 you mean?

24 A. Sure. There is eligibility  
25 criteria. So if you became eligible under the

1 three main criteria, then you became a Pilot  
2 member.

3 283 Q. Yes.

4 A. While you were in the Pilot, you  
5 continued to -- we were able to continue to find  
6 you.

7 284 Q. Uhm-hmm.

8 A. Many people we sent cheques to,  
9 they came back.

10 285 Q. I understand.

11 A. And we had no idea why. You --  
12 towards the end of the fiscal year, when we were  
13 working with the Ministry of Finance to identify  
14 your continued eligibility, you would have had to  
15 continue to file your taxes, your spouse would have  
16 had to continue to file their taxes, you would have  
17 had to continue to live in Ontario, there should be  
18 no discrepancies with CRA, you could not be  
19 incarcerated. There were many factors.

20 286 Q. I don't think you are  
21 understanding my question, though. Dana Bowman  
22 says I'm a class member because I was enrolled in  
23 the Basic Income Pilot Project, and I was part of  
24 the payment group because I was approved for  
25 payment, and I received payment. So if Dana Bowman

1 came forward and said my name is Dana Bowman, and  
2 she gave you an identifier, a reference number, a  
3 SIN number or some combination thereof, you would  
4 have an ability to confirm that Dana Bowman is a  
5 class member; correct?

6 A. At the time of her recruitment --  
7 at the time of entering into the Pilot.

8 287 Q. I understand what you are saying,  
9 which is that there may come a point where --

10 A. That is correct.

11 288 Q. -- she is no longer eligible to be  
12 in the Pilot, right?

13 A. Correct.

14 289 Q. But assuming that all I need to  
15 know is that there was a moment in time when she  
16 was part of the payment group, you would be able to  
17 figure that out for Dana Bowman based on the  
18 information that you would have at the Ministry; is  
19 that right?

20 A. Her name, her reference number,  
21 yes, I would.

22 290 Q. So assuming that this person X now  
23 comes out of the woodwork, maybe it is somebody who  
24 hasn't -- even with picking up their cheques,  
25 you've completely lost track of them, but they come

1 out of the woodwork, and they say my name is XYZ,  
2 my reference number is whatever my reference number  
3 is - I think they typically started with a 5 - you  
4 would be able to say that person was part of the  
5 payment group; no, that person was not part of the  
6 payment group?

7 A. At the time of enrollment, yes.

8 291 Q. And right. And at any point where  
9 they were receiving payment, you would be able to  
10 definitively say that person was part of the  
11 payment group, subject to verification of  
12 eligibility?

13 A. Subject to verification of  
14 eligibility.

15 292 Q. So the answer is subject to  
16 verification of eligibility, yes, you would be able  
17 to figure out who that person is?

18 A. I would potentially, yes. It is a  
19 precarious group of people who --

20 293 Q. Well, let's say they get past the  
21 precarious part, and what I mean by that is they  
22 have a reference number, and they have a name, and  
23 they are able to communicate that in a language you  
24 can understand. You could say, yes, you at some  
25 point in time were a person who received BI

1 payments?

2 A. So I would need to know their  
3 name.

4 294 Q. Yes.

5 A. Their reference number.

6 295 Q. Yes.

7 A. Their social insurance number.

8 296 Q. Right.

9 A. Their address. The material  
10 information that would distinguish Tim Smith  
11 from -- Tim Smith in Lindsay from Tim Smith in  
12 Thunder Bay.

13 297 Q. Correct.

14 A. So there would need to be more  
15 than just the name and the reference number.

16 298 Q. Fair point, but once you find out  
17 that it is the Tim Smith of Lindsay as opposed to  
18 the Tim Smith of Thunder Bay, you would be able to  
19 say, with the SIN number, the reference number, the  
20 name and the address, yes, you, sir, were a member  
21 of the payment group?

22 A. Yes, I could say that.

23 299 Q. And you, Tim Smith of Thunder Bay,  
24 you were not because we don't have a record of you  
25 being enrolled and/or receiving payment?

1 A. Yes, I would say that.

2 300 Q. Okay.

3 A. I would be able to say -- I just  
4 want to qualify -- that you were once a member of  
5 the basic income payment group.

6 301 Q. Fair enough.

7 A. Yes.

8 302 Q. A class member, as you can see  
9 from the definition, is somebody who was once a  
10 member of the payment group. They are somebody who  
11 received payments, so you would be able to say they  
12 are a class member is what I am getting at.

13 A. I would be able to say that they  
14 were once someone who received payments, that's  
15 correct.

16 303 Q. Okay. With your affidavit, we are  
17 told that the documents we find at Exhibit 14 were  
18 in use until some point in 2018, so this would be  
19 the information booklet and some of the associated  
20 documents. If you go to page 345 of your record,  
21 the notice page -- so Exhibit 14, page 345 of your  
22 record. Just shy of it it looks like. You've got  
23 to keep going.

24 A. Uhm-hmm.

25 304 Q. Okay. One back.



1 A. Uhm-hmm.

2 305 Q. So we have here a notice, notice  
3 with respect to the collection of personal  
4 information. Halfway down, we are told the primary  
5 contact under this document is Kevin Pal, the  
6 Director of the Basic Income Pilot branch. And I  
7 want to be fair to you that, if you actually go now  
8 right to the very end, your name is listed as the  
9 Director of the Basic Income Pilot branch. We see  
10 that at page 351.

11 A. Correct.

12 306 Q. Did the Ministry just continue to  
13 use this page 345 right up until some point in 2018  
14 with Mr. Pal listed? If you don't know, you don't  
15 know. I'm just wondering if you know the answer to  
16 that.

17 A. There was only one information  
18 booklet printed.

19 307 Q. I see. Okay. So in other words,  
20 you continued to distribute the same information  
21 booklet even though it had Kevin Pal's name in it;  
22 is that fair to say?

23 A. I would say --

24 MR. THOMPSON: This is part of the --  
25 there is a page in between.

1 BY MR. MOREAU:

2 308 Q. Yes. That is what it looks like.

3 A. (Witness reviews document.)

4 What I would say, counsellor, is this  
5 was an enrollment process that was fluid and that  
6 different documents were used at different times  
7 and in different ways with different individuals  
8 because of the enrollment process and how they came  
9 into the enrollment processes.

10 So I actually can't speak to exactly  
11 when each document was used in each scenario.

12 309 Q. Okay. I am coming to another  
13 topic. I think I have another 15 minutes worth of  
14 questions and answers. It is also 12:40, maybe we  
15 would benefit from a break, or if you want to power  
16 through, I am open to that. I think maybe we  
17 should all have a break.

18 MR. THOMPSON: Yeah, why don't we take  
19 a break, but maybe not a lunch break, or do you  
20 want to take a -- why don't we off the record for a  
21 second, please.

22 -- RECESSED AT 12:44 P.M.

23 -- RESUMED AT 12:56 P.M.

24 BY MR. MOREAU:

25 310 Q. Ms. Burke-Benn, I'm going to take

1           you to paragraph 45 now of your affidavit. To  
2           understand 45, we have to understand what you are  
3           saying at 44. You talk about in 44 how a  
4           participant could discover that their intervention  
5           payments were less than they were eligible for  
6           through federal and provincial tax credits and  
7           other benefit programs. You also talk about how  
8           participants could withdraw from the Basic Income  
9           Pilot. So you say that in 44, and then in 45, you  
10          say:

11                                "As a specific example,  
12                                according to the information that  
13                                affiant Susan Paskoski provided at  
14                                the time she applied to OBIP (2016  
15                                tax information), it appears that  
16                                she received \$483 more from a  
17                                combination of employment income,  
18                                CPP disability pension benefits, and  
19                                ODSP benefits in 2016, then [sic]  
20                                she would receive through OBIP in a  
21                                12-month period."

22                                And then you attach at Exhibit 17 some  
23          2016 -- or you say her 2016 tax return.

24                                A.     Uhm-hmm.

25          311                                Q.     So you say that she is earning too

1 much as it were to get ODSP benefits. Can you  
2 explain to me why it is that she was actually  
3 approved for ODSP benefits? Do you know why that  
4 is the case?

5 A. I have no idea why she would have  
6 been approved for ODSP benefits.

7 312 Q. I am so sorry. Why she was  
8 approved for Basic Income benefits?

9 A. So the statement is:

10 "[...] according to the  
11 information that affiant Susan  
12 Paskoski provided at the time she  
13 applied to OBIP (2016 tax  
14 information), it appears that she  
15 received \$483 more from a  
16 combination of employment income,  
17 CPP disability pension benefits, and  
18 ODSP benefits in 2016, then [sic]  
19 she would receive through OBIP in a  
20 12-month period."

21 313 Q. Uhm-hmm. Look, if you want to  
22 verify that, it is at page 378 of your affidavit  
23 that you show us her T-1, her tax return. I guess  
24 the question I'm asking you is, if she is earning  
25 too much in 2016 -- if she is earning so much in

1 2016 that it is more than the Ontario basic income  
2 is providing, why would she have been approved at  
3 all?

4 A. Exhibit 17.

5 314 Q. So Exhibit 17, page 378. It is a  
6 one-page tax return.

7 A. I do not have the -- like, I can  
8 look at this. I would have to take it away and  
9 calculate. In reference -- I could make more money  
10 through all of these programs and still qualify for  
11 OBIP, right, because my income is below the  
12 threshold. Why Susan Paskoski decided to take a  
13 lesser income on OBIP, I do not know the answer to.

14 315 Q. So you think she is taking a  
15 lesser income on basic income?

16 A. That is based on the calculation  
17 which --

18 316 Q. I mean, I can show you the number,  
19 but my understanding is if you are an individual  
20 with a disability, the maximum benefit under OBIP  
21 is 22,989. You already know that is the correct  
22 answer. You just need to see that number from a  
23 document to confirm that.

24 A. 323, page 16, maximum basic income  
25 amount, no other income. Single adult with a

1           disability, 22,989.

2           317                   Q.     Right.  So in other words, if you  
3           look at that, she can get as much as 22,989,  
4           assuming a disability, yet at 17, Exhibit 17, page  
5           378, she has total income of \$25,935.  So I gather  
6           what you are saying is that is more than 22 and so  
7           therefore a person like a Sue or somebody with a  
8           profile that looks like Sue's could find herself  
9           wanting to exit the Basic Income Pilot; I think  
10          that is what you are saying?

11                           A.     She could decide that, of course,  
12          yes.

13          318                   Q.     I mean, listen, I agree with you  
14          that anyone can decide to leave the Pilot.  It is  
15          just what is confusing me is this.  When you look  
16          at 378, we see here that she is getting employment  
17          income of 4,770.68; do you see that there?

18                           A.     Yes.

19          319                   Q.     Now, under the Pilot, only half of  
20          that would have been deducted from her basic income  
21          payment; correct?

22                           A.     I am not going to be able to do  
23          the calculation in my head because we did it  
24          through a --

25          320                   Q.     I'm not asking you to do the

1 calculation. 50 percent of employment income was  
2 deducted from the basic income payments; correct?

3 A. Yes, that is correct.

4 321 Q. Okay. So I'll do the calculation.  
5 50 percent of 4,770 is about -- I'll round it up to  
6 \$2,400. So let's just go with \$2,400. If I take  
7 \$2,400 off of the \$25,935 total, I get \$23,500, a  
8 little bit more than \$23,500, which is still more  
9 than 22,989; you would agree with that, right?

10 A. Yes.

11 322 Q. And so therefore, again, it may be  
12 the case that Sue Paskoski just earns too much in  
13 2016 to benefit from basic income. I think that is  
14 what you are trying to tell us is the conclusion we  
15 are to draw from this.

16 A. I am not asking you to draw that  
17 conclusion. What --

18 323 Q. You have used a precise figure in  
19 your affidavit.

20 MR. THOMPSON: Just let her finish the  
21 answer, and then you can ask the next question.

22 BY MR. MOREAU:

23 324 Q. Okay.

24 A. I am not drawing any conclusions  
25 around why Susan Paskoski decided to take less

1 money on OBIP than she would have had she continued  
2 to get all of these benefits.

3 325 Q. Uhm-hmm. I mean, again, you say  
4 at paragraph 45 that she received \$483 more. Did  
5 you do that math?

6 MR. THOMPSON: It says it appears that.

7 BY MR. MOREAU:

8 326 Q. It appears that. I understand, I  
9 understand. We might have to dive a little further  
10 to see if that is in fact the case, but this  
11 appears that she received \$483 more. Did you do  
12 the math on the \$483, or were you given that number  
13 and signed this affidavit? I mean, you must at  
14 some point have done the math to give us \$483 at  
15 paragraph --

16 A. The math would have been done by a  
17 calculator.

18 327 Q. Okay.

19 A. But were you the one --

20 MR. THOMPSON: In fairness, you have to  
21 take her to the beginning part of the Exhibit,  
22 which has the -- you know, if you are going to --  
23 it is difficult, frankly, for a witness to give her  
24 one set of number when you have another set of  
25 numbers on the first page of the Exhibit.



1 MR. MOREAU: Well, Counsel, I am going  
2 to be taking her to the fact that she was -- that  
3 Ms. Paskoski was approved, which you do see on the  
4 first page, but the statement at paragraph 45, the  
5 conclusion or the facts or the evidence, whatever  
6 you want to call it at paragraph 45, is not derived  
7 from anything but the single page at page 378.

8 So I am trying to understand how one  
9 derived \$483 from page 378. And the answer I'm  
10 getting is I'm not quite sure. Somebody -- or a  
11 calculator was used, and you would have, I guess,  
12 relied on somebody to do this calculation.

13 U/T MR. THOMPSON: If you want, we'll  
14 undertake to get you the answer. She can't do the  
15 math off the top of her head right now.

16 THE DEPONENT: I can't do the math.

17 BY MR. MOREAU:

18 328 Q. That's fair. No, that is totally  
19 fair. This is -- I meant to see that if you can  
20 answer it. If you can't, then if you could  
21 undertake to tell us how that number was  
22 calculated, that would be appreciated.

23 A. Yes.

24 329 Q. The simple fact, though,  
25 Ms. Burke-Benn, is that although -- just on the

1 math I just did, Ms. Paskoski indeed did earn more  
2 when you add up the three line items, lines 101,  
3 114 and 145, and accounting for 50 percent of the  
4 employment income being removed from the  
5 calculation, she did in fact earn more than the  
6 maximum total for a person with a disability. We  
7 can see that. It is pretty obvious, even if we  
8 don't have the precise dollar.

9 Yet the fact is that just a few pages  
10 back we have a September 5th letter approving her  
11 for the receipt of \$953.87 in basic income, so that  
12 is per month. Can you explain why Sue Paskoski was  
13 approved, and if you need to see the page, it is  
14 374 of your affidavit.

15 A. Yes.

16 MR. THOMPSON: So a couple of things  
17 here. One is, just so you know, we don't take  
18 issue with that she wasn't eligible when she  
19 applied as a result of her income.

20 MR. MOREAU: I understand.

21 MR. THOMPSON: Two, we'll undertake to  
22 answer, but you can see that the annual basic  
23 income is 11,446 on the first page, and on the last  
24 page here, her disability and social benefits are  
25 11,929, and so that is where the four -- I don't

1 know the exact number, but \$400 and change comes  
2 from.

3 BY MR. MOREAU:

4 330 Q. It might be. I mean, I suppose  
5 that is entirely possible. I have a very different  
6 theory. I just know that this individual was  
7 approved to receive over \$11,000 in basic income  
8 payments for the year, \$11,446 to be exact. I  
9 would have thought that if her earnings in 2016  
10 were greater --

11 A. I think you are confusing things,  
12 counsel.

13 331 Q. I might be. No, I might be.

14 A. Can you look on page 314 of the  
15 Exhibit 14, please.

16 332 Q. So this is the eligibility?

17 A. Yes. So Susan Paskoski's income  
18 has to be -- in order to be eligible for the Basic  
19 Income Pilot, if you are a single person with a  
20 disability, your income has to be less than  
21 \$45,000.

22 333 Q. That's right.

23 A. If your income is less than  
24 \$45,000, then you are eligible.

25 334 Q. Yeah. We all agree she is

1 eligible.

2 A. Right.

3 335 Q. And we all agree she is eligible  
4 based on the eligibility criteria. It is just  
5 being eligible is one thing, but the receipt of  
6 payment is quite another. What you are saying to  
7 me is the conclusion you draw from these documents  
8 is that she must have chosen to take less income on  
9 the Basic Income Pilot.

10 A. I have no understanding -- I do  
11 not know why Susan Paskoski --

12 336 Q. I am not asking you to tell me  
13 why.

14 A. Right.

15 337 Q. I'm just asking you to confirm for  
16 me that in your estimation -- because you have  
17 given this as a matter of fact -- she is receiving  
18 \$483 more in 2016 than she is slated to get from  
19 basic income; correct?

20 A. What my statement says is:

21 "As a specific example,  
22 according to information that  
23 affiant Susan Paskoski provided at  
24 the time she applied for the OBIP in  
25 2016 tax information, it appears

1                   that she receives \$483 more from a  
2                   combination of employment income,  
3                   CPP disability [...] than she would  
4                   receive through the OBIP in a  
5                   twelve-month period."

6       338           Q.     Right.

7                   A.     That is the only statement that I  
8                   have. I have no other assumptions or summaries  
9                   or --

10      339           Q.     Fair enough. Go to page 240,  
11                   please, of your record.

12                   A.     Okay.

13      340           Q.     You see here that -- we're shown  
14                   the maximum benefit number in the little table and  
15                   in the middle; correct?

16                   A.     Correct.

17      341           Q.     It says here after the table that  
18                   all employment earnings reduced to basic income at  
19                   a rate of 50 percent, you see that?

20                   A.     Correct.

21      342           Q.     And then at the bottom, there's --  
22                   or after the bullets, we see "Other Income",  
23                   including public/private pensions and unemployment  
24                   benefits reduces the basic income payment at a rate  
25                   of 100 percent dollar for dollar. And then we are

1 told that income related to children or other  
2 social assistance payments are exempt and do not  
3 reduce the basic income payment, income related to  
4 children.

5 Do you see that there?

6 A. I do.

7 343 Q. What assumption did you make about  
8 the extent to which the 2016 income for Sue  
9 Paskoski was attributed to one or more of her  
10 children?

11 U/T MR. THOMPSON: We have already  
12 undertaken to give you how the numbers came up. It  
13 is very difficult to do on the fly here, so I  
14 suggest we do it by way of undertaking.

15 MR. MOREAU: Okay. Well, I'm going to  
16 now add to your undertaking, Counsel, because I  
17 have added a new fact here -- or a new assumption,  
18 which is that Ms. Paskoski may have had a child in  
19 2016 for whom CPPD benefits were attributed and/or  
20 for whom disability benefits were attributed -- or  
21 sorry, social assistance payments were attributed,  
22 and so I'm wondering if the presence of a child --

23 MR. THOMPSON: You are saying she may.  
24 Like, did she, did she not? Is there evidence of  
25 that?

1 MR. MOREAU: Well, Ms. Burke-Benn  
2 assumes, based solely on the document at paragraph  
3 17 -- or Exhibit 17, page 378, that you just simply  
4 add all the numbers up, which is what you just did,  
5 Counsel, and then --

6 MR. THOMPSON: Page 16, did you say?

7 MR. MOREAU: Exhibit 17, page 378, that  
8 all one does is add up all the numbers at page 378,  
9 compare it to the maximum amount payable under  
10 basic income for a single person with a disability,  
11 and you will find a difference of whatever the  
12 number was, \$483. And I am telling you that if you  
13 account for the existence of a child, it is  
14 possible that Ms. Paskoski is actually earning  
15 more. When you acknowledge the fact that -- the  
16 fact that a person has a child and is receiving a  
17 CPP benefit or a social assistance payment in  
18 relation to that child, that is not supposed to be  
19 taken into account.

20 MR. THOMPSON: So, I mean, I think we  
21 can say that this is -- is this --

22 BY MR. MOREAU:

23 344 Q. I don't think you understand. All  
24 you need to undertake to do is tell us how the  
25 calculation was done , and then the second thing

1           you should undertake to do in my estimation is tell  
2           us whether the presence of a child -- whether there  
3           actually is a child or not -- was accounted for in  
4           this calculation. That is all I'm asking you to  
5           do.

6           U/T           MR. THOMPSON: Okay. Fine. We'll  
7           undertake to do that.

8           MR. MOREAU: I will note, as I give you  
9           this undertaking to do, that Ms. Paskoski tells us  
10          in her affidavit, which I understand was served  
11          before the Burke-Benn affidavit was served, that  
12          she indeed has a child.

13          MR. THOMPSON: Well, of what age?

14          MR. MOREAU: I believe that she says  
15          the child was born in 1996. I believe ODSP  
16          regulations speak to what constitutes a dependent  
17          child for the purposes of calculating social  
18          assistance payments. I believe the CPP Act  
19          provides information along with its regulations  
20          about how one calculates a CPP disability credit  
21          per child. I believe it is about \$245 a year in  
22          the year 2016. None of that appears in this  
23          affidavit, none of it.

24          MR. THOMPSON: There is no reason to  
25          get angry, Stephen.



1 MR. MOREAU: Well, Counsel, I  
2 understand how the system works, and I have an  
3 affiant who is telling us that Ms. Paskoski is  
4 earning less on basic income. There is no evidence  
5 that that's in fact the case, other than page  
6 378 --

7 MR. THOMPSON: You can disagree with it  
8 all you want. You don't need to get upset about  
9 it.

10 MR. MOREAU: I am disagreeing  
11 because -- I disagree, but I am asking you to  
12 actually do the work, and the affiant --

13 MR. THOMPSON: And I have said several  
14 times we would. Please move on.

15 BY MR. MOREAU:

16 345 Q. All right. Well, you asked for an  
17 explanation, and you just got it. At Exhibit 4 of  
18 the Regehr affidavit -- so, Counsel, the very last  
19 document in our motion record, Volume 3, we see  
20 that PowerPoint presentation I took you to at the  
21 start of the cross-examination.

22 MR. THOMPSON: We are there.

23 BY MR. MOREAU:

24 346 Q. All right. Who drafted this  
25 document, Ms. Burke-Benn? If you don't know, you

1 don't know.

2 A. I do not know.

3 347 Q. Okay. Now, we go to your  
4 affidavit, if you don't mind, at paragraph 58. Do  
5 you have any evidence, Ms. Burke-Benn, that -- no,  
6 never mind. We'll go to paragraph 58. At  
7 paragraph 58, you write:

8 "Under administration of the  
9 study, a participant's eligibility  
10 for payments could have potentially  
11 ended, or the amount of the payment  
12 could have potentially been adjusted  
13 due to several circumstances [...]"

14 And then you list 17 circumstances.

15 Looking at (a), voluntary withdrawal, I  
16 take it that is an example where payments would  
17 have ended, not just been adjusted; is that  
18 correct?

19 A. That's correct.

20 348 Q. And (b), the participant reaching  
21 the age of 65, the benefits would have ended, not  
22 been adjusted; correct?

23 A. Correct.

24 349 Q. Whereas with (d), if there is a  
25 change of income, it is possible that that would

1           either -- that that would result in participation  
2           ending, or it is just possible that that would  
3           result in an adjustment; correct?

4                   A.     Correct.

5   350           Q.     (o), the death of the  
6           participant -- the participant's death would have  
7           resulted in their participation in the Pilot  
8           ending; is that correct? The death of the  
9           participant him or herself, not the spouse.

10                   MR. THOMPSON: He is on (o), sorry.

11                   BY MR. MOREAU:

12   351           Q.     So sorry.

13                   A.     The death of applicant or spouse  
14           or common law partner.

15   352           Q.     (o) is death of the participant or  
16           the spouse or the common law partner. I take it if  
17           the participant dies, that would result in an end  
18           to the Pilot for that individual or the end of the  
19           payments; correct?

20                   A.     It would result in the end of the  
21           payments for the actual participant, yes.

22   353           Q.     Right. I take it the reason that  
23           is the case is that the participant wouldn't be  
24           around to complete the surveys anymore; is that  
25           right?

1 A. Yes, that would be right.

2 354 Q. Okay. You at points in your  
3 affidavit estimate the class size, and you  
4 reference that you were aware that some  
5 participants had died by the time you put the  
6 numbers together; is that fair?

7 A. Correct.

8 355 Q. Okay. Have you been monitoring  
9 who has died since putting your affidavit together?  
10 In other words, are you monitoring that on an  
11 ongoing basis?

12 A. No.

13 356 Q. Okay. Have you read the story  
14 about Michael Hamson's recent death?

15 A. No, I have not.

16 357 Q. Would you --

17 A. Can I add context, that we would  
18 have no way of continuing to --

19 358 Q. You might have had no way of  
20 continuing to monitor, but I just wanted to ask if  
21 anecdotally you had been monitoring it, and I think  
22 the answer is no, you are not monitoring.

23 A. No, we are not.

24 359 Q. Yeah, whether you have the power  
25 or not, but anyway, we'll move on.

1                   Would you say, Ms. Burke-Benn, that the  
2                   team that you directed was fully committed to the  
3                   Basic Income Pilot while it was active?

4                   A.     Yes, I would.

5     360           Q.     Would you say that from your  
6                   interactions with Ms. Glass that she gave the  
7                   impression that she was not serious about the  
8                   Pilot?

9     R/F           MR. THOMPSON:  Objection.

10                  MR. MOREAU:  Counsel, Ms. Glass makes  
11                  presentations to various potential participants  
12                  which I'm told are very enthusiastic and  
13                  well-received.  She does seem to be an enthusiastic  
14                  supporter of the Pilot.

15                  MR. THOMPSON:  Frankly, I let you ask  
16                  the other question, but the seriousness is  
17                  irrelevant to anything in the --

18                  BY MR. MOREAU:

19     361           Q.     I am not going to ask any further  
20                   questions on that point.

21                  At paragraph 33 of your affidavit -- so  
22                  at paragraph 33, on the first line of paragraph  
23                  33 -- I'll wait for you to get there -- you say  
24                  that:

25                               "[...] MCCSS was required to

1 perform additional work such as  
2 responding to any participant  
3 inquiries [...]"

4 And then further down, you say the  
5 issuance of T-5 tax forms. The actual tax form  
6 that was issue, I take it, was the T-5007?

7 A. The T-5 tax forms, I am not  
8 familiar with the exact numbering of the tax form.

9 362 Q. Okay. So if I told you it was a  
10 T-5007, you would say yes, no, or I just don't  
11 know?

12 A. I would say that it was issued --  
13 a T-5 tax form was issued. That is my  
14 understanding.

15 363 Q. Okay. Is a T-5007 a T-5 form to  
16 your understanding, or you don't know?

17 A. I'm not the issuer of the T-5 tax  
18 forms.

19 364 Q. Fair enough. At paragraph 56, you  
20 tell us that starting in May 2018, the Ministry of  
21 Finance assisted MCCSS in determining whether an  
22 individual continued to be eligible to receive  
23 payments under OBIP, and if so, the amount of the  
24 payments, using information collected from the  
25 Canada Revenue Agency.

1 And later on in your affidavit, you  
2 talk about using Canada Revenue Agency data in  
3 order to determine eligibility and payments; so you  
4 recall those paragraphs in your affidavit?

5 A. I -- yes, I recall this. Can you  
6 point me to the other paragraphs, please?

7 365 Q. Sure. Starting at paragraph 82,  
8 you come back to the Ministry of Finance and to the  
9 Canada Revenue Agency. So at 82, you have reports  
10 from the Ministry of Finance. At 83, you talk  
11 about Gail Bloschinsky, the Ministry of  
12 Finance, and that she had information from the  
13 Canada Revenue Agency.

14 A. Correct.

15 366 Q. And then in 84, the Ministry of  
16 Finance is cited again?

17 A. Correct.

18 367 Q. So what I am going to suggest to  
19 you is that when you say at paragraph 56 that  
20 starting in May 2018 the Ministry of Finance had  
21 Canada Revenue Agency data, is the data that you  
22 got from the Canada Revenue Agency data that was  
23 current in May of 2018, or did you get ongoing data  
24 between May of 2018 and August of 2018?

25 A. We got data on tax filers between

1 May 2018 and August 2018.

2 368 Q. Okay. The data you got from tax  
3 filers, was it data from the CRA that followed the  
4 assessment process, or was it simply return data  
5 prior to an assessment? Do you not know?

6 A. CRA provided MOF with tax  
7 information, return information.

8 369 Q. Right, but the return information  
9 that was provided, was it provided after the  
10 taxpayer had himself or herself been assessed?

11 A. That I don't know.

12 370 Q. Okay. I mean, did the form of the  
13 information to CRA take the form of page 378 of  
14 your affidavit?

15 MR. THOMPSON: Pull up 378.

16 BY MR. MOREAU:

17 371 Q. If you go to 378, I wonder if that  
18 is the form in which the CRA data came to you.

19 A. No, no CRA data came to the MCSS.

20 372 Q. Sorry, came -- okay. Well, let me  
21 ask it different. Please put up page 378 if you  
22 don't mind.

23 A. Okay.

24 373 Q. I'm just wondering if this page  
25 378 is data that was received from the Canada



1 Revenue Agency?

2 A. No, it is not.

3 374 Q. Okay. Now, you did not have 2017  
4 tax data for Sue Lindsay; correct?

5 A. Can you point me to where you are,  
6 please?

7 375 Q. You talk in your affidavit --

8 A. I remember Sue Lindsay. I just --

9 376 Q. Yeah. You say that she had made a  
10 declaration of income in 2017, and then you  
11 subsequently received information from the CRA that  
12 contradicted that. I mean, I can take you to those  
13 passages, if you want.

14 A. I remember that, yes.

15 377 Q. You do remember that?

16 A. Uhm-hmm.

17 378 Q. And then you say, I'm attaching to  
18 Exhibit 17, you are attaching as an exhibit the  
19 data that you received from the CRA for Sue  
20 Lindsay. I'm just going to try and find that and  
21 show that to you. It looks like Exhibit 19.

22 A. I actually have to go back to my  
23 affidavit to see where I may have said that.

24 379 Q. Sure. Yes. I'll find that  
25 paragraph for you.

1 MR. THOMPSON: That is paragraph 55.

2 BY MR. MOREAU:

3 380 Q. You beat me to it. At paragraph  
4 55 -- I'll wait for you -- at page 15. You've just  
5 gone one past.

6 MR. THOMPSON: Take your time and read  
7 it.

8 BY MR. MOREAU:

9 381 Q. You say:

10 "I have reviewed the OBIP  
11 applications completed by Susan  
12 Lindsay [...]. In 2017, her OBIP  
13 application was denied [...] In  
14 2018, she applied again using a  
15 'Declaration of Income' [...].  
16 Based on her declaration, she was  
17 deemed eligible [...] However,  
18 according to her 2017 Income Tax  
19 Return, her employment for 2017 was  
20 \$15,725.81."

21 You say attached as Exhibit 19 is her  
22 declaration and then her income tax return.

23 I guess my question for you is whether  
24 the income tax return at 19 is one received from  
25 Sue Lindsay or is one received from the Canada

1 Revenue Agency?

2 MR. THOMPSON: I can answer that if you  
3 allow me to answer it.

4 MR. MOREAU: Pardon?

5 MR. THOMPSON: I can answer that. It  
6 is from the Divisional Court application record.

7 MR. MOREAU: I see. Prepared by whom?

8 MR. THOMPSON: Prepared by --

9 MR. MOREAU: The applicant or the  
10 respondent?

11 MR. THOMPSON: -- counsel for the  
12 proposed class members.

13 MR. MOREAU: Okay.

14 MR. THOMPSON: Okay. Sorry, one  
15 second.

16 So it was provided by Ms. Lindsay  
17 through a notice of examination in the prior  
18 judicial review proceeding.

19 BY MR. MOREAU:

20 382 Q. Okay. So now going back to  
21 paragraph 84 of your affidavit -- sorry we are  
22 jumping around here, and we are almost done -- you  
23 break down some of the information. You say that  
24 there is 4,001 participants, and then further down,  
25 you tell us that -- and this is four lines from the

1 bottom:

2 "Of the 3,388 participants,  
3 incomes of 1,401 participants or  
4 their spouses or common law partners  
5 had increased such that their OBIP  
6 payments should have decreased."

7 Do you know how many persons were in a  
8 situation where the participant, their spouse or  
9 their common law partners had income that had  
10 decreased such that their OBIP payments should have  
11 increased? Was that data analyzed?

12 A. I don't have that information. I  
13 don't recall having that --

14 383 Q. I mean, you relied, I guess, on  
15 Ms. Bloschinsky to obtain the data about the  
16 profiles of those people that were in the Basic  
17 Income Pilot; is that fair to say?

18 A. That's correct.

19 384 Q. Okay. So if I told you that there  
20 were some participants or spouses or common law  
21 partners whose 2017 tax return data showed figures  
22 that were lower than had been reported, you would  
23 say, yes, that is true, no, that is not true, I  
24 haven't heard that one way or another?

25 A. The only -- that is a good

1 question, Counsel. The only way I would have heard  
2 it is because during the period, if someone's  
3 income had decreased, that means they had a  
4 significant change in their circumstances, they  
5 could have called us, and we would have provided  
6 them with a new basic income amount.

7 385 Q. Right, or they may just simply  
8 have not called, and you would have learned that  
9 through the tax return, and I guess I'm just asking  
10 whether the tax information that was obtained would  
11 have allowed you to come to the other conclusion.  
12 It just sounds like you don't know one way or  
13 another.

14 A. Actually the process that we -- we  
15 continued the same process that we had instituted  
16 through the Pilot, that if someone had come to us  
17 and told us that their basic -- that their income  
18 had decreased, we would have done a significant  
19 change in circumstance and given them a different  
20 payment amount, which we did during the course of  
21 the wind-down period.

22 386 Q. Do you know how often that  
23 happened?

24 A. I don't have the numbers, but we  
25 did have people that we were processing on a

1 regular basis.

2 387 Q. Okay. At paragraph 76, so just  
3 back, and I think you have actually got it, you  
4 know, almost out in front of you, page 22,  
5 paragraph 76. This is where you tell us about the  
6 final application is received April 19th,  
7 enrollment into May. You say ultimately a total of  
8 4,001 households, i.e., individuals or couples,  
9 were enrolled in the intervention group, and again,  
10 I appreciate that is after a group had withdrawn,  
11 died, or had reached age 65.

12 So my first question is, Tracey  
13 Mechefske, we hear that she is a participant, and  
14 her spouse's data is being utilized. Is she  
15 considered -- she is obviously considered a  
16 household. Is she considered one individual or two  
17 individuals?

18 A. A total of 4,001 households?

19 388 Q. Uhm-hmm.

20 A. It is by household, so she is  
21 considered one household.

22 389 Q. Right. If there were households  
23 that had two or more individuals who were both on  
24 the Basic Income Pilot, I take it that would count  
25 as one household but more than one payment

1 member -- or basic income payment group member?

2 A. That's correct. So people who  
3 were not in spousal relationships who lived  
4 together in the same address could apply for the  
5 basic income, and if they were eligible, they would  
6 be considered two participants.

7 390 Q. Okay. When you say at paragraph  
8 84 that the 2017 income tax return information led  
9 to that conclusion, the 1,401 participants having  
10 an increased income, do you know what form the 2017  
11 data took that came in from the CRA? Was it  
12 literally a PDF or a copy of an income tax return,  
13 for instance, or was it some sort of printout of  
14 baseline data?

15 A. I am not aware.

16 391 Q. I would like an undertaking,  
17 Counsel, and what I am looking for is, you know,  
18 what form did the information take. If that  
19 requires that you ask Ms. Bloschinsky, that might  
20 be the simplest way forward. What form is -- I'm  
21 wondering if I could be given a sample of one what  
22 one would look like. You could certainly black out  
23 all the names, numbers, SIN numbers, identifiers,  
24 just so that I can see was it an actual 2017 tax  
25 return, one per person, was it something different?

1           What was it? I would like to see that.

2                       MR. THOMPSON: Why do you want to see  
3           it?

4                       MR. MOREAU: Well, if you take as an  
5           example Ms. Paskoski, she has a child. It is quite  
6           possible that in her circumstance -- maybe it is  
7           the case, maybe it isn't the case -- that some of  
8           her social assistance payments and CPP disability  
9           payments are attributable to the child, and we saw  
10          at page 240 of your record that that therefore  
11          would essentially have to be pulled out of the  
12          number in order to add up the recipient's total  
13          income.

14                      In other words, you would say to  
15          yourself, the recipient is entitled to a certain  
16          amount of basic income, minus 50 percent of  
17          employment income and minus 100 percent of  
18          disability and social insurance payments attributed  
19          solely to them. So I'm saying to you that if that  
20          is the case, as it must be because that is what the  
21          Study Protocol says, then one could not -- from a  
22          tax return that looks, for instance, like the one  
23          at page 378 of the return, one could not make a  
24          determination.

25          U/A                      MR. THOMPSON: Okay. I have your



1 explanation. I am going to take it under  
2 advisement, and I will get back to you on it.

3 MR. MOREAU: Okay.

4 MR. THOMPSON: Thank you.

5 BY MR. MOREAU:

6 392 Q. At Exhibit 29 of your affidavit,  
7 we have what you describe are the AIV results.  
8 I'll just wait for you to pull that up there.

9 A. Uhm-hmm.

10 393 Q. Can you tell me what "AIV" stands  
11 for?

12 A. Automated income verification.

13 394 Q. Okay. Now, you list or somebody  
14 has listed in the fourth row "Other CRA  
15 discrepancies, for example, date of birth,  
16 mismatch, name mismatch". Do you know what other  
17 discrepancies would have fallen within other CRA  
18 discrepancies other than date of birth, mismatch or  
19 name mismatch?

20 A. In my affidavit, there is a  
21 document that outlines.

22 395 Q. I think it is the next page over  
23 at Exhibit 30, page 497. I was going to take you  
24 there.

25 A. Yeah. Sorry.

1 396 Q. You are one page too far. If you  
2 go back to page -- no, maybe you are not there.  
3 There you are.

4 A. Here it is, yes.

5 397 Q. Page 497, this looks like a letter  
6 informing people of the windup and talks about here  
7 how, in order to finalize your eligibility, we need  
8 to confirm with you the following information, and  
9 there is 12 items listed, and one of these items is  
10 name matching and one of these items is the other  
11 non-match, like the date of birth.

12 So I'm just wondering is this list of  
13 12 what is included in the 119 discrepancies and  
14 only this list?

15 A. Well, this list, and under number  
16 12, there are some outstanding items that require  
17 your further confirmation.

18 398 Q. Uhm-hmm.

19 A. So there could be other types of  
20 mismatched information.

21 399 Q. Counsel, would you undertake to  
22 tell me if Sue Paskoski is one of the 1,401  
23 individuals identified by this witness as an  
24 individual for whom the 2017 data is resulting in a  
25 lower BI payment through this AIV process seems to

1 have been conducted. I am not saying we are going  
2 to agree with that conclusion. I am just wondering  
3 if that person -- if Ms. Paskoski is one of 1,401?

4 U/A MR. THOMPSON: I'll take it under  
5 advisement.

6 MR. MOREAU: Can we just take five  
7 minutes in the hall with co-counsel.

8 MR. THOMPSON: Sure.

9 MR. MOREAU: So off the record.

10 (DISCUSSION OFF THE RECORD.)

11 MR. MOREAU: So, Ms. Burke-Benn,  
12 subject to some questions that we might hear in  
13 re-examination and the undertakings, those are my  
14 questions. Thank you.

15 RE-EXAMINATION BY MR. THOMPSON:

16 400 Q. It is Chris Thompson,  
17 Ms. Burke-Benn. I just have a few questions for  
18 you in re-examination.

19 And the first is I am going to show you  
20 your LinkedIn profile, which we put in as Exhibit  
21 1, and on page 2 of that profile, beside Ontario  
22 Public Service, it says 3 years and one month. Is  
23 that an accurate reflection of how long you have  
24 been in the Ontario Public Service?

25 A. No, it is not.

1 401 Q. How long have you been in the  
2 Ontario Public Service?

3 A. I have been off and on in the  
4 Ontario Public Service for over 27 years.

5 402 Q. And I am going to show you my  
6 friend's record. It is at page 1026, so you can  
7 look at this one, which is Exhibit E.

8 MR. MOREAU: That is tab E, Volume 3,  
9 Counsel?

10 BY MR. THOMPSON:

11 403 Q. Volume 3, yes, which I believe is  
12 Dana Bowman's affidavit. My friend took you to  
13 this earlier. I'll just wait for a second.

14 MR. MOREAU: I am ready. Go ahead.

15 BY MR. THOMPSON:

16 404 Q. And so it is a letter. At the  
17 top, it says December 7, 2017, to Ms. Dana Lee  
18 Bowman. Partway down the page, you will see text  
19 that says:

20 "You will also receive \$50 for  
21 completing the baseline survey.

22 Since you will receive basic income  
23 payments, you will not receive  
24 further compensation for surveys."

25 Do you see that?

1 A. I do.

2 405 Q. Now, I would ask you to turn to  
3 your affidavit at paragraph 41.

4 A. Yes.

5 406 Q. And I am going to read it. It  
6 says:

7 "Participants were to be  
8 compensated for each survey that  
9 they completed. Payment was to  
10 incentivize participants to complete  
11 the surveys and to compensate them  
12 for their time. All participants  
13 were required to complete an initial  
14 baseline survey for which they were  
15 paid \$50 as compensation. Early  
16 enrollment intervention participants  
17 were advised that they would not be  
18 compensated for further surveys.  
19 However, MCCSS later determined to  
20 compensate intervention group  
21 participants for further surveys at  
22 the rate of \$30 per survey."

23 Is that accurate?

24 A. That is correct.

25 407 Q. And was that change made before or

1 after this letter to Ms. Bowman?

2 A. It would have been made after the  
3 letter to Ms. Bowman.

4 408 Q. So now I would like to take you to  
5 paragraph 61 of your affidavit. This paragraph  
6 attaches at the very bottom or references Exhibit  
7 23. So can you just pull that up to your  
8 affidavit. My friend asked you some questions  
9 about Exhibit 23 and whether this letter was sent  
10 or not sent, and your evidence was that you  
11 couldn't remember. I am going to take you to your  
12 paragraph in the affidavit which you weren't taken  
13 to earlier and just ask you to read that paragraph  
14 and then tell me if it refreshes your memory at all  
15 as to whether those letters were sent or not.

16 A. Okay.

17 409 Q. So if you could read paragraph 61  
18 of your affidavit in full.

19 A. "Applications were received  
20 [...]" --

21 410 Q. You don't have to read it out  
22 loud. Just read it to yourself.

23 A. Okay.

24 (Witness reviews document.)

25 It does refresh my memory, yes.

1           411                   Q.    And so can you tell us, does it  
2                               refresh your memory as to whether those letters  
3                               that are attached at Exhibit 23 to your affidavit  
4                               were sent or not?  It does or it doesn't.  If you  
5                               don't recall, that is fine, but if you recall, if  
6                               that does refresh your memory, then please let us  
7                               know.

8                               A.    Yeah, it does.  The difference  
9                               here is -- thank you -- is that there is no control  
10                              group in Lindsay.  I think that's the difference.

11          412                   Q.    So there is two different letters  
12                               attached to paragraph 23.  Both of them have the  
13                               language that you will receive \$30 for completing  
14                               each survey to participants that were selected to  
15                               be in the payment group, and my friend asked you  
16                               whether that was -- these letters were actually  
17                               sent.  You said you didn't know.  I just brought  
18                               you to paragraph 61 to see if that refreshes your  
19                               memory as to whether they were sent or not.  So  
20                               that is the question, and either it does or it  
21                               doesn't.

22                              A.    What refreshes my memory that they  
23                               were probably sent is the page that outlines the  
24                               payment dates from January to June, so this -- that  
25                               suggests that people who enrolled after December

1 2017 into January got this letter because it  
2 outlines the payment from January to June.

3 So I would have to say I believe these  
4 letters were sent.

5 MR. THOMPSON: Those are all my  
6 questions in re-examination.

7  
8 -- Adjourned at 1:47 p.m.  
9  
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REPORTER'S CERTIFICATE

I, DEANA SANTEDICOLA, RPR, CRR,  
CSR, Certified Shorthand Reporter, certify:

That the foregoing proceedings were  
taken before me at the time and place therein set  
forth, at which time the witness was put under oath  
by me;

That the testimony of the witness  
and all objections made at the time of the  
examination were recorded stenographically by me  
and were thereafter transcribed;

That the foregoing is a true and  
correct transcript of my shorthand notes so taken.

Dated this 27th day of February, 2020.



NEESONS, A VERITEXT COMPANY

PER: DEANA SANTEDICOLA, RPR, CRR, CSR

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Debbie Burke-Benn



EXHIBIT No. 1  
 ON THE EXAMINATION OF  
Debbie Burke - Benn IN  
Bowman et al V HMQ  
 HELD ON Feb 20, 2020  
 NEESON COURT REPORTING INC

## Debbie Burke-Benn

Women of Inspiration Winner (Authentic Leader Category)

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## About

Debbie Burke-Benn is an organizational development/ change management specialist who has successfully developed programs, projects and organizational change strategies for clients in Canada and Internationally. Debbie brings a creative, results oriented, team building perspective to all of her leadership roles. From building IT solutions and business processes that are innovative to developing performance management approaches for International organizations, Twenty years of change management experience allows her to quickly assess organizational challenges, develop strategies and tactics that will lead any organization to successful employee engagement and implementation outcomes. Her strategies, approaches and tools have been adopted as best practices. Debbie prides herself on bringing her passion for inclusion, values-based leadership and authentic interactions to all her leadership roles, successfully working with Senior executives in Canada and Internationally she has made ground breaking changes in several different sectors. More recently she was the ADM and Director lead on the Ontario Public Service's Inclusion and Diversity culture change strategy, working with the Secretary of Cabinet, Deputy's and Senior leaders in HR and key stakeholders enterprise-wide to create a new approach to embedding inclusion in the Ontario Public Service.

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## Activity

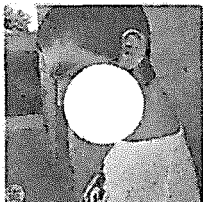
### Keep It Short and Simple

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### Integrity is Everything!

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On the first training session, Brandon said, "I want a girlfriend but no one likes me because I can't walk." After eight long years, everyone...

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## Experience

### Director, Youth Strategies

Ontario Public Services

Apr 2019 – Present · 11 months

Toronto



### Ontario Public Service

3 years 1 month

### Director, Basic Income Pilot

Jun 2017 – Present · 2 years 9 months



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---

Feb 2017 – Jun 2017 · 5 months

Change Management consultant working with the IT community to deliver large transformational change.

### **Inclusion and Change Management Professional**

Consultant

Jan 2001 – Present · 19 years 2 months

Working with organizations to develop change management, program evaluation, learning and development , large transformational change initiatives that contributed to high performing organizations - Including international consultancies in Ghana, Kenya, Eastern Caribbean and Namibia.

### **Chief Inclusion and Accessibility Officer (Acting)**

Ontario Public Service

Sep 2016 – Dec 2016 · 4 months

Leading the Ontario Public Service to be an even more accessible and inclusive organization.

### **Director, Inclusion Accessibility Policy and Program Branch**

Ontario Public Sector Diversity Office

Feb 2013 – Aug 2016 · 3 years 7 months

Leading the Ontario Public Sector's transformational inclusive culture change strategy including the middle management strategy to embed and sustain the values of inclusion and accessibility in all OPS policies, programs and services. Within 18 months developed a new behavioural approach to embed inclusion into the fabric of the Ontario Public Services. Motivating a team of 8 professionals to identify, create and deliver a strategy and tactics that impact behaviours while maintaining...

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### **Senior Manager, Managerial and Personal Effectiveness - Global Learning**

RBC

Jul 2011 – Feb 2013 · 1 year 8 months

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virtual train-the-trainer approach which resulted in...

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## **Manager, Inclusion Unit**

ServiceOntario

Mar 2010 – Jul 2011 · 1 year 5 months

As the Manager of the Inclusion Unit at ServiceOntario, Debbie led ServiceOntario's founding year Inclusion, Diversity and Accessibility Strategy. Building a small team of professionals, Debbie led ServiceOntario's Inclusion strategy and roadmap branding ServiceOntario as a forerunner in the OPS. Tactics included, building a strong non-positional leadership team, leadership and management tools for positional leaders. Customer facing solutions, such as signature guides for people living with...

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## **Assistant Director, Strategic Planning, Public Engagement & Editorial Services**

Ministry of Consumer Services - Communications Branch

Aug 2009 – Mar 2010 · 8 months

Toronto, Ontario

Short-term assignment - provided direction to a team of professionals comprised of communications planners, public engagement and correspondence staff. Developed and initiated the implementation plans for branding the ministry. Lead the ministries leadership visioning process and initiated, developed and procured the first leadership learning sessions. Note - this was an acting assignment while a permanent competition was completed.

## **Regional Manager - South East and Manager Counters**

ServiceOntario

Apr 2006 – Aug 2009 · 3 years 5 months

Peterborough to Hawkesbury

Transformational Change - During the period between April 2005 and August 2009, I worked as the Manager of Counters for ServiceOntario, responsible for managing the

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## Senior Advisor, Education and Communication, Human Rights and Diversity

York University

May 2005 – Jul 2006 · 1 year 3 months

Toronto, Canada Area

Start-up - Built and lead the strategic direction for the Accessibility, Human Rights and Diversity curriculum and change strategies for the Ombudsperson's office and Director of Human Rights at York University. Managed student team delivering educational programs and events. Responsible for speaking engagements for the office as well as the diversity and human rights change strategies for faculty and administrative staff. Also taught diversity and human rights principles to students during...

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## Education

### York University - Schulich School of Business

Executive Learning Centre

2009 – 2009

Change Leadership - Management II

### University of Toronto - New College

Honours BA · Political Science

### Niagara Institute

Leading through Change, Executive Learning

2008 – 2008

### ADPRO

ADKAR Practitioner Certification · Change Management

2012 – 2012

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in progress

### APMG

Certified Change Management Professional · Change Management

2017 – 2017

Certified Change Management practitioner.

## Groups

**Inclusion is a Business Strategy®**

**Friends of Public Finance**

**Diversity - A World of Change**

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Manager, Talent Management Unit at Treasury Board Secretariat (Ontario)



**Didem Proulx**

Chief Administrative Officer & Assistant Deputy Minister at Ontario Treasury Board Secretariat



**Jaimee Lechowski**

Strategic HR Business Unit



**Melanie Fraser**

Associate Deputy Minister, Health Services



**Nakema Wilson**

Senior Policy Analyst | Youth Strategies | Ontario Public Service

## Learn the skills Debbie has



**Avoiding New Manager Mistakes**



**How to Manage Your Manager**

**Stop Stressing and Keep Moving Forward**

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## Debbie's public profile badge

Include this LinkedIn profile on other websites



**Debbie Burke-Benn**

Women of Inspiration Winner (Authentic Leader Category)

Director, Youth Strategies at Ontario Public Services

York University - Schulich School of Business

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**Mani Fallon**

Director at Select Aero

**Tom North**

Director, Climate Change Programs and Partnerships Branch at Ontario Ministry of the Environment, Conservation and Parks

**Cordelia Clarke Julien, PMP**

Assistant Deputy Minister, Ontario Growth Secretariat (Ministry of Municipal Affairs) at Ontario Public Service and Change Management Specialist

**Peter Yendall**

Director General, Organizational Culture and Change Management at Canada Border Services Agency

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Secretariat.

**Tatum Wilson**

Director, Child Welfare Secretariat at Ontario Ministry of Children, Community and Social Services

**Tanya Twynstra**

Long time government, doing public engagement

**Lucie Drabinova**

Change Management and Transformation Lead

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Court File No. CV-19-00000035-00CP

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

BETWEEN:

DANA BOWMAN, GRACE MARIE DOYLE HILLION, SUSAN LINDSAY,  
and TRACEY MECHEFSKE

Plaintiffs

- and -

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO

Defendant

Proceeding Under the *Class Proceedings Act, 1992*

**Answers to Undertakings and Questions taken Under Advisement  
on the Cross-Examination of Debbie Burke-Benn – February 20, 2020**

**ANSWERS TO UNDERTAKINGS**

No.	Q. #	Question	Answer – Provided March 11, 2020
1	327	To explain how the sum of \$483 from paragraph 45 of the November 28, 2019 affidavit of Ms. Burke-Benn was calculated.	The sum of \$483 is the difference between what Ms. Paskoski reported to the Canada Revenue Agency that she received in social assistance payments in 2016 and the maximum annual OBIP payment that she was eligible to receive as of the date of her enrollment into OBIP.
2	344	To explain whether the presence of a child was accounted for in the calculation that resulted in the sum of \$483 at paragraph 45 of the November 28, 2019 affidavit of Ms. Burke-Benn.	The presence of a child does not have an impact on income calculations under OBIP. In any event, no children were listed in the OBIP Consent Form that Ms. Paskoski completed when she applied to OBIP.

# ANSWERS TO QUESTIONS TAKEN UNDER ADVISEMENT

No.	Q. #	Question	Answer – Provided March 11, 2020
1	272-276	To provide French versions of the documents found at Exhibits 14 and 15 of the affidavit of Ms. Burke-Benn sworn November 29, 2019 that may have been executed by some class members.	This question is refused on the basis that it is not relevant. The Plaintiffs have not put forth any evidence that any proposed class members received or relied upon French versions of these documents. In addition, Ontario has no record of having received any French applications.
2	391	To provide a redacted sample of a participant's 2017 income tax information as provided by the Canada Revenue Agency.	A redacted sample is attached as Appendix "A". The Canada Revenue Agency provided this information with respect to the 2017 tax year only.
3	399	To confirm if Susan Paskoski is one of the 1,401 individuals who would have received a lower BI payment as a result of her 2017 income tax data provided by the Canada Revenue Agency through the AIV process.	Ms. Paskoski is not one of the 1,401 individuals who would have received a lower BI payment as a result of the AIV process.

# Schedule "A"

299

SIN	First Name	Last Name	DOB	Tax Years	
AIV Key	Program Code	Date Pending	Submitted	Completed	Loaded











0001...

SurName  
GivenName  
DOB  
MaritalStatus  
PreviousSIN  
Sex  
SpouseSIN  
MaritalStatusEffDate

0002...

StreetAddress  
City  
ProvinceCode  
PostalCode  
TSOCO  
AddressEffDate

0011...		
SINTTN		
0022...		
RapCount		
FileStatus		
RequestStatus		
TaxYearStatus		
MatchStatus		
SINStatus		
SurnameStatus		
GivenNameStatus		
DOBStatus		
InactiveCode		
AIVKey		
ProgramAreaCode		
0023...		
NoT1Assessment		
0101...		
T4Earnings		
0104...		
OtherEmptInc		

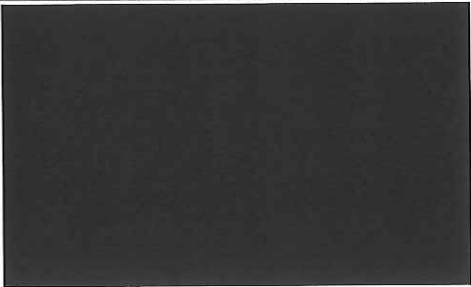
0113...		
OldAgePensionIncome		
0114...		
CPPQPPBenefits		
0115...		
OtherPensionInc		
0116...		
SplitPensAmt		
0117...		
UCCBAmount		
0119...		
EiBenefits		
0120...		
DividendIncome		
0121...		
InterestInvestIncome		
0122...		
PartnershipIncome		
0125...		
RDSPAmount		

0126...		
RentalIncome		
0127...		
TaxableCGOrLosses		
0128...		
SupportPayments		
0129...		
RRSPIncome		
0130...		
OtherIncome		
0135...		
BusinessIncome		
0137...		
ProfessionalIncome		
0139...		
CommissionIncome		
0141...		
FarmingIncome		
0143...		
FishingIncome		



0217...		
BusinessInvestLoss		
0219...		
MoveExp		
0220...		
SupportPaymentsMade		
0221...		
CarryingCharges		
0222...		
CPPQPPContribSEI		
0224...		
ExploreDevelopExpens		
0229...		
OtherEmploymentExp		
0231...		
ClergyResidenceDeduc		
0232...		
OtherDeduct		
0235...		
RVRSocialTnsfPaymt		
0236...		
NetIncome		
0308...		
CPPQPPContribT4		
0312...		
UIPremiumT4		
5001...		
TaxProvince		
5105...		
SpouseIncome		
A010...		
ResProvince		
A020...		
AssessReassessDate		
A030...		
DeceasedIndicator		
CRADateOfDeath		



A080...	
SOIClient	
SOISpouse	
ClientNetIncome	
ClientSOIDate	
SpouseNetIncome	
SpouseSOIDate	



DANA BOWMAN et al.  
Plaintiffs

and

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO  
Defendant

Court File No.: CV-19-00000035-00CP

	<p style="text-align: center;"><i>ONTARIO</i> SUPERIOR COURT OF JUSTICE</p> <p style="text-align: center;">Proceeding commenced at LINDSAY</p> <hr/> <p style="text-align: center;"><b>Answers to Undertakings and Questions taken Under Advisement on the Cross-Examination of Debbie Burke-Benn – February 20, 2020</b></p> <hr/> <p>MINISTRY OF THE ATTORNEY GENERAL CROWN LAW OFFICE – CIVIL LAW 720 Bay Street – 8th Floor Toronto, ON M7A 2S9</p> <p><b>Christopher P. Thompson</b> (LSO No. 46117E) <b>Zachary Green</b> (LSO No. 48066K) <b>Chantelle Blom</b> (LSO No. 53931C) <b>Ravi Amarnath</b> (LSO No. 66824K) <b>Adam Mortimer</b> (LSO No. 75618G)</p> <p>Tel: 416-605-3857 Fax: 416-326-4181</p> <p>Counsel for the Defendant, Her Majesty the Queen in right of Ontario</p>
--	--

Court File No. CV-19-00000035-00CP  
Commenced in Lindsay

ONTARIO  
SUPERIOR COURT OF JUSTICE

B E T W E E N

DANA BOWMAN, GRACE MARIE DOYLE HILLION, SUSAN LINDSAY  
and TRACEY MECHEFSKE

Plaintiffs

- and -

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO

Defendant

\_\_\_\_\_  
This is a Cross-Examination of GRACE MARIE DOYLE HILLION, one of the Plaintiffs herein, on her Affidavit sworn August 23, 2019, taken at the offices of Stewart Morrison Insurance, 158 Lindsay Street South, Lindsay, Ontario, on the 27th day of February, 2020.

A P P E A R A N C E S:

MS KALEY DUFF	-- for the Plaintiffs
MR. STEPHEN MOREAU	-- for the Plaintiffs
MS CHANTELE BLOM	-- for the Defendants
MR. CHRISTOPHER P. THOMPSON	-- for the Defendants
MS MICHELLE LOGASOV	-- Student-At-Law

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NUMBER	DESCRIPTION	NUMBER

(No Exhibits Filed)

**INDEX OF UNDERTAKINGS**

REFERENCE		PAGE
NUMBER	DESCRIPTION	NUMBER

(No Undertakings Given)

This index is for convenience only  
and is in no way binding on counsel.

GRACE MARIE DOYLE HILLION, affirmed:

CROSS-EXAMINATION BY MS BLOM COMMENCED AT 12:07 a.m.

1. Q. Good morning. Could you please state your name for the record?

5 A. Grace Marie Doyle Hillion.

2. Q. And you have sworn to tell the truth during your examination?

A. Yeah.

3. Q. And you're here to be cross-examining -- cross-examined on your Affidavit sworn August the 23rd, 20'19?

10 A. M'hm.

4. Q. Sorry, you --

A. Yes.

5. Q. -- have to say yes or no.

15 A. Sorry.

6. Q. Thank you. And you're here as a result of a Notice of Examination dated February the 5th, 20'20?

20 A. M'hm. Yes.

7. Q. Okay. And does your Affidavit cover off all the sources of your knowledge about the Basic Income Pilot Program?

A. Yes.

25 8. Q. Okay. And I understand you applied to the

Basic Income Pilot Program on April the 18th, 20'18?

A. Sounds correct, yes.

9. Q. And at that time you were a full-time student at Durham College?

A. Yes.

10. Q. And that's at Oshawa?

A. Yes.

11. Q. And I understand that you started a two-year college -- a new two-year college program in broadcasting in September 20'18?

A. Yes.

12. Q. And that program was also with Durham College in Oshawa?

A. Correct.

13. Q. And you were scheduled to graduate from that program in April 20'19?

A. No, I graduate in June 20'20.

14. Q. Okay. So, you're still a student, then?

A. I'm still a student.

15. Q. And you're still living in Oshawa?

A. I -- My student residence is in Oshawa --

16. Q. Okay.

A. -- correct.

17. Q. And you're a full-time student?

A. Yes.

18. Q. Okay. And you complete your Income Tax Return each year?

A. Yes.

5 19. Q. And I understand that you applied for the Basic Income Pilot Program at an in-person signup session?

A. Correct.

10 20. Q. And that when you were at the signup session you had an opportunity to review a Booklet about the Basic Income Pilot Program?

A. Yes.

15 21. Q. And there's a copy of that Booklet included in the Record. I'm going to direct you to Page 1134 of the Record. This is Volume 3 of 3, Tab H, which is the Affidavit of Susan Paskoski Tab 2. And is this a copy of the Booklet that you had an opportunity to review at the information session?

A. I believe so.

20 22. Q. Okay. And you did not read it in any detail?

A. Not really. I just kind of skimmed over a lot of it. I did -- My mother did read a -- read it all word-for-word and she kind of told me what I needed to know.

25 23. Q. Okay. But you did not -- You did not



review it in detail and you did not keep a copy?

A. The -- When I went to signup for it, the worker, whoever I dealt with, I believe it was a gentleman, he actually took the Booklet away from me.

24. Q. He took it away or he took it back?

A. He took it away. 'Cause my -- my mother brought me a book and he -- he took it away.

25. Q. So, when you say your mother brought you a book, what do you mean? Like, at the -- at the session or she had a Booklet --

A. She had a --

26. Q. -- before?

A. -- Booklet from before and she came to pick me up from Oshawa 'cause I had class earlier that day, and when I went in to apply the gentleman took the Booklet I had away. So, I didn't have a Booklet after that.

27. Q. And did he say why he was taking it away?

A. No, he didn't.

28. Q. Okay. So, in your Affidavit you attach at Tab 1 an Application form.

A. Okay.

29. Q. And is that your signature at the bottom?

A. Yeah.

30. Q. And it's dated April 18th, 20'18?

A. M'hm.

31. Q. And so, you did review and complete this Application form?

A. Yes.

32. Q. Okay. And if we go into the Application form, Page 7 of the form which is Page 1110 of the Record, the top of the page says "Step 4, Consent Form. Please read and sign on Page 9" and then further down it says, "To be in the Ontario Basic Income Pilot, OBIP, I, We, understand and consent to the following, check each box".

A. M'hm.

33. Q. And then we see all the boxes on these pages checked?

A. Yes.

34. Q. And did you check those boxes?

A. Yes.

35. Q. Okay. Did you read the information beside each box before checking it?

A. I did.

36. Q. Okay. And if we go to Page 8 of the form, which is 1111 of the Record, under "Research and Evaluation" the second box there --

A. M'hm.

37. Q. -- it's checked and it said, "All participants living in Lindsay will receive Basic Income payments for up to a three-year period". And did you read that before checking it?

5 A. Yes.

38. Q. And up to three years is a maximum, not a minimum?

A. Okay.

39. Q. And you knew that you were not the first person in Lindsay to sign up for the Ontario Basic Income Pilot --

10 A. Yes.

40. Q. -- Program? And, in fact, you attended one of the final signup sessions?

15 A. Yes.

41. Q. And you also know that the Pilot Program was a research study?

A. Yes.

42. Q. And that you would have to complete surveys?

20 A. Yes.

43. Q. And did you complete a survey after the signup session?

A. I did.

25 44. Q. And those surveys would need to be studied

and reviewed to get the results?

A. Yeah.

45. Q. And that takes times time? That takes time?

A. Yup.

46. Q. So, do you know when the -- the date the pilot started?

A. I don't.

47. Q. Okay. And how long did you expect to receive payments under this study?

A. I was told by the worker, the gentleman, that it would be for three years. From the date that I signed up it would be for three years.

48. Q. So, in your Affidavit, if we go to that and we go to Page 1099 of the Record at Paragraph 5, the last line there it says, "The Ministry represented and interjected and stated the BI Pilot would last for three years".

A. Yes.

49. Q. So, can you show me where it says in the material or elsewhere that you would be paid for three years?

A. I don't know where it says that. I -- The gentleman that I signed the Application with, I was speaking to my mother, I turned to her and I said

something to the effect of "How long is this going to last? Will I have enough to cover my school -- school costs?". The gentleman in- -- interjected. He said, "It will last for three years. You will get paid for three years".

50. Q. And I understand that you have received loans and grants to assist with the cost of your college program through the Ontario Assistance Student Program, OSAP?

MS DUFF: I'm -- I'm just going to object. What's -- what's the relevance of OSAP payments to the Basic Income Pilot?

MS BLOM: It's a -- Maybe I can rephrase the question.

MS DUFF: Sure.

MS BLOM: I should satisfy that.

BY MS BLOM:

51. Q. You were a college student at the time you applied for the Ontario Basic Income Program?

A. Correct.

52. Q. And you used the payments from the Ontario Basic Income Pilot Program to cover the cost of your college courses and attending college?

A. Correct.

53. Q. And before you received Ontario Basic

Income Pilot Program payments you were paying for college through OSAP?

A. For my previous program I was.

54. Q. Right. So, you were in a two-year program and you were using OSAP for that college program?

A. Correct.

55. Q. And then you enrolled in a second or new program --

A. M'hm.

56. Q. -- and you used your Basic Income payments --

A. Yes.

57. Q. -- for that program? And you've never received Social Assistance Benefit payments from Ontario Works or the Ontario Disability Support Program?

A. No.

58. Q. And you never applied to those programs?

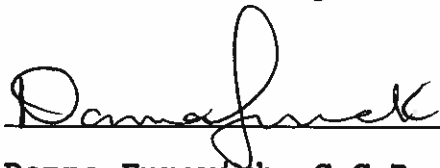
A. No.

MS BLOM: Okay. Okay, those are all my questions.

THE DEPONENT: Okay.

...Examination Concluded at 12:16 p.m.

THIS IS TO CERTIFY THAT the foregoing  
is a true and accurate transcription from the  
record, made by sound recording apparatus,  
to the best of my skill and ability.

5  


Donna Furevick, C.C.R.

Quality Control for Joan Hogervorst

10  
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are not certified and have not been paid for unless  
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and accordingly are in direct violation of Ontario  
15 Regulations 587/91, Courts of Justice Act,  
January 1, 1990.

Date Transcript Ordered: February 27, 2020

Date Transcript Completed: March 9, 2020  
20

Court File No. CV-19-00000035-00CP  
Commenced in Lindsay

ONTARIO  
SUPERIOR COURT OF JUSTICE

B E T W E E N

DANA BOWMAN, GRACE MARIE DOYLE HILLION, SUSAN LINDSAY  
and TRACEY MECHEFSKE

Plaintiffs

- and -

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO

Defendant

\_\_\_\_\_  
This is a Cross-Examination of SUSAN LINDSAY, one  
of the Plaintiffs herein, on her Affidavit sworn  
August 21, 2019, taken at the offices of Stewart  
Morrison Insurance, 158 Lindsay Street South,  
Lindsay, Ontario, on the 27th day of February, 2020.

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MR. STEPHEN MOREAU	-- for the Plaintiffs
MS CHANTELE BLOM	-- for the Defendants
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3	A second tax return document for 2017 received from CRA	15

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REFERENCE NUMBER	DESCRIPTION	PAGE NUMBER
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(No Undertakings Given)

This index is for convenience only  
and is in no way binding on counsel.

SUSAN LINDSAY, sworn:

CROSS-EXAMINATION BY MS BLOM COMMENCED AT 10:36 a.m.

1. Q. Good morning. Could you please state your name for the record?

5 A. Susan Heath- -- Heather Lindsay.

2. Q. And you have sworn to tell the truth during the examination?

A. I have.

3. Q. And you're here to be cross-examined on your Affidavit that you swore on August the 21st, 20'19?

10 A. I have.

4. Q. Okay. And you understand that you're here pursuant to a Notice of Examination that was dated February the 1st, 20'20?

15 A. Yes.

5. Q. Okay. Does your Affidavit cover off all the sources of your knowledge about the Basic Income Pilot Program?

20 A. I believe so.

6. Q. Okay. And in your Affidavit you say that you found out about Basic Income Pilot Program by a -- from friends and from local media?

A. Yes.

25 7. Q. And by "friends" you mean friends of yours

who live in Lindsay?

A. Yes.

8. Q. And by "local media" you mean like a local news station?

5 A. I -- I don't -- I would say through friends, Facebook, talking, yeah.

9. Q. Okay. And before you applied for the Ontario Basic Income Pilot Program you received ODSP --

10 A. Yes.

10. Q. -- benefit --

A. Yes.

11. Q. And the amount that you've received once you were enrolled in the Ontario Basic Income Pilot Program was significantly more than what you were receiving each month on ODSP?

15 A. Yes.

12. Q. And you had prescription drug coverage through the ODSP -- ODSP Benefits Program?

20 A. Yes.

13. Q. And you also have dental coverage through that program?

A. Yes.

14. Q. And that coverage continued while you were on the Basic Income Pilot Program?

25

A. I'm not -- I can't remember, honestly.  
It's -- I -- Honestly, I can't remember. I'm not  
sure. I'm -- I would presume so, I think.

5 15. Q. Okay. And now that you've transitioned  
back to ODSP, do you continue to have prescription  
drug coverage and dental coverage --

A. Yes.

10 16. Q. -- through that program? Okay. And you  
first heard about the Ontario Basic Income Program  
in late 20'17?

A. Yes.

17. Q. Okay. And you applied in December of  
20'17?

A. Was it December? The first time, yes.

15 18. Q. Okay. And I understand that there's a  
copy of the Application form that you used to apply  
in December 20'17. You've attached it as Exhibit 3  
to your Affidavit.

20 MS DUFF: I'm just gong to put it in front of  
my witness.

MS BLOM: Yes.

BY MS BLOM:

25 19. Q. So, is this the Application form that you  
completed when you applied in December of 20'17?

A. Yes.

20. Q. Okay. And I understand that when you applied in December of 20'17 you were given a Booklet about the Basic Income Pilot Program?

A. I think so.

5 21. Q. Okay. I have a copy of a Booklet here I'm going to hand to you and I'll provide a second copy to your counsel. Is that the booklet that --

A. Yes, it is.

10 22. Q. -- that you would have seen?

A. Yes, it is.

MS BLOM: Okay. So, I'm going to ask that we mark this as Exhibit 1, the Basic Income Pilot Information Booklet May 20'17.

MR. MOREAU: You should agree.

15 MS DUFF: I agree.

MS BLOM: Okay.

**EXHIBIT 1:** Basic Income Pilot Information  
Booklet dated May of 2017

**BY MS BLOM:**

20 23. Q. And when we go to the Application form, which is at Exhibit 3 to your Affidavit, at the bottom of the box on the first page it says, "The Information Booklet explains the documents you need and how to complete the sections below", do you see  
25 that there?

A. Yes.

24. Q. Okay. And if you go to Page 4 of the Booklet --

MS DUFF: The Booklet.

THE DEPONENT: Oh, the Booklet.

BY MS BLOM:

25. Q. It says at the top there "Section 1, what is the basic" --

MS DUFF: Just one second, sorry.

MS BLOM: Oh, sorry.

BY MS BLOM:

26. Q. So, at the top of the Booklet there it says, "Section 1, what is the Basic Income Pilot?", do you see that there?

A. Yes.

27. Q. Okay. And if you go back to your Application and you go to Page 5 of your Application in Exhibit 3, which is Page 1071.

A. This one?

28. Q. Yes.

A. The one after this one?

MS DUFF: I'm just going to try and -- 1071?

MS BLOM: Yes.

BY MS BLOM:

29. Q. And at the top of this page it says, "Step

4 Declaration and Consent. Complete spousal  
common-law partner information if applicable", and  
then a little bit down it -- Well, it says  
"Declarations, this section is to make sure you  
understand the key elements of what participation in  
the pilot will mean and how it could impact you.  
Administration, I, We, the undersigned, one, have  
read the Information Booklet Section 1 and  
understand the eligibility criter- -- criteria to  
participate in the pilot". Do you see that there?

A. Yes.

30. Q. Okay. And then if we go to Page 4 of the  
Booklet that you have in front of you, this is  
Section 1, do you agree?

A. Yes.

31. Q. Okay. And if we go down to the bottom of  
the page on Page 4, Section 1, it says, "Two groups  
participating in the research study. At the start  
the pilot will select two groups of eligible  
applicants who will be asked to participate in the  
research study. One, one group will receive monthly  
basic income payments for up to a three-year period.  
This group is called the basic income group". Do  
you see that there?

A. Yes.

32. Q. "And up to three years" -- Or up to a three-year period is a maximum not a minimum". Correct?

A. Correct.

5 33. Q. And after you completed the Application in December 20'17 you were told that you were not eligible because your previous year's income was too high?

A. Yes.

10 34. Q. And you applied again on March 20th, 20'18, correct?

A. Correct.

15 35. Q. And I understand a copy of that Application is at Exhibit 4 of your Affidavit, which is Page 1075 of the Record. Do you see that there?

A. Yes.

36. Q. And is that the -- That's the form you completed on March 20th --

A. Yes.

20 37. Q. -- 20'18? And if you go forward to Page 1080 of that Application form it says at the top, "Step 4 Consent Form. Please read and sign on Page 9". And then it says, "We want to make sure that you understand what it means for you to be in the pilot and how it could impact you. Your

25



5 participation in the pilot is up to you. If you  
want to participate in the study you need to consent  
to everything below to be part of the Ontario Basic  
Income Pilot". And then it says, "To be in the  
Ontario Basic Income Pilot, OBIP, I, We, understand  
and consent to the following, check each box". And  
then there's a number of boxes on that page and the  
next three pages after that. Did you check those  
boxes?

10 A. I believe so.

38. Q. Okay. And if we go to Page 1081 under  
"Research and Evaluation" there's a second box there  
checked and beside it says, "All participants living  
in Lindsay will receive basic income payments for up  
15 to a three-year period".

A. Yes.

39. Q. And there's that same language of a  
maximum and not a minimum.

A. Right.

20 40. Q. And I understand that based on this  
Application that you made on March 20th, 20'18 you  
were enrolled into the program?

A. Yes.

25 41. Q. And you received your first payment on --  
in April, the end of April 20'18?

A. Yes.

42. Q. And that's five months after you had first applied to the program and -- Is that fair?

A. That's fair.

5 43. Q. Okay. So, you know that you were not the first person in Lindsay to sign up for the program?

A. Oh, yes.

44. Q. And you knew the program had started months earlier in Lindsay?

10 A. Yes.

45. Q. And you also know that the program was a research study?

A. Yes.

15 46. Q. And you would have to complete surveys to assist with the research?

A. Yes.

47. Q. And those surveys need to be studied and reviewed to get research results?

A. Right.

20 48. Q. And that takes time?

A. Yes.

49. Q. Do you know the date when the pilot started?

A. I'm not sure.

25 50. Q. And how long did you expect to receive

payments for under the pilot program?

A. I'm not sure. I'm not sure how long.

51. Q. And then I understand that the second time you applied you attended an in-person enrollment session?

A. I think --

52. Q. On March 20th?

A. I -- I think -- Yes, I think so, yes.

53. Q. Okay. And so that would be before the deadline of April to file your income tax?

A. Yes.

54. Q. And I am going to hand you now a document and the title of the document is "Declaration of Income". You can take a moment to take a look at that.

A. (Witness reviewing document).

55. Q. On the second page of the document that's your name there, your name and your address?

A. Yes.

56. Q. And then on the third page of the document at the top that's your signature?

A. Yes.

57. Q. Okay. And the date of your signature March 20th is the date that you applied for Basic Income, correct?

A. Yes.

58. Q. And on the second page where you put your name -- And that's your address up there, sorry?

A. Yes, it is.

5 59. Q. You've checked the box there. It says, "I do solemnly declare and represent" and it says, "Check Box A or B" and you've checked Box A, "that I have not filed the previous year's tax return with the Canada Revenue Agency, CRA and based on a review of my records I estate my employment income for the previous tax year to be approximately", and then you filled in the numbers there?

A. Yes.

10 60. Q. And that's okay that you had not completed your Income Tax return --

A. Okay, sorry, you've lost --

15 61. Q. Oh, sorry.

A. I -- I do not -- I'm -- You've got me lost. I don't understand what you're saying.

20 62. Q. So --

A. I -- I -- I'm dealing with --

63. Q. -- so --

A. -- issues from a car accident, so I'm -- I'm have -- I have issues remembering stuff from like 20'17. It's blurry.

5  
64. Q. Okay. So -- so, with respect to this document, you've confirmed that that's your signature on the third --

A. Yes.

65. Q. -- page?

A. Yes.

66. Q. You confirm that this is your name and address --

A. Yes.

10  
67. Q. -- on the second page? And then there is that box there checked saying that you had not filed your Tax return with the Canada Revenue Agency?

A. For what year?

15  
68. Q. Well, for the previous year, is what it says.

A. So --

69. Q. "I have not filed the previous year's tax return with the Canada Revenue Agency". You see that box there --

20  
A. Yeah.

70. Q. -- that you've checked?

A. I -- Okay, that's where I'm lost, because I -- I -- I do my income tax every year.

25  
71. Q. Right. But the deadline to do your income tax is the end of April --

A. Okay.

72. Q. -- and you attended the session and signed this form in March.

A. Okay.

5 73. Q. So, it would've been okay that you hadn't completed your income tax --

A. M'hm.

74. Q. -- by this time.

A. Okay.

10 75. Q. And in -- in fact, that's why applicants could fill out this form --

A. Okay.

76. Q. -- because some people may be applying and not knowing -- not having their income tax done yet.

15 A. Okay.

77. Q. Okay? And so even though you fill out your -- and complete your income tax every year, it's possible that on March 20th you hadn't done it yet for the previous year.

20 A. Okay.

78. Q. Okay. And so, in that case you would have complete a Declaration like this instead.

A. Okay.

MS BLOM: Okay, those are all my questions.

25 Thank you.

THE DEPONENT: Okay.

MS DUFF: If we could just take a couple of minutes?

(OFF THE RECORD) (10:49 a.m.)

...upon resuming (11:17 a.m.)

MS BLOM: Okay, thank you. So, before we finish, we're going to mark one other document as Exhibit 2 and that's the Declaration of Income dated March 20th, 20'18.

MS DUFF: And we agree.

**EXHIBIT 2:** Declaration of Income dated March 20, 2018

MS BLOM: Okay. And then --

MS DUFF: And we propose entering a third document as Exhibit 3 and that is the 20'17 Income Tax return that Sue Lindsay and Cavalluzzo requested from the CRA shortly after receiving the Notice of Examination. We received this document within the last week and we propose to enter the 20'17 Income Tax return just received as Exhibit 3 and associated documents that came with that Return.

MS BLOM: Okay, and just to clarify, it's not the 20'17 Tax return, it is a second Tax return document of 20'17 received from the CRA.

Susan Lindsay - 15

MS DUFF: Yeah, and we -- we requested 20'17  
tax return documents from the CRA. This is  
what we received in response. But, yes,  
it's -- it's the 20'17 tax return documents  
received from the CRA.

EXHIBIT 3: A second tax return document for 2017  
received from CRA

MS BLOM: Okay. That's it.

MADAM REPORTER: Are we concluded then?


MS BLOM: We are concluded.

...Examination Concluded at 11:19 a.m.



Susan Lindsay - 16

THIS IS TO CERTIFY THAT the foregoing  
is a true and accurate transcription from the  
record, made by sound recording apparatus,  
to the best of my skill and ability.

5  


Donna Furevick, C.C.R.

Quality Control for Joan Hogervorst

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January 1, 1990.

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Cette brochure d'information est disponible dans les deux langues officielles. Veuillez contacter les administrateurs du Projet pilote portant sur le revenu de base en composant le **1 844 806-6270** ou en envoyant un courriel à **[applybi@ontario.ca](mailto:applybi@ontario.ca)** pour demander une copie en français.



# BASIC INCOME PILOT: INFORMATION BOOKLET

This Booklet contains the information you need before deciding to apply to be a participant in the Ontario Basic Income Pilot (OBIP). **Please read the entire Booklet carefully before completing the Application Form in your package as there are several steps to the application process.** If you are applying as part of a couple, your spouse or common-law partner should also read this Booklet.

The Booklet will help you learn

- if you may be eligible to participate and
- what you can expect if you submit your application and are accepted as a participant.

The OBIP is a research project to study the impact of Basic Income. Participants will be an active part of this research.

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**Questions? Comments?**

**Call us at 1-844-806-6270 or email [applybi@ontario.ca](mailto:applybi@ontario.ca)**



# SECTION 1: WHAT IS THE BASIC INCOME PILOT?

Ontario is exploring new ways to help people reach their full potential. Our economy is in a relatively strong position, however many people in the province are not feeling that growth in their everyday lives. People are struggling to keep up with the rising cost of living and facing various barriers, such as “precarious work” with little job security or benefits. The three-year Ontario Basic Income Pilot (OBIP) will study whether a basic income can better support vulnerable workers and give people the security and opportunity they need to achieve their potential. It will also study whether giving people a basic income can be a simpler and more economically effective way to provide income security support to people living on low incomes.

Through the pilot, participants will receive a basic annual income, which will help people with their basic needs and improve health, education and job prospects. We will rigorously test this new approach and will work with a third-party evaluator to review the evidence from the pilot.

## Two Groups Participating in the Research Study

At the start, the Pilot will select two groups of eligible applicants who will be asked to participate in the research study:

1. One group will receive monthly Basic Income payments for up to a three-year period. This group is called the **Basic Income Group**.
2. One group will **not** receive monthly Basic Income payments, but will actively participate in the research study. This group is called the **Control Group**.

These two groups are required because the study will follow what is called a randomized controlled trial (RCT) study. In this type of study, the people in both groups are compared to each other over time to see how the participants who receive Basic Income respond to it. The study will be done by Third Party Evaluators.

People in these two groups will be regularly asked about their health, employment, and housing through surveys.

You will also be asked to allow Third Party Evaluators to review your personal information. Your personal health information and information about the other services you receive from the Government of Ontario will help us understand the full impact of the Basic Income. Your consent will be required before personal information will be collected and shared with Third Party Evaluators. We will ask for this consent after you are determined to be eligible to participate, and this consent can be revoked at any time.

Comparing people in these two groups will tell the evaluators how Basic Income helps people living on low incomes better meet their basic needs and improve their education, employment, and health.

## Who is eligible to participate in the Pilot?

If you received this package in the mail, you are invited to apply for the Basic Income Pilot. This package is unique to you and should not be copied or shared with others. At the top of your invitation letter you will find a **reference number**.

The first step in the process is to determine if you are eligible to participate in the Pilot. To be eligible to participate in the Pilot, you must meet all of the eligibility criteria below. If you will be applying as part of a couple, your spouse/common-law partner must also meet all of these criteria.

Even if you are eligible you may not receive Basic Income payments.

You will be asked to complete these surveys periodically during the pilot period.

People chosen for the Pilot are not required to participate and may opt out at any time.

Your reference number is unique to you and only you can use it. This number cannot be shared.

You must meet all of criteria here to participate. If applying as a couple, your spouse/common-law partner must also meet the eligibility criteria.



## Age

Eligible participants for the Basic Income Pilot will be between the ages of **18-64 years of age** as of **April 24, 2017**.

## Residency

You and if applicable, your spouse/common-law partner should have lived within your Pilot area including: Hamilton, Brant County, Brantford, Thunder Bay and area, or Lindsay for **12 months or longer** as of April 24, 2017.

## Spousal/Common-law Status

If you have a spouse, he or she will also need to complete the Application Form and participate in the Pilot. To be considered as a couple in the Pilot, **you should have indicated that you had a spouse or common-law partner in your 2016 or previous T1 General Forms**.

### Definition of spouse and common-law partner

#### Spouse

This applies only to a person to whom you are legally married.

#### Common-law partner

This applies to a person who is **not your spouse**, with whom you are living in a conjugal relationship, and to whom at least **one** of the following situations applies. He or she:

- a. has been living with you in a conjugal relationship, and this current relationship has lasted at least 12 continuous months

#### Note

In this definition, 12 continuous months includes any period you were separated for fewer than 90 days because of a breakdown in the relationship.

- b. is the parent of your child by birth or adoption, or
- c. has custody and control of your child (or had custody and control immediately before the child turned 19 years of age) and your child is wholly dependent on that person for support.

## Financial Eligibility

To assess whether you and your spouse/common-law partner (if applicable) are financially eligible to participate, we will use your and your spouse's/common-law partner's 2016 T1 General – Income Tax and Benefit Form and the 2016 Notice of Assessment.

**You can submit a copy of these with your application.** If you are selected to receive monthly Basic Income Payments, it will be used to calculate the amount of these payments.

To be considered for participation in the Pilot you must have earned:

- a. less than \$33,978 if you are a single person
- b. less than \$48,054 if you are a couple
- c. less than \$45,978 if you are a single person with a disability
- d. less than \$60,054 if you are a couple where one of you has a disability
- e. less than \$72,054 if you are a couple where both of you have a disability.

### **If I don't have a copy of my 2016 tax return, how do I get a copy?**

If you filed your taxes, you will be able to access this information through the Canada Revenue Agency (CRA). You should contact the CRA to receive this information. You can access most of your personal information, and other information the CRA holds, online through My Account (<http://www.cra-arc.gc.ca/myaccount/>) or by calling the CRA at 1-800-959-8281.

### **Can I still apply to the Basic Income Pilot if I have not filed my 2016 taxes?**

Yes, if you did not file your 2016 taxes you can still apply to participate in the Basic Income Pilot. You can use your 2015 T1 General Form and Notice of Assessment if you have them. If you do not have your 2015 information, we have a process to get you started and enrolled in the Pilot – please contact us.

**Call us at 1-844-806-6270 or email  
[applybi@ontario.ca](mailto:applybi@ontario.ca)**

Please note: Not everyone who is participating in the Pilot will get Basic Income payments.



## Disability:

Basic Income Pilot participants may be eligible to receive an additional disability supplement of up to \$6,000 per year. You can receive this supplement if you or your spouse/common-law partner are currently determined to be disabled under at least one of the following programs provided by the provincial or federal governments:

- Ontario Disability Support Program (ODSP)
- Services and supports through Developmental Services Ontario
- Canada Pension Plan/Québec Pension Plan – Disability.

If you or your spouse/common-law partner currently receive any of the above because of a disability, please send documentation with your application confirming your eligibility for one of the programs. Documentation can include:

- An ODSP payment stub or eligibility notices
- Proof of services and supports through Developmental Services Ontario
- A Canada Pension Plan – Disability (CPP-D) payment stub or eligibility notices.

**If you meet the eligibility criteria, you may be selected to be a participant in the Pilot.**

**The next section outlines what will happen after you submit your Application Form.**

For ongoing financial eligibility and evaluation purposes you will be asked to complete your taxes in every year you are participating in the Pilot. We can help - ask us how.

# SECTION 2: WHAT HAPPENS AFTER I SUBMIT THE APPLICATION FORM?

After you submit your Application Form, your information will be reviewed by Basic Income Pilot administrators for completeness and eligibility to participate in the Pilot.

**Everyone who submits an Application Form will get a letter confirming whether or not they are eligible to participate in the Pilot.**

This decision will be based on the information you provided in the Application Form.

**If your application is determined to be ineligible**, the letter will identify the reason(s) why.

## **What if I disagree with the eligibility decision?**

If you would like to discuss your eligibility decision in more detail, please contact us at **1-844-806-6270** or email **[applybi@ontario.ca](mailto:applybi@ontario.ca)**.



## Eligible Applicants:

If you are determined to be eligible to participate, you will receive additional information and materials to complete before being accepted into the Pilot:

- A confirmation letter
- An estimate of how much your monthly Basic Income payments may be
- A survey: you will be asked to complete a survey and consent to the collection and disclosure of your personal information for the purposes of the research study and evaluation. **Note:** only eligible applicants will receive the survey.

### What is the survey for?

This survey will collect personal information about you and your family. This information will be used to set a starting point for how things in your life change during the Pilot. This information may also be used to analyze the characteristics of pilot participants, such as age group, gender, and experience with social assistance. This information will be collected by Third Party Evaluators and will be used to support the administration and evaluation of the Pilot.

## Completing the Survey

The survey may be completed and submitted by mail. To make enrolment into the Pilot smoother, you may be contacted by phone or email to see if you need assistance completing the survey. The sooner your survey is done, the sooner we can tell you if you will be receiving Basic Income payments.

After the surveys are received, participants will be selected and placed into one of two groups as part of the randomized controlled trial:

1. One group will receive monthly Basic Income payments (**Basic Income Group**)
2. One group will **not** receive monthly Basic Income Payments (**Control Group**). This group will actively participate in the research study.

Each group will have a maximum number of participants, and not all persons who submitted surveys will be selected to participate.

## Study and Evaluation of the Basic Income Pilot

As part of the research study and evaluation of the Pilot, we will request additional consent for the sharing and/or collection of your personal information. Details regarding this additional consent will be shared with you if you are eligible to participate in the Pilot. This will be included in the baseline survey for you to review and complete. Participating in the study and evaluation means:

**Completing Surveys:** You will be asked to complete surveys periodically throughout the Pilot. These surveys will ask you questions about your experiences while in the Pilot, such as stress levels, work, family, health, education, and housing. Surveys may be done by mail, online, over the phone and/or in person.

You will be asked to complete surveys about your experiences while in the Pilot.

Questions in the surveys will be on things like:

- Food security
- Stress and anxiety
- Mental health
- Health and health care usage
- Housing stability
- Education and training
- Employment.

### Are there any risks to answering questions in the surveys?

As you complete the surveys, you may experience some emotional discomfort when answering some survey questions. The surveys will ask you to reflect on your personal experiences while participating in the Basic Income Pilot.



### **Access to and Analysis of Data Collected by Government Institutions:**

For the purposes of the study, we will be looking at personal information that is collected from other government services and programs. The Pilot will ask for your consent to collect and access your personal information from other government programs and services. Your consent may be needed for the evaluators to access and/or disclose your information that is held by third parties or other parts of the government, such as the following:

- The Institute for Clinical Evaluative Sciences (ICES), a not-for-profit research institute that holds health related information.
- The Ministry of Community and Social Services for the purposes of understanding the differences between social assistance and Basic Income.
- The Ministry of Housing and municipal service managers for the purposes of understanding the impact Basic Income may have on Rent-Geared-to-Income supports.
- The Ministry of Education and municipal service managers for the purposes of understanding the impact Basic Income may have on the Child Care Fee Subsidy.

The study will be conducted by Third Party Evaluators. Details about this team will be shared with Pilot participants at a later date.

## **Privacy: What you need to know**

Since this is a research study, participants in both the Basic Income Group and the Control Group will need to provide personal information to study how Basic Income has affected their lives.

Personal information will be disclosed, collected and used for four purposes:

- Reviewing eligibility for the Pilot
- Selection of Pilot participants, both to receive payments and to be in the Control Group
- Determining Basic Income payments for those chosen to receive payments
- Study and evaluation of the Basic Income Pilot.

## Determining Eligibility and Selecting Participants

The Application Form asks you provide your personal information, which will be disclosed to and collected from third parties (for example, the Canada Revenue Agency) and used to assess your eligibility to participate in the Pilot. The disclosure and collection of your personal information will be with the following:

- a. The information you provide in the Application Form will be shared with the Ontario Ministry of Finance (MOF) and the Canada Revenue Agency (CRA) to verify your income, and calculate the amount of monthly payments should you be selected.
- b. The MOF will receive this information to support the administration of the Basic Income payments. If you are selected to participate in the Pilot, these payments will be delivered by the MOF.
- c. Some information will be shared with the CRA. The CRA will only receive your name, date of birth and Social Insurance Number. This is needed to verify your income, calculate the amount of your monthly payments should you be selected to receive them and to support the evaluation of the Basic Income Pilot. Monitoring your income is part of the evaluation of the Pilot, so this verification will continue throughout your participation. All verification between the MOF and CRA will be done through a secure automated income verification process currently used for other benefits and programs.

## Protection of Privacy

Privacy is a fundamental right of every Ontarian. Ontario public institutions are required by law to protect your personal information, and to follow strict rules when collecting, using and disclosing your personal information. All information collected throughout the Basic Income Pilot will be managed in accordance with the *Freedom of Information and Protection of Privacy Act* and the *Personal Health Information Protection Act*. After you understand what will happen if you participate in the Pilot, you can decide to participate. You may leave the Pilot at any time and do not need to offer any reason for doing so. This can be done by contacting us at **1-844-806-6270** or emailing **applybi@ontario.ca**.

- Personal information collected on the application form, as well as to survey responses, will be destroyed if you opt out of the Pilot and request your personal information be destroyed.
- If you do not request your records be destroyed, your records will be retained according to the Freedom of Information and Protection of Privacy Act and the policies of the Ministry of Community and Social Services.



The Basic Income Pilot will not share your personal information with any third party, including other governments and the media, without your consent. You are not required to engage with another third party if they contact you. That decision is entirely up to you.

Public reports about the Pilot results will be released throughout the duration of the Pilot. These reports will not include any personal or identifiable information. If you are participating in the Pilot, we will share any reports with you before they are released to the public.

## Participants Selected for the Control Group

If you are selected to participate in the Basic Income Pilot and selected to the Control Group, you will be asked to participate in the evaluation but **will not** receive Basic Income payments. As highlighted on page 11, participating in the evaluation means completing surveys and sharing your personal information. For each survey you complete, you will receive compensation for your time and effort in completing the survey.

Beyond completing surveys and sharing your personal information, nothing else will change. There will be no changes to your access to social assistance or other government services, providing you continue to be eligible for those programs and services.

## Participants Selected to Receive Monthly Basic Income Payments

### How much is the Basic Income?

If you are chosen to participate in the Basic Income Group and receive monthly payments, the amounts you receive will depend on:

- whether you are single or part of a couple
- the amount of income you earned in the last year through employment and other sources, such as CPP-D or Employment Insurance (EI)
- whether or not you and/or your spouse/common-law partner have a disability.

## Single or a couple

The amount of the Basic Income payment will depend on whether you are a single individual or have a spouse/common-law partner as defined by the CRA. Both single individuals and couples may be eligible to participate in the Pilot.

## Amount of earned income

The amount you receive from the Basic Income will also depend on how much you and your spouse/common-law partner (if applicable) earned last year. The basic income will be responsive to changes in a participant's circumstances, such as a significant decrease in earnings, change in family composition, or change in disability status.

### Employment Earnings

For the purposes of the Pilot, the Basic Income payment is reduced by \$0.50 for every \$1.00 of employment income. Employment income can consist of amounts you receive as salary, wages, bonuses, tips, gratuities, and honoraria. This would also include any income you received through self-employment.

#### Examples:

Jacob has no employment income and is single. He receives the maximum Basic Income for a single (\$16,989 per year).

Malcolm has \$5,000 in self-employment income which he claimed on his T1 General Form. His Basic Income is reduced by \$2,500 to \$14,489 per year, but his income is \$19,489.

Judy has \$15,000 in employment income which she claimed on her T1 General Form. Her Basic Income is reduced by \$7,500 to \$9,489 per year, but her income is \$24,489.

### Income from Investments and Other Earnings

Income from other things like investment income and other earnings will reduce Basic Income payment dollar for dollar. This means that for every \$1.00 received through other sources, the Basic Income is reduced by \$1.00.

### Income from Other Sources

Payments from programs like Employment Insurance (EI) and the Workplace Safety and Insurance Board (WSIB) will reduce Basic Income payment dollar for dollar. This means that for every \$1.00 received through other sources, the Basic Income is reduced by \$1.00.



### Income Related to Children

Payments, such as child support payments and Canada Child Benefit/Ontario Child Benefit, will not affect how the Basic Income payment is calculated.

### Disability supplement

Individuals with a disability, as outlined on page 8 of this booklet, are eligible to receive up to an additional \$6,000 per year, or \$500 per month of Basic Income.

### Basic Income Payment Table

The table below shows the maximum amount of Basic Income and the annual earnings that would reduce the Basic Income amount to \$0.

	<b>Maximum Basic Income Amount, no other income</b>	<b>Annual employment earnings* limit where Basic Income is reduced to \$0</b>
<b>Single adult</b>	\$16,989	\$33,978
<b>Couple</b>	\$24,027	\$48,054
<b>Single adult with a disability</b>	\$22,989	\$45,978
<b>Couple with one adult with a disability</b>	\$30,027	\$60,054
<b>Couple with both adults with a disability</b>	\$36,027	\$72,054

\* Total earnings of the single or couple, assumes no other income, 50 per cent reduction rate for employment income

## Ongoing Expectations to Receive Payments

### File Taxes

To participate in the Pilot you will be asked to complete your taxes in every year you are participating in the study. This is important because your eligibility and amount of Basic Income payments are directly tied to the information in your annual tax assessment. It is also an important part of the evaluation. This applies to both the Basic Income Group and the Control Group.

### Participate in the Evaluation

You will be asked to answer surveys to participate in the Pilot. The Pilot is a test to determine if a basic income is a more effective way to provide income support. Through the Pilot, we will evaluate how receiving a basic income might affect the well-being of people living on low-incomes who live in different parts of Ontario and in different life situations.

### What happens at the end of the Pilot?


The Pilot will run for up to three years. When the Pilot enters its final year, the Basic Income payments will be reduced gradually to prepare participants for the end of the study. The intent of this gradual reduction is to reduce any impact of ending Basic Income payments. Participants will receive information about this before any payments are reduced.

### Voluntary

Participation in the Basic Income Pilot is entirely voluntary – **no one is required to participate and they can choose to leave the Pilot at any time and do not need to offer any reason for doing so.** The Basic Income Pilot will follow an “opt in” model where interested people who receive this application package should complete and submit the Application Form to be considered for the Pilot.

Your participation in the Pilot is temporary. Any decisions you make about your future based on the amount you receive from Basic Income should take this into account. Participants will get notifications about the close of the Pilot in advance.





# SECTION 3: HOW WILL GETTING MONTHLY BASIC INCOME PAYMENTS IMPACT OTHER BENEFITS?

## **If you currently receive social assistance**

If you currently receive social assistance (Ontario Works and Ontario Disability Support Program), you will have to withdraw from those programs in order to participate in the Basic Income Group and receive payments. Basic Income payments will replace all payments you receive from Ontario Works (OW) and Ontario Disability Support Program (ODSP).

## How do I withdraw from social assistance?

To withdraw from social assistance, you will have to contact your local OW or ODSP office and speak with your caseworker.

**Note: Do not contact** your social assistance caseworker to withdraw from social assistance until you have received confirmation that you have been selected to receive monthly Basic Income payments. If you are selected to receive Basic Income payments, you will receive a letter confirming your participation in the Pilot. This letter can be shown to your caseworker when informing them of your decision to withdraw from social assistance.

## If I voluntarily withdraw from social assistance to participate in the Pilot, what happens to my drug and dental benefits?

OW and ODSP recipients will remain eligible for drug benefits, and those on ODSP will remain eligible for dental benefits if they were receiving them prior to entering the Pilot. Children of OW and ODSP recipients will remain eligible for dental benefits if they were receiving them prior to entering the Pilot.

- OW clients who withdraw from OW to participate in the Pilot will lose access to all discretionary benefits, including dental.

## What happens to the other supports I receive?

Other than prescription drugs (OW and ODSP) and dental benefits (ODSP only), many of the services and supports available to you as a social assistance recipient will not be available to you when you withdraw from social assistance to participate in the Basic Income Pilot.

- In some cases, some employment supports may remain available for persons with a disability.

## Questions about what will happen to your social assistance?

**Call us at 1-844-806-6270 or email [applybi@ontario.ca](mailto:applybi@ontario.ca)**



## What will happen to the benefits I receive, which are delivered outside of social assistance, or are available to me if I don't receive social assistance?

### Subsidized Housing – Rent-Geared-to-Income

If you are currently living in social housing and receiving rent-geared-to-income (RGI) assistance, you will not have to leave social housing or stop receiving RGI assistance while receiving Basic Income payments. Individuals in receipt of RGI assistance pay 30 per cent of their gross household income in rent. If you are participating in the Pilot, the Basic Income payments will be considered income for determining your monthly rent payments. This will mean that your monthly rent payment may increase to reflect your increased income with Basic Income payments.

If you are a social assistance recipient, the rent you pay in social housing could be tied to the pre-established social assistance rent scales. Since you will be withdrawing from social assistance to participate in the Pilot, the rent scales will no longer apply, and you will have to pay 30 per cent of your gross household income in rent to your housing provider.

**Here's an example:** Single individual working with a full-time minimum wage job who currently receives RGI assistance:

Example	Current	Pilot
<b>Annual Basic Income</b>	N/A	\$6,245
<b>Single individual with full-time minimum wage job – Annual income:</b>	\$18,458	\$18,458
<b>Monthly income used to calculate RGI “rent”, less \$75 employment deduction</b>	\$1,463	\$1,987
<b>Annual RGI “rent” payment</b>	<b>\$5,267/year</b> (\$439/month)	<b>\$7,141/year</b> (\$595/month)
* Numbers may not add up due to rounding.		

You will be expected to report income changes to your local housing administrator in order to make any necessary adjustments to your monthly rent. For more information about subsidized housing, please contact your local Service Manager.

## Trillium Drug Program

The Trillium Drug Program is for people who spend approximately 3-4 per cent or more of their after-tax household income on prescription-drug costs. Trillium Drug Program participants must pay an annual deductible. For most people, this deductible is 3-4 per cent of their after-tax household income. Once the quarterly deductible has been paid, program recipients pay a \$2 co-payment for each prescription filled/refilled.

Participants receiving Basic Income payments may access the Trillium Drug Program, providing they meet that program's eligibility criteria. If participating in the Pilot results in an increase to your household income, this could impact your eligibility for the Trillium Drug Program, and could increase the annual deductible you pay.

You can get more information about the Trillium Drug Program, including how to apply:

- online at [www.ontario.ca/page/get-help-high-prescription-drug-costs](http://www.ontario.ca/page/get-help-high-prescription-drug-costs)
- by calling
  - 1-800-575-5386 (toll free)
  - 1-800-387-5559 (TTY)
  - 416-642-3038 (in Toronto area)
- in person at your pharmacy.

## Healthy Smiles Ontario

Healthy Smiles Ontario is a government-funded dental program that provides free preventive, routine, and emergency dental services for children and youth **17 years old and under** from low-income households. The program includes regular visits to a licensed dental provider and covers the costs of treatment.



The income thresholds as of July 1, 2017 will be as follows:

Household Includes	Adjusted Family Net Income
<b>1 child</b>	\$22,760 or lower
<b>2 children</b>	\$24,482 or lower
<b>3 children</b>	\$26,205 or lower
<b>4 children</b>	\$27,927 or lower
<b>5 children</b>	\$29,650 or lower

If your adjusted family net income is above the thresholds listed above, your children may not be eligible for Healthy Smiles Ontario in the future. The Basic Income payments will contribute to your adjusted family net income.

- Depending on your family structure and income, the Basic Income payments may make your family ineligible to receive Healthy Smiles Ontario.
- Once estimated payments are provided to you, you will need to decide if Basic Income is right for you and your family.

You can get more information about Healthy Smiles Ontario, including how to apply:

- online at [www.ontario.ca/page/get-dental-care](http://www.ontario.ca/page/get-dental-care)
- by calling  
Toll-free: 1-844-296-6306  
TTY toll-free: 1-800-387-5559  
416-327-4282 (TTY Toronto only)
- by contacting your local public health unit:  
[www.health.gov.on.ca/en/public/programs/dental/hso\\_phu.aspx](http://www.health.gov.on.ca/en/public/programs/dental/hso_phu.aspx)

### **What if I am a social assistance recipient and currently receive Healthy Smiles Ontario?**

Children are automatically enrolled in Healthy Smiles Ontario if their family currently receives social assistance. Children who received dental coverage under Healthy Smiles Ontario through social assistance will continue to receive dental coverage if their parent participates in the Basic Income Group of the Pilot, providing they are 17 years old and under.

## Child Care Fee Subsidy

Child care fee subsidy funded by the Ministry of Education is an income-tested benefit provided to low and middle income parents to help them pay for their child care needs. The amount of subsidy received is dependent on the total cost of child care and your adjusted family net income.

Participants receiving Basic Income payments are not excluded from receiving child care fee subsidy, providing their family continues to remain eligible for subsidy. The Basic Income payments may increase your adjusted family net income, so the contribution you make to child care while receiving the child care fee subsidy may increase.

**Here's an example:** A single parent with two children working full time in a minimum wage job participates in the Pilot.

	Current	Basic Income Pilot
<b>Employment Earnings</b>	\$21,489	\$21,489
<b>Basic Income</b>	N/A	\$6,245
<b>Total Adjusted Family Net Income</b>	\$21,489	\$27,734
<b>Parental Contribution</b>	<b>\$148.90/year</b> \$12.41/month)	<b>\$773.40/year</b> (\$64.45/month)

You can get more information about child care fee subsidy, including how to apply:

- online at [www.ontario.ca/page/child-care-subsidies](http://www.ontario.ca/page/child-care-subsidies)
- by contacting your Consolidated Municipal Service Manager/District Social Services Administration Board:  
[www.edu.gov.on.ca/childcare/websiteServiceManagers.html](http://www.edu.gov.on.ca/childcare/websiteServiceManagers.html)

### What if I am a social assistance recipient and currently receiving a full subsidy?

Families on social assistance are automatically eligible to receive a full child care fee subsidy. If a person withdraws from social assistance to participate in the Pilot, they would lose the automatic eligibility for full child care fee subsidy. They may still be eligible to receive the child care fee subsidy, but the parental contribution they pay may increase.



## Provincial and Federal Refundable Tax Credits

There are a number of income tested tax credits and benefits currently available to Ontarians that are delivered by the Governments of Ontario and Canada, such as:

Government of Ontario:

- Ontario Energy and Property Tax Credit
- Ontario Sales Tax Credit
- Ontario Child Benefit

Government of Canada

- Working Income Tax Benefit
- Goods and Services Tax Credit
- Canada Child Benefit

Basic Income payments may increase an individual's or family's adjusted family net income and may change the amount they receive under the broadly available tax credits.

You can get more information about:

- Ontario tax credits and benefits online at [www.ontario.ca/page/ontario-tax-credits-and-benefits](http://www.ontario.ca/page/ontario-tax-credits-and-benefits)
- federal programs and benefits online at: [www.cra-arc.gc.ca/ndvdl-fmls/menu-eng.html](http://www.cra-arc.gc.ca/ndvdl-fmls/menu-eng.html)

## Basic income illustrative examples:

1. Single individual with two children on Ontario Works who has no employment earnings.

	Current	Pilot
<b>Basic Income</b>		\$16,989
<b>OW - Maximum Basic Needs and Shelter</b>	\$12,228	
<b>Other Tax Benefits (e.g. OCB/CCB)</b>	\$16,668	\$16,668
<b>Net Total</b>	<b>\$28,896</b>	<b>\$33,657</b>

2. Single individual with two children who works a full-time minimum wage job.

	Current	Pilot
<b>Basic Income</b>		\$6,245
<b>Net Employment Earnings</b>	\$20,106	\$20,106
<b>Other Tax Benefits (e.g. OCB/CCB)</b>	\$17,668	\$16,232
<b>Net Total</b>	<b>\$37,774</b>	<b>\$42,583</b>

3. Couple with two children, with both parents working full time in a minimum wage job.

	Current	Pilot
<b>Basic Income</b>		\$2,538
<b>Net Employment Earnings</b>	\$39,199	\$39,199
<b>Other Tax Benefits (e.g. OCB/CCB)</b>	\$12,186	\$10,321
<b>Net Total</b>	<b>\$51,385</b>	<b>\$53,098</b>



# SECTION 4: COMPLETING THE APPLICATION FORM

Each section of the Application Form must be completed for your eligibility to be considered. If you have any questions while filling out the information, do not hesitate to contact us.

**We can be reached at 1-844-806-6270 and [applybi@ontario.ca](mailto:applybi@ontario.ca)**

In order to successfully complete the Application Form you will need:

- **Your reference number included in your invitation letter**
- **Your Social Insurance Number (SIN), and if applicable, your spouse/common-law partner's SIN**
- **Copies of your and your spouse's/common-law partner's 2016 T1 General – Income Tax and Benefit Form and the 2016 Notice of Assessment** – We will request the information you provided to the Canada Revenue Agency as part of your 2016 tax return to determine your eligibility to participate in the Pilot, and the amount you could receive.
  - **If you did not file your taxes, please see Section 1 of this Booklet or contact us – you can still apply**
- **Verification of you and/or your spouse's/common-law partner's disability (if applicable)**

## Step 1: Your Personal Information

### Reference Number

Provide the reference number included at the top of your invitation letter. This reference number is unique and can only be used by you and your spouse/common-law partner. **This number is not to be shared.**

### Name

Provide both your last and first name. If you have a single name, please report it as your last name.

### Date of Birth

Enter your date of birth. Your date of birth should follow the YYYY/MM/DD format. To participate in the Pilot you should be between the ages of 18 and 64, as of April 24, 2017.

### Social Insurance Number (SIN)

Your SIN is the nine-digit number that identifies you for income tax purposes under section 237 of the Income Tax Act and is used for certain federal and provincial programs. Your SIN is needed to confirm your identity and to verify your income with the CRA.

### Home Address: provide information about where you live

Provide your address and how long you've lived there. This will be used to confirm that you live in your Pilot region. Please indicate how long you have lived (in years and months) at your current address. We may ask you to verify this.

### Previous Address

If you have lived at more than one address in the last 12 months, please provide your previous address.

### Mailing Address

If your mailing address is different from your home address, please list those details here. This address will be used to send you letters, updates, payments and/or statements.

- If you have a different mailing address, **this address should also be within your Pilot region for you to be eligible to participate in the Pilot.**



### Contact Information

Insert your e-mail address, your home phone and cell phone numbers if you have them.

- Please indicate whether you would prefer to be contacted by Basic Income Pilot administrators by e-mail or by phone. If you have no preference, leave the boxes blank.

The Basic Income Pilot is committed to delivering services and supports to you in your language of choice. Please indicate whether you would prefer we engage with you in English or French. If you would prefer another language, please tell us your preferred language and we will do our best to accommodate your request.

### Information About Disability Status

Check the disability-related programs that apply to you and/or your spouse/common-law partner. If you and/or your spouse/common-law partner checked one or more of the programs, please send documentation that confirms your eligibility for that program along with this application.

Please see page 8 of this Information Booklet for information related to the disability status and the disability supplement.

## Step 2: Your Spouse's/Common-law Partner's Information, if applicable

Complete this section with your spouse's/common-law partner's personal information.

## Step 3: Your Income Information

Information about your and your spouse's/common-law partner's income will be used to determine whether you can participate in the Basic Income Pilot. This information will also be used to calculate how much your Basic Income payments will be.

To successfully enrol in the Basic Income Pilot, please **submit a copy** of your tax information. Please refer to page 7 for additional information.

## Step 4: Declaration by you and your spouse/common-law partner

You and your spouse/common-law partner (if applicable) should read this section very carefully and sign in the designated area for your application to be considered complete. Your and your spouse's/common-law partner's signature at the bottom of this section of the Application Form means that you understand what it means to participate in the Pilot.

## Questions? Contact Us

If you have any questions or concerns regarding this application and what will happen in the Pilot, please contact us to discuss in more detail.

**We can be reached at 1-844-806-6270 and [applybi@ontario.ca](mailto:applybi@ontario.ca)**



**For more information on Basic  
Income in Ontario, visit:**  
[ontario.ca/basicincome](https://ontario.ca/basicincome)



## Declaration of Income

### This form is to be completed by:

- a. persons who have not completed the previous year's tax return with Canada Revenue Agency; OR
- b. persons who have completed the previous year's tax return with Canada Revenue Agency but do not have proof.

### Instructions

- **Employment income** is defined as any earned income through working a job either part or full time or any financial compensation received for services rendered
- This may include income from self-employment, farming, rental housing.
- **Other income** can include any payments you might have received from:
  - Canada Pension Plan,
  - Old Age Security,
  - Workplace Safety Insurance Board
  - Employment Insurance
  - Registered Retirement Savings Plans
- Please do not include income received from the following sources in your estimations below. Income support received from the following sources will not affect how the Basic Income payment is calculated:
  - Special Services At Home (SSAH);
  - Temporary Care Assistance (TCA) payments
  - Transition Child Benefit (TCB);
  - Child support payments;
  - Canada Child Benefit;
  - Ontario Child Benefit;
  - CPP-Disability benefits related to children;
  - Assistance for Children with Severe Disabilities (ACSD) program;
  - Veteran's benefits for dependent children (e.g. Canadian Forces Income Support, War Veterans Allowance, etc.)
  - Registered Disability Savings Plans
- If you are unsure as to what would constitute either employment or other income please contact us at 1-844-806-6270

---

#### Notice with Respect to the Collection of Personal Information

(Freedom of Information and Protection of Privacy Act)

This information is collected for the purpose of administering Ontario Basic Income Pilot. For more information please contact 1-844-806-6270



Ministry of Community and Social Services  
Ontario Basic Income Pilot

I, Susan Lindsay, residing at 171 1/2 Wilmot St NW  
Please print first and last name unit street address

in the city of Lindsay, Ontario.

I Do Solemnly Declare and Represent,

(check box a. or b.)

☒ a. That I have not filed the previous year's tax return with the Canada Revenue Agency (CRA), and based on a review of my records, I estimate my **employment income** for the previous tax year to be approximately:

☐ b. That I have filed the previous year's tax return with the Canada Revenue Agency (CRA), but I do not have proof with me. Based on a review of my records, I estimate my **employment income** for the previous tax year to be approximately:

\$ 3,200 2017

If you receive social assistance, please check off what kind of support you receive:

- ☒ Ontario Disability Support Program  
☐ Ontario Works

I estimate my **other income** for the previous tax year to be approximately:

\$ ~~5,768~~ 6,429.00 ow

The sources of my other income include:

ow - 2017  
\_\_\_\_\_  
\_\_\_\_\_

**Notice with Respect to the Collection of Personal Information**

(Freedom of Information and Protection of Privacy Act)

This information is collected for the purpose of administering Ontario Basic Income Pilot. For more information please contact 1-844-806-6270



Ministry of Community and Social Services  
Ontario Basic Income Pilot

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath

Devin Guelson  
Signature

Date: Mar 20 / 18

Please have another adult aged 18+ sign as a witness below

Signed in the presence of: Blair Nesbitt  
Print Name

of the province of ON

in the region of Lindsay this 20 day of March, 2018  
(Municipality) (Day) (Month) (Year)

[Signature]  
Signature of Witness

Notice with Respect to the Collection of Personal Information  
(Freedom of Information and Protection of Privacy Act)

This information is collected for the purpose of administering Ontario Basic Income Pilot. For more information please contact 1-844-806-6270



February 17, 2020

SUSAN LINDSAY  
c/o Kaley Duff  
474 Bathurst Street Suite 300  
Toronto ON M5T 2S6

The information you requested from the Canada Revenue Agency (CRA) is attached.

You can use the CRA's online service, My Account, to see your personal income tax and benefit information and manage your tax affairs online. My Account lets you track your refund, view or change your return, check your benefit and credit payments, view your registered retirement savings plan limit, set up direct deposit, receive email notifications, and much more.

If you register with My Account, you can also use the CRA's Auto-fill my return service when you file online using certified software.

My Account is:

- Convenient - available 21 hours a day, 7 days a week
- Easy to use - after your register, log in with your CRA user ID and password
- Fast - information is up-to-the-minute, and transactions are processed immediately
- Secure - the CRA user ID and password are just part of the online security

Log in or register now for My Account at [canada.ca/my-cra-account](https://canada.ca/my-cra-account)

If you have any questions, please call the individual tax enquiries line at 1-800-959-8281.

1211 0

12 14 26



Income Tax Return Information-Regular

SUSAN LINDSAY 171 1/2 WILLIAM ST N LINDSAY K9V 4B6	ON	Social Insurance Number 484 135 496	Tax year 2017
		Date of birth 02NOV 1964	Marital status SINGLE
		Province of residence ONT	Date of assessment 26APR 2018

Line	Description	Reported	Processed
101	Total earnings (T4)		4,369
145	Social assistance payments		8,532
150	Total income	24,257	12,901
232	Other deductions		1,067
233	Total deductions		1,067
236	Net income		11,834
250	Other payments deduction		8,532
---	Taxable income		3,302
266	Foreign property		No
448	Canada pension plan overpayment	-9.92	-49.79
450	EI overpayment	-28.06	
---	Balance before penalty and interest	Debit	1,861.34
---	Interest charged	84.29	
---	Penalties	76.83	
---	Balance from this assessment	Debit	2,022.46
---	Final balance	Debit	2,022.46
***** NON-REFUNDABLE TAX CREDITS *****			
300	Basic personal amount		11,635
308	CPP/QPP contributions (T4)		615.10
---	CPP/QPP deduction		43.01
312	EI premiums (T4)		71.26
363	Canada employment non-refundable tax credit		1,178
335	Non-refundable tax credits excluding donations	13,662	12,927
338	Net non-refundable tax credits	2,049	1,939
350	Total non-refundable tax credits	2,049	1,939
***** SCHEDULE 1 - FEDERAL TAX CALCULATION *****			
---	Total non-refundable tax credits		1,939

Released at the request of an authorized individual in accordance with Section 241 of the *Income Tax Act*.

Initials DB	Date 2020-02-17
----------------	--------------------

484 135 496

2017



Income Tax Return Information-Regular

Line	Description	Reported	Processed
*****	ELECTRONIC FILING	*****	
*****	MEMO ITEMS	*****	
5479	EI benefit reduction		1,067
---	Federal penalty for omission		60.20
---	Provincial penalty for omission of income		16.63
*****	ADDITIONAL INFORMATION	*****	
5524	File date		18APR 2018
---	Net adjusted income		11,834
5028	EI included in employment insurance premium		272.21
*****	FORM RC381/SCHEDULE 8	*****	
5549	CPP pensionable earns after retirement claim		4,369
5034	CPP contributions (T4)		92.80
*****			
***** PROVINCIAL/TERRITORIAL INFORMATION *****			
*****			
*****	NON-REFUNDABLE TAX CREDITS	*****	
5804	Basic personal amount		10,171
5824	CPP/QPP contributions (T4)	605.18	43.01
5832	EI premiums (T4)	244.15	71.22
5880	Non-refundable tax credits excluding donations	11,020	10,285
5884	Net non-refundable tax credits	556	519
6150	Prov non-refund tax credit claim taxpayer	556	519
*****	PROVINCIAL/TERRITORIAL TAX	*****	
---	Taxable income		3,302
*****	ONTARIO BENEFITS	*****	
6110	Rental payments		9,000
***** There is one Reassessment *****			

Released at the request of an authorized individual in accordance with Section 241 of the *Income Tax Act*.

Initials DB	Date 2020-02-17
----------------	--------------------



Income Tax Return Information-Regular

Line Description

14JAN 2019 NARRATIVE:

remove income reported by NORDIA INC (2016 T4) and add  
income reported by PARKBRIDGE and CAMPAIGN SUPPORT LTD.

	Previous Amount	Change
101 Total earnings (T4)	15,725.00	-11,356.00
312 EI premiums (T4)	272.21	-200.95
437 Total tax deducted per information slip	2,022.62	-2,022.62
5034 CPP contributions (T4)	615.10	-522.30
5478 EI insurable earnings	14,978.00	-10,609.00
5549 CPP pensionable earns after retirement claim	15,725.00	-11,356.00
5594 Net income subject to omission of inc. penalty	0.00	602.00

Released at the request of an authorized individual in accordance with Section 241 of the *Income Tax Act*.

Initials DB	Date 2020-02-17
----------------	--------------------



Court File No. CV-19-00000035-00CP  
Commenced in Lindsay

ONTARIO  
SUPERIOR COURT OF JUSTICE

B E T W E E N

DANA BOWMAN, GRACE MARIE DOYLE HILLION, SUSAN LINDSAY  
and TRACEY MECHEFSKE

Plaintiffs

- and -

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO

Defendant

\_\_\_\_\_  
This is a Cross-Examination of DANA BOWMAN, one  
of the Plaintiffs herein, on her Affidavit sworn  
August 23, 2019, taken at the offices of Stewart  
Morrison Insurance, 158 Lindsay Street South,  
Lindsay, Ontario, on the 27th day of February, 2020.

A P P E A R A N C E S:

MS KALEY DUFF	-- for the Plaintiffs
MR. STEPHEN MOREAU	-- for the Plaintiffs
MS CHANTELE BLOM	-- for the Defendants
MR. CHRISTOPHER P. THOMPSON	-- for the Defendants
MS MICHELLE LOGASOV	-- Student-At-Law

KINGSTON  
31 Hyperion Court  
Suite 104  
K7K7G3  
(613) 542-3003

PETERBOROUGH  
380 Armour Road  
Suite 248  
K9H 7L7  
(705) 749-6353  
(705) 696-1998 fax

BELLEVILLE  
1 Bridge St E  
Suite 300  
K8N 5N9  
(613) 968-8446

COBOURG  
Best Western  
Meeting Room  
930 Burnham St  
1-877-661-6602

LINDSAY  
189 Kent St W  
Suite 202  
K9V 5G6  
(705) 878-1131

WHITBY  
Garden Plaza  
701 Rossland Rd E  
Suite 208  
L1N 8Y9  
(905) 430-0202

INDEX OF PROCEEDINGS

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INDEX OF EXHIBITS

EXHIBIT		PAGE
NUMBER	DESCRIPTION	NUMBER

(No Exhibits Filed)

INDEX OF UNDERTAKINGS

REFERENCE		PAGE
NUMBER	DESCRIPTION	NUMBER

(No Undertakings Given)

This index is for convenience only  
and is in no way binding on counsel.

DANA LEE BOWMAN, affirmed:

CROSS-EXAMINATION BY MS BLOM COMMENCED AT 11:27 a.m.

1. Q. Good morning, Ms Bowman. Can you please state your name for the record?

5 A. Yes, it's Dana Lee Bowman.

2. Q. And you've aff- -- You have affirmed to tell the truth during your examination today?

A. Yes, I have.

3. Q. And you're here to be crossed examined on your Affidavit sworn August the 23rd, 20'19?

10 A. That's correct.

4. Q. And you're here pursuant to a Notice of Examination dated February 5th, 20'20?

A. Correct.

5. Q. Okay. Before you applied for the Basic Income Pilot Program you received ODSP benefit payments each month, correct?

15 A. Correct.

6. Q. Okay. And the amount that you received through the Ontario Basic Income Program was significantly more each month than you were receiving on ODSP?

20 A. That's correct.

7. Q. And you had prescription drug coverage through ODSP?

25

A. Yes, I did.

8. Q. And you had dental coverage through ODSP?

A. Yes, I did.

9. Q. And those coverages continued while you  
5 were on the Basic Income --

A. Yes, they did.

10. Q. -- Pilot Program? And now you're back on  
ODSP?

A. That's correct.

10 11. Q. And the prescription and drug coverage is  
continuing?

A. That's correct.

15 12. Q. Okay. And you're involved in advocating  
to have Lindsay added as a pilot site to the Ontario  
Basic Income Pilot Program?

A. Yes.

20 13. Q. And you found out that Lindsay had been  
added as a pilot site when the three pilot sites of  
Thunder Bay, Hamilton and Lindsay were publicly  
announced on April the 24th, 20'17?

A. That's correct.

14. Q. Okay. And then you applied for the  
program on October 13th, 20'17?

A. That's correct.

25 15. Q. And how did you apply?

A. I actually applied through the Aggre- --  
or local fair, it's called the Lindsay Ex, and they  
were taking names and passing out information about  
Basic Income and I signed up there.

5 16. Q. So, you signed up there for Basic Income,  
or you signed up to attend an enrollment session?

A. Yes, I -- It was for an appointment, my  
apologies. It was actually to make an appointment  
for the Basic Income and to see if I qualified --

10 17. Q. Okay.

A. -- at that point once we went to do that  
step.

18. Q. And do you recall when you went to the  
fair, what month was that?

15 A. It was September.

19. Q. Okay. So, in September you signed up for  
an enrollment session at the fair?

A. Yeah.

20 20. Q. And then you went to the enrollment  
session on October the 13th --

A. Correct.

25 21. Q. -- 20'17? Okay. And then I understand  
that at Exhibit 2 to your Affidavit is a copy of the  
Application that you completed on October 13th,  
20'17?

A. Correct.

MS DUFF: I'm just going to put that in front --

MS BLOM: Yes.

MS DUFF: -- of the witness.

BY MS BLOM:

22. Q. And at the time that you were at the enrollment session and you filled out this form you also had a Booklet about the Basic Income Pilot Program?

A. Correct.

23. Q. Now, I understand that there is a copy of the Booklet attached as Exhibit 2 to the Affidavit of Susan Paskoski and that is at Page 1134 of the Record.

MS DUFF: Is that Tab H?

MS BLOM: Tab H (2).

BY MS BLOM:

24. Q. And is this the Booklet that you would have seen at the information -- sorry, at the enrollment session?

A. Yes, it is.

MS BLOM: Okay. Now, if -- Maybe I can give you a tab or something to keep us there. Thank you.

MS DUFF: Just save this.

MS BLOM: It's like a bookmark.

BY MS BLOM:

5 25. Q. And then if we go back to your Application, which is at Tab 2 of your Affidavit, which is Page 1030.

A. Tab 2, you say?

26. Q. Yes.

A. And which page? I'm sorry.

10 MS DUFF: Did you say 1034?

MS BLOM: 1030.

MS DUFF: 1030.

THE DEPONENT: Okay.

BY MS BLOM:

15 27. Q. Okay. And, then, sorry, that's the Application and then if you go to Page 1034 of the Record, which is Page 5 of the Application, at the top of that page it says, "Step 4 Declaration and Consent. Complete spousal common-law partner information if applicable", and then it says, 20 "Declarations, administration. I, We, the undersigned one, have read the Information Booklet Section 1 and understand the eligibility criteria to participate in the pilot". Do you see that there?

25 A. Yes, I do.

28. Q. And then if we flip back to the Booklet, which is attached as Exhibit 2 to Ms Paskoski's Affidavit. And if we go to Page 4 of that Booklet, which is Page 1139 of the Record.

5 A. Thank you.

29. Q. At the top there it says, "Section 1. What is a Basic Inc- -- Income Pilot?"

A. Yes.

30. Q. And then further down the page it says, "Two groups participated in the research study. At the start the pilot will select two groups of eligible applicants who will be asked to participate in a research study".

10 A. Yes.

31. Q. "One, one group will receive monthly Basic Income Payments for up to a three-year period. This group is called the Basic Income Group and up to a three-year period is a maximum not a minimum".

15 A. Yes.

32. Q. And when you applied for Basic Income on October -- in October, you knew that enrollment in Lindsay started after enrollment had started in the other pilot site?

20 A. Yes.

25 33. Q. And you knew that enrollment at all three



pilot sites would continue after you signed up on October the 13th?

A. Say that again, please?

34. Q. So, you signed up on October the 13th?

A. Correct.

35. Q. And you knew that enrollment sessions were continuing in Lindsay after that?

A. Yes.

36. Q. And you knew that signup was continuing also in Thunder Bay and Hamilton?

A. Correct.

37. Q. Okay. And, in fact, it continued for months up until the end of April 20'18?

A. I'm aware of it -- Lindsay, of people signing up in -- in the Lindsay area, the K9B postal code --

38. Q. Right.

A. -- into April, yes.

39. Q. Okay. And you also knew that the program was a research study and you would have to complete surveys?

A. Yes.

40. Q. And the surveys needed to be studied and reviewed to get the results?

A. Yeah.

41. Q. And that takes time?

A. M'hm.

42. Q. Do you know the date the pilot started?

A. The actual date that it started in Lindsay  
or overall?

43. Q. Overall?

A. No, I actually do not know, or don't  
remember.

44. Q. Okay. And how long did you expect to  
receive payments under the study?

A. I expected up to the three years.

45. Q. The three years --

A. Like, from -- I think -- My understanding  
up -- up to three years was -- Like, I -- Lindsay  
come on last, so my understanding is it would --  
Like, the start date for April, the end date would  
be April for all of us. That's how I thought of it.  
Like, I would be coming on near the end of it, so --  
and the rollback would start from April on and  
continue down to Lindsay. So, I'm not really sure  
how to explain that, but it's just a thought.

46. Q. Okay. And can you show me anywhere in the  
materials where it says that?

A. No.

MS BLOM: Okay. Those are all my questions.

THE DEPONENT: Oh, okay.

MADAM REPORTER: Go off record, then?

MS DUFF: So, we'll just take a minute and come back.

5 (OFF THE RECORD) (11:35 a.m.)

...upon resuming (11:37 a.m.)

**RE-EXAMINATION BY MS DUFF:**

47. Q. Ms Bowman, Ms Blom asked you a question  
about when you expected the pilot study to run and  
10 you responded April to April.

A. M'hm.

48. Q. Can you just clarify April what year to  
April what year?

A. From April 17th to April -- One, two --  
15 18, 19. So, April 19th, that's the end of a  
three-year.

49. Q. April 17 to three years later?

A. Yes.

50. Q. Okay.

A. That's how I under- -- That's my  
20 understanding of it.

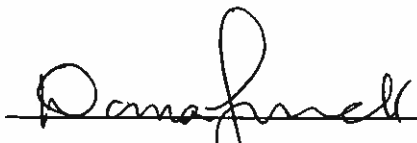
MS DUFF: Okay, those are my questions.

THE DEPONENT: Okay.

...Examination Concluded at 11:38 a.m.

25

THIS IS TO CERTIFY THAT the foregoing  
is a true and accurate transcription from the  
record, made by sound recording apparatus,  
to the best of my skill and ability.

5 

Donna Furevick, C.C.R.

Quality Control for Joan Hogervorst

10 Photostat copies of this transcript  
are not certified and have not been paid for unless  
they bear the original signature of Donna Furevick  
and accordingly are in direct violation of Ontario  
Regulations 587/91, Courts of Justice Act,  
15 January 1, 1990.

Date Transcript Ordered: February 27, 2020

Date Transcript Completed: March 9, 2020

20

**Taylor** (Mailing Address: P.O. Box 14, Hastings, K0L 1Y0)  
**Reporting Services** (Division of 1587321 Ontario Ltd.)

**COPY**

Court File No. CV-19-00000035-00CP  
 Commenced in Lindsay

ONTARIO  
 SUPERIOR COURT OF JUSTICE

B E T W E E N

DANA BOWMAN, GRACE MARIE DOYLE HILLION, SUSAN LINDSAY  
 and TRACEY MECHEFSKE

Plaintiffs

- and -

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO

Defendant

This is a Cross-Examination of TRACEY MECHEFSKE,  
 one of the Plaintiffs herein, on her Affidavit sworn  
 August 21, 2019, taken at the offices of Stewart  
 Morrison Insurance, 158 Lindsay Street South,  
 Lindsay, Ontario, on the 27th day of February, 2020.

A P P E A R A N C E S:

MS KALEY DUFF	-- for the Plaintiffs
MR. STEPHEN MOREAU	-- for the Plaintiffs
MS CHANTELE BLOM	-- for the Defendants
MR. CHRISTOPHER P. THOMPSON	-- for the Defendants
MS MICHELLE LOGASOV	-- Student-At-Law
MR. MIKE PERRY	-- Observer present with Ms Lindsay

**KINGSTON**  
 31 Hyperion Court  
 Suite 104  
 K7K7G3  
 (613) 542-3003

**PETERBOROUGH**  
 380 Armour Road  
 Suite 248  
 K9H 7L7  
 (705) 749-6353  
 (705) 696-1998 fax

**BELLEVILLE**  
 1 Bridge St E  
 Suite 300  
 K8N 5N9  
 (613) 968-8446

**COBOURG**  
 Best Western  
 Meeting Room  
 930 Burnham St  
 1-877-661-6602

**LINDSAY**  
 189 Kent St W  
 Suite 202  
 K9V 5G6  
 (705) 878-1131

**WHITBY**  
 Garden Plaza  
 701 Rossland Rd E  
 Suite 208  
 L1N 8Y9  
 (905) 430-0202

- i -

Tracey Mechefske

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INDEX OF UNDERTAKINGS

REFERENCE NUMBER	DESCRIPTION	PAGE NUMBER
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(No Undertakings Given)

This index is for convenience only  
and is in no way binding on counsel.

Tracey Mechefske - 1

TRACEY MECHEFSKE, affirmed:

CROSS-EXAMINATION BY MS BLOM COMMENCED AT 12:26 a.m.

1. Q. Good morning. Could you please state your name for the record?

5 A. Oh, my name is Tracey Mechefske.

2. Q. And you have affirmed to tell the truth during your examination?

A. I do.

3. Q. And you're here to be cross-examining -- cross-examined on your Affidavit sworn August 21st, 20'19?

10 A. Yes.

4. Q. And you're here as a result of a Notice of Examina- -- A Notice of Examination dated February the 5th, 20'20 that was provided to your lawyers?

15 A. I -- I will say that that is accurate. I'm not sure of the date, but yes.

5. Q. Okay, thank you. And you applied for the Ontario Basic Income Pilot Program on October the 12th, 20'17?

20 A. If that is the date that you have on file, then yes.

6. Q. So, I'm going to actually hand you a copy of your Basic Income Application --

25 A. Okay.

Tracey Mechefske - 2

7. Q. -- form. Have you seen this document before?

A. Yes, when I applied.

8. Q. Okay. And, so, that's your signature at the bottom of this document and the date there is October 12th, 20'17?

A. Yes.

9. Q. And the second signature is a signature of your spouse?

A. Yes.

MS BLOM: Okay.

And so, I'd like to mark this as Exhibit 1.

MS DUFF: And we agree.

MS BLOM: Okay.

**EXHIBIT 1:** Basic Income Application

**BY MS BLOM:**

10. Q. And at the time you completed the Application form you also completed a Declaration of Income and I'm going to hand you a copy of that for you to take a look at. Do you recall this document?

A. Not offhand, but I did sign it and I will say that it was accurate at the time.

MS BLOM: Okay.

And so, could we have this marked as



Tracey Mechefske - 3

Exhibit 2.

MS DUFF: We agree.

MS BLOM: Okay.

**EXHIBIT 2:** Declaration of IncomeBY MS BLOM:

- 5
11. Q. And before you applied for the Ontario Basic Income Pilot Program you received ODSP benefits each month?
- A. Correct.
- 10
12. Q. And the amount you received once you were enrolled on the Basic Income Pilot Program was more each month than what you had received through the ODSP Program?
- A. Yes.
- 15
13. Q. And you and your husband received prescription drug coverage through the ODSP Program?
- A. Yes.
14. Q. And you also received benefit coverage through that program?
- 20
- A. Yes.
15. Q. And when you were enrolled in the Basic Income Pilot Program the dental and prescription drug coverage continued?
- A. Yes.
- 25
16. Q. And now that you're back on ODSP that

Tracey Mechefske - 4

coverage continues?

A. Yes.

5 17. Q. Okay. And at the time you attended the information -- Or, sorry, the Application -- In-person Application signup session where you completed the Application form and the Declaration of Income, you read through the Basic Income Booklet?

A. I did.

10 18. Q. Okay. And you were aware from reading the Booklet that there was a risk that you could be placed into a control group?

A. Yes.

15 Q. And you have also seen in the Booklet that for people placed in the payment group, payments were for up to three years?

A. My understanding at the time was that the pilot was going to run for three years, yes.

20 19. Q. But you're aware that payments would be for up to three years?

A. I did not -- From what I saw, I understood three years when I read it.

25 20. Q. So, I'm going to turn to Page 1134, Volume 3 of 3. So, this is a copy of the Basic In- -- Income Pilot Information Booklet dated May 20'17.

Tracey Mechefske - 5

Is this a copy of the Booklet that you -- you reviewed at the signup session?

A. Yes.

5 21. Q. Okay. And if you go to Page 4 of this Booklet, which is Page 1139 of the Record, you'll see there midway down the page it says, "Two groups participate in a research study. At the start the pilot will select two groups of eligible applicants who will be asked to participate in a research study. One, one group will receive monthly Basic Income payments for up to a three-year period. This group is called The Basic Income Group." Do you see that there?

A. I do.

15 22. Q. And up to three years is a maximum not a minimum?

A. I see that here.

20 23. Q. And you'll agree with me that up to three years means a maximum not a minimum?

A. With this sentence, yes. Further up the page it said the three-year Ontario Basic Income Pilot will study, so many times in the Booklet there were three years. And so, my understanding was that it would be for three years. And I know that last time you pointed out this sentence as well.

Tracey Mechefske - 6

24. Q. Okay. And by "last time" you mean on the  
-- the judicial review --

A. Yeah, the cross-examination for the  
judicial review --

5 25. Q. Okay.

A. -- yes.

26. Q. So, you know that enrollment in Lindsay  
for the Basic Income Pilot Program started after  
enrollment in Thunder Bay and Hamilton?

10 A. I was not aware of that.

27. Q. You're not -- you're not aware of that now  
or you were not aware of that then?

A. This is new to me --

15 28. Q. Okay.

A. -- today.

29. Q. But you know that enrollment in Lindsay  
continued after you signed up in October?

A. Yes.

20 30. Q. Okay. And you know that the program was a  
research study and you would have to complete  
surveys?

A. Yes.

31. Q. And those surveys would need to be studied  
and reviewed to get research results?

25 A. Correct.

Tracey Mechefske - 7

32. Q. And this takes time?

A. Yes.

33. Q. And do you know the date the pilot started?

A. For me? That's -- Sorry, that's a question. For me or for everybody?

34. Q. For every- -- Like, what date did the -- the Pilot Program start? We know you enrolled on October the 12th, 20'17 but what date did the Pilot Program start?

A. I don't know.

35. Q. Okay. And how long did you expect to receive payments under the Pilot --

A. Three years.

36. Q. And can you show me where it says that?

A. Well, even just the page that you pointed out, it says, "The three-year Ontario Basic Income Pilot will study whether Basic Income can better support vulnerable workers and it continues".

That's just one example from what I remember. I don't know page numbers. But that is one specifically. I -- I recall seeing three-year more often than two.

37. Q. Right, but you don't know when the Pilot started, correct?

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A. Yes, I -- I do know that I was one of the first batches here in Lindsay to start -- or to apply.

5 38. Q. So, how long did you expect to receive payments for?

A. Three years.

39. Q. Three years from the date you applied?

A. That's what I assumed, yes.

40. Q. So, three years from October?

10 A. My first payment was November 25th, but yes from when I applied.

41. Q. So, three years of payments from October 20'17. Can you show me where in the materials it says that?

15 A. October?

42. Q. That you would receive payments for three years from the date that you signed up?

A. No, that I don't know.

20 43. Q. Okay. And in your Affidavit, you attach redacted Basic Income material from six other participants from Hamilton and Brantford?

A. I was given notice that there would be other information added to my Affidavit, yes.

25 44. Q. Right. And these are Exhibits 14 to 25. You have six other participants from Hamilton and

Tracey Mechefske - 9

Brantford and six other participants from Lindsay. Their materials from the Basic Income Pilot Program are attached to your Affidavit. Have you reviewed those materials?

5 A. I have not.

45. Q. Okay. And so, they were attached to your Affidavit by the lawyers for the cost action here?

A. Correct.

46. Q. And you don't have unredacted copies of those materials?

10 A. I do not.

47. Q. Okay. And you haven't discussed the indiv- -- the materials with the individuals who prepared them?

15 A. I did not.

48. Q. Okay. And, in fact, you don't even know who the individuals are because it's redacted?

A. I do not.

49. Q. Okay. And you've also attached some documents with respect to public consultations that Ontario did before it announced the Basic Income Pilot Program and those are attached as Exhibits 26 to 29 of your Affidavit. Are you aware of those documents?

20  
25 A. I am aware of them. I was made aware of

Tracey Mechefske - 10

them, yes.

50. Q. And you were made aware of them by your lawyers in the context of this litigation?

A. Correct.

51. Q. You're not involved in those consultations?

A. I was not.

52. Q. Okay. And you attach news releases and news reports from April 20'17 at Exhibits 30 to 34 of your Affidavit?

A. I did.

53. Q. And --

A. Well, I didn't personally.

54. Q. Okay.

MS DUFF: If I may, I'm just going to turn up those exhibits.

MS BLOM: That's fine.

MS DUFF: Did you say 30 to 34?

MS BLOM: Thirty to thirty-four, yes.

BY MS BLOM:

55. Q. And you did not have copies of these documents when you applied for the Basic Income Pilot Program?

A. I did not.

56. Q. Okay. And they came to your attention as



Tracey Mechefske - 11

a result of this litigation?

A. Yes.

57. Q. Okay. And at Exhibits 35 and 36 there are copies of -- printouts of tweets about Basic Income Pilot Program and you were not following those Twitter accounts at the time the tweets were --

A. I do not have Twitter.

58. Q. Okay. And so, copies of those were provided to you by your lawyers in the context of this litigation?

A. Correct.

59. Q. Okay. And Ex- -- At Exhibits 38 to 39 you've included some documents between --

A. Sorry, could I have clarification?

60. Q. Sure.

A. These were also a part of the judicial review.

61. Q. Yes.

A. So, does that in- -- So, your question, does that incorporate the -- its entirety?

62. Q. I haven't asked the question about these documents yes -- yet, so just hold on.

A. Okay.

63. Q. So, I've asked -- You've included these documents, which you've turned up now at Exhibits 38

Tracey Mechefske - 12

5 to 39. And so, my question to you is going to be, you received these documents from your lawyer through the previous judicial review application that you were involved in?

A. Correct.

64. Q. Okay. And you had not otherwise seen or received copies of these documents prior to that litigation?

A. Correct.

10 65. Q. And then at Exhibits 41 to 44 there are several emails from the Ontario Ministry responsible for the Basic Income Pilot Program to individuals about information sessions in Lindsay. Have you had an opportunity to review these emails?

15 A. No.

66. Q. Okay. And you were not copied on these emails when they were sent?

A. I was not.

20 67. Q. They were provided to you by your lawyers for the purpose of this litigation?

A. Correct.

68. Q. Okay. Now, in your Affidavit you mention a line of credit that you say you took out for your business --

25 A. Yes.

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5 69. Q. -- after -- as a result of the Basic Income Pilot Program. Now, your lawyers have provided me with a copy of your monthly line of credit statements for September 20'17 to I believe February 20'19. I'll give you a copy of that. I can give you a copy as well. And have you seen these documents before?

A. I have.

10 70. Q. Okay. And this is your personal line of credit?

A. It is.

71. Q. Okay. So, you open the line of credit in September 20'17?

A. August 30th.

15 72. Q. August 30th. And then you got your first statement in September?

A. Yes.

20 73. Q. Okay. And according to your first statement, from September you took out almost \$8,000.00 in cash advan- -- advances?

25 MS DUFF: I'm -- I'm just going to object. I mean, we mention in the Affidavit the existence of line of credit. She's confirmed the existence and the date when it was opened. So, I'm just getting a little concerned we're

Tracey Mechefske - 14

now -- we're really delving into your personal finances.

5 MS BLOM: So, there's a paragraph, Paragraph 39 of her Affidavit talks about -- This line of credit talks about the -- the amount that's owed on it and that she took it out as a result of being enrolled on Basic Income. So, my question is really to that evidence.

10 MS DUFF: But the evidence is that she took it out, here is the amount, and you have the date that she took it out. So, in terms of the individual purchases that she's -- she's making on it, I -- I just don't think that goes to certification.

15 MS BLOM: Well, just it goes to the evidence in her Affidavit. I agree it's not relevant to certification, but it is -- There's a whole paragraph on this in her Affidavit. So, I'm just seeking to clarify the evidence there.

20 MS DUFF: Okay, I -- I -- You know, I'm going to agree that you -- you can proceed, but know that we're wary of this line of questioning.

MS BLOM: Okay.

BY MS BLOM:

25 74.

Q. So, according to the September statement,

Tracey Mechefske - 15

you took \$7,904.43 from the line of credit in September?

A. That's what it says here, yes.

5 75. Q. Okay. And you applied for Basic Income in October?

A. Yes.

76. Q. And you received confirmation that you would be enrolled in Basic Income in November?

A. Yes.

10 77. Q. And you received your first payment at the end of November?

A. Oh, correct.

15 78. Q. Okay. And in your Affidavit, you said that you were using your Basic Income monthly payments to make payments of \$563.00 every month towards your line of credit?

A. At the time of the Affidavit my payment was 562.00 but it did not start out at a -- at 562.00.

20 79. Q. Okay. So, during the -- So -- Okay. So, your -- your evidence is that you -- you're making the base -- you were -- you have made or are making basic -- the minimum payments on the line of credit since you took it out in September?

25 A. Yes.

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80. Q. Okay. And you agree that during the time that Basic Income was running and during the winddown period those minimum payments were not \$563.00 a month?

A. Not all of them, no.

MS BLOM: Okay. Those are all my questions.

...Examination Concluded at 12:42 p.m.

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5 THIS IS TO CERTIFY THAT the foregoing  
is a true and accurate transcription from the  
record, made by sound recording apparatus,  
to the best of my skill and ability.



Donna Furevick, C.C.R.

Quality Control for Joan Hogervorst

10 Photostat copies of this transcript  
are not certified and have not been paid for unless  
they bear the original signature of Donna Furevick  
and accordingly are in direct violation of Ontario  
15 Regulations 587/91, Courts of Justice Act,  
January 1, 1990.

Date Transcript Ordered: February 27, 2020

Date Transcript Completed: March 9, 2020

# Basic Income Application Form

Please complete the following (please print)

Disponible dans les deux langues officielles. Veuillez contacter les administrateurs du Projet pilote portant sur le revenu de base en composant le 1 844 806-6270 ou en envoyant un courriel à [applybi@ontario.ca](mailto:applybi@ontario.ca) pour demander une copie en français.

## You will need:

- Your reference number included in your invitation letter
- Your Social Insurance Number (SIN)
- Your 2016 T1 General Income Tax and Benefit Form
- Your 2016 Notice of Assessment



- If you do not have these tax forms, you can still apply to participate in the Pilot. Please call us at 1-844-806-6270 or email [applybi@ontario.ca](mailto:applybi@ontario.ca) – we are here to help you.
- Only individuals invited to apply with a reference number can apply for the Pilot. If you are applying as a couple, you will also need the SIN and tax information for your spouse/common-law partner.
- The **Information Booklet** explains the documents you need and how to complete the sections below.

**Need help? Call: 1-844-806-6270 Email: [applybi@ontario.ca](mailto:applybi@ontario.ca)**

I certify that the information given on this form and in any attached documents is to the best of my knowledge correct and true.

Tracy Meckel  
Signature of Applicant

Oct. 12, 2017  
Date

[Signature]  
Signature of Spouse/Common-law Partner

Oct. 12, 2017  
Date

EXHIBIT NO. 1

Examination of: Tracy Meckel  
Brown et al. v. RMC Gnt.

DATE: Feb 27 2018  
TAYLOR REPORTING SERVICES



## Step 1: Your Personal Information

Complete this section with your personal information. For more information on this section and what is required, please refer to Section 4: Completing the Application Form in the **Information Booklet**.

<b>Reference Number</b> 510101051610418		
<b>Name</b>		
Last Name: MECHEFSKE	First Name: TRACEY	
Date of Birth (YYYY-MM-DD): 1972 03 10	Social Insurance Number: 501 105 514	
<b>Home Address</b>		
Apartment/Unit Number:	Street Number: 22	Street Name: GEORGE ST. E.
City/Town: LINDSAY	Province: ONTARIO	Postal Code: K9V 1W3
How long have you lived at the above address? <u>5</u> Years <u>9</u> Months		
<b>Previous Address</b>		
Apartment/Unit Number:	Street Number:	Street Name:
City/Town:	Province:	Postal Code:
How long have you lived at the above address? _____ Years _____ Months		
<b>Mailing Address (if different from above)</b>		
Apartment/Unit Number:	Street Number:	Street Name:
City/Town:	Province:	Postal Code:
<b>Contact Information</b>		
E-mail: hmail, dwilliamcadow@com	Home Phone: 705 328-9414	Cell Phone:
Do you prefer to be contacted by email or phone? <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Home Phone <input type="checkbox"/> Cell Phone		
Your language of correspondence: <input checked="" type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Other. Please Specify: _____		
<b>Information About Disability Status (if applicable)</b>		
If you have a disability please indicate the source of <b>all</b> of your supports:		
<input checked="" type="checkbox"/> Ontario Disability Support Program (ODSP) <input type="checkbox"/> Services and supports through Developmental Services Ontario <input type="checkbox"/> Canada Pension Plan/Québec Pension Plan – Disability		
If you checked any of the boxes above, please attach to this application form verification that you are eligible for and/or receive these supports, such as recent payment stubs or eligibility notices. Please see the <b>Information Booklet - Section 1: page 8</b> for more information.		
Do you have a Spouse/Common-law Partner? <b>YES</b> ➔ Go to Step 2 <b>NO</b> ➔ Go to Step 3		

## Step 2: Your Spouse/Common-law Partner's Information, if applicable

Complete this section with your spouse's/common-law partner's personal information. For more information about what this means, please refer to Section 4: Completing the Application Form in the **Information Booklet**.

You and your spouse/common-law partner must have both indicated that you have a spouse/common-law partner in your 2016 (or previous) T1 General Forms. Please note that your spouse must also meet the Basic Income eligibility criteria.

Name		
Last Name: MECHEFSKE	First Name: KURT	
Date of Birth (YYYY-MM-DD): 1975-10-18	Social Insurance Number: 124 388 679	
Previous Address		
Apartment/Unit Number:	Street Number:	Street Name:
City/Town:	Province:	Postal Code:
Home Address (if different than your spouse/common-law partner)		
Apartment/Unit Number:	Street Number: 22	Street Name: GEORGE ST. E.
City/Town: LINDSAY	Province: ONTARIO	Postal Code: K9V 1W3
Mailing Address (if different from above)		
Apartment/Unit Number:	Street Number:	Street Name:
City/Town:	Province:	Postal Code:
Contact Information		
E-mail: iberserker@sympatico.ca	Home Phone: 705 328-9414	Cell Phone:
Do you prefer to be contacted by email or phone? <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Home Phone <input type="checkbox"/> Cell Phone		
Your language of correspondence: <input checked="" type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Other. Please Specify: _____		
Information About Disability Status (if applicable)		
If you have a disability please indicate the source of <b>all</b> of your supports:		
<input checked="" type="checkbox"/> Ontario Disability Support Program (ODSP) <input type="checkbox"/> Services and supports through Developmental Services Ontario <input type="checkbox"/> Canada Pension Plan/Québec Pension Plan – Disability		
If you checked any of the boxes above, please attach to this application form verification that you are eligible for and/or receive these supports, such as recent payment stubs or eligibility notices. Please see the <b>Information Booklet - Section 1: page 8</b> for more information.		

## Step 3: Your Income Information

To verify your income, please submit the following information.

### Attach a copy of these forms with your application

- ☐ 2016 T1 General Form
- ☐ 2016 Notice of Assessment

### If you did not file your taxes in 2016, attach a copy of your:

- ☐ 2015 T1 General Form
- ☐ 2015 Notice of Assessment

- ☎ If you completed the Application Form but do not have these tax forms, you can still apply to participate in the Pilot. Please call us at 1-844-806-6270 or email [applybi@ontario.ca](mailto:applybi@ontario.ca) – we are here to help you.
- ☎ If you are applying as a couple, attach the same forms for your spouse/common-law partner.

**Don't Forget** – These are the documents you may need to send us with your completed and signed Application Form:

### For information About Disability Status, if applicable:

- ☐ Ontario Disability Support Program (ODSP)
- ☐ Services and supports through Developmental Services Ontario
- ☐ Canada Pension Plan/Québec Pension Plan – Disability

Documents like payment stubs and eligibility decisions can be used for this.

### Tax information:

We would also like copies of your and your spouse/common-law partner's tax information. This can include:

- ☐ 2016 T1 General Form
- ☐ 2016 Notice of Assessment
- ☐ 2015 T1 General Form
- ☐ 2015 Notice of Assessment

## **Step 4: Declaration and Consent (complete spousal/ common-law partner information, if applicable)**

### **DECLARATIONS:**

**This section is to make sure you understand the key elements of what participation in the Pilot will mean and how it could impact you.**

### **Administration**

#### **I/we the undersigned:**

1. Have read the Information Booklet (Section 1) and understand the eligibility criteria to participate in the Pilot.
2. Understand that if eligible to participate:
  - the selection process will be anonymous and random,
  - I/we will receive notification of the selection results,
  - there is no appeal process, and
  - the selection could result in one of the following three outcomes:
    - i. receive Basic Income payments (Basic Income Group), or
    - ii. not receive Basic Income payments (Control Group), or
    - iii. not participate in the Basic Income Pilot.
3. Understand that the Basic Income payments might affect my other government and non-government subsidies, benefits, and services, particularly those that are based on my/our income.
4. Understand that participation in the Pilot is voluntary and I/we can leave the Pilot at any time and do not need to provide a reason for leaving.

### **Drug and Dental Benefits (Information Booklet - Section 3: page 19)**

#### **I/we the undersigned:**

1. Understand that I/we cannot receive payments, benefits (including discretionary benefits), and services provided by the Ontario Works and the Ontario Disability Support Program (ODSP) while receiving Basic Income payments, with the exception of some drug and dental benefits.
2. Understand that everyone currently receiving drug benefits from social assistance will still have access to drug benefits, if applicable, while participating in the Basic Income Pilot.
3. Understand that ODSP recipients, spouses of ODSP recipients, and children of ODSP and Ontario Works recipients will still receive dental benefits, if applicable, while participating in the Pilot.
4. Understand that the method and delivery organization for drug and dental benefits may change.

## Evaluation

### I/we the undersigned:


1. Understand that eligibility during the Basic Income Pilot will require ongoing interaction with the Basic Income Pilot evaluation team. This interaction will involve the completion of surveys which will be done periodically during the Pilot.
2. Understand that if I am assigned to the Control Group, I will not receive a Basic Income payment but I will be compensated for each survey I complete.
3. Understand that all information collected through surveys will be confidential and will be stored in a secure digital environment.
4. Understand that if eligible to participate in the Pilot, additional personal information and consent will need to be provided to the evaluators, along with my/our consent for the collection, use and disclosure of this information.

## CONSENTS


This section is to make sure you understand how the information collected in this Application Form will be shared to support the Basic Income Pilot.

### I/we the undersigned:

1. Consent to the collection, use, and disclosure of personal information contained in this form by and between the Ministry of Community and Social Services (MCSS) and the Ministry of Finance (MOF) for the purposes of determining eligibility for the Basic Income Pilot, processing and administering applications, and for research.
2. Consent to the collection and disclosure of the personal information between the MOF and the Canada Revenue Agency for the purposes of verifying income, determining eligibility and determining Basic Income payments for the duration of my/our participation in the Pilot. This authorization will only apply if you are participating in the Pilot as part of the Basic Income Group and the Control Group. The amount of Basic Income you receive will be shared with MCSS for Pilot administration and evaluation purposes.
3. Consent to the disclosure by the Canada Revenue Agency of my/our tax records, on condition that the information will be used solely by the MOF to verify income and to determine eligibility under the Basic Income Pilot. This authorization is valid for the 2016 and following taxation years for which I/ we are eligible to participate in the Basic Income Pilot. The authorization will expire upon termination of the Basic Income Pilot and/or when participation in the Basic Income Pilot ends.

  
Signature of Applicant

Oct. 12, 2017  
Date

  
Signature of Spouse/Common-law Partner

Oct. 12, 2017  
Date

# **Notice with Respect to the Collection of Personal Information**

**(Freedom of Information and Protection of Privacy Act)**

**(Ministry of Revenue Act)**

**This section is to make sure you understand why we are collecting information and who you can contact if you have any questions.**

The collection of this information is necessary for the proper administration of the Basic Income Pilot and, in particular, to determine eligibility for the Pilot and to study its impact. Any questions regarding the collection, use and disclosure of personal information should be directed to Basic Income Pilot Administrators by mail to the Basic Income Pilot Branch, 77 Wellesley St. W., Box 175, Toronto, ON M7A 1N3, or by phone at 1-844-806-6270 or by email at [applybi@ontario.ca](mailto:applybi@ontario.ca).

## **Independent Review Board**

All of the application materials you received have been reviewed by an Independent Review Board (IRB). An IRB is a group of scientific and non-scientific individuals who perform the initial and ongoing ethical review of the research study with the Research Participant's rights and welfare in mind. This study has been reviewed by Veritas Independent Review Board (IRB).

If you require any explanations or have any questions about the scientific and scholarly aspects of the Basic Income Pilot research, please email [applybi@ontario.ca](mailto:applybi@ontario.ca) or call 1-844-806-6270 and direct research-related inquiries to the Primary Contact, Kevin Pal.

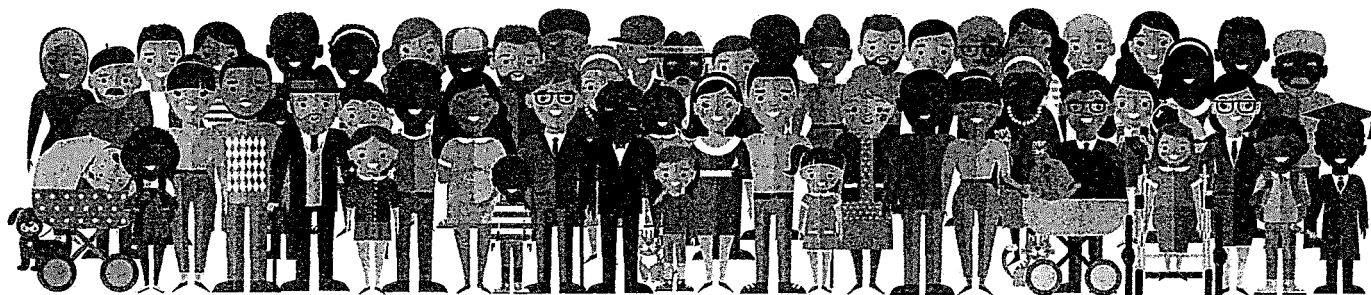
## **Primary Contact:**

Kevin Pal, Director  
Basic Income Pilot Branch  
Ministry of Community and Social Services  
Telephone: 1-844-806-6270

If you have any study-related comments, complaints or concerns contact Kevin Pal, the Primary Contact for the Basic Income Pilot. Please call the IRB if you need to speak to a person independent from the project and the research staff.

If you have any questions about your rights as a research participant, call the Manager of Veritas IRB 24 hours per day and 7 days per week at 514-337-0442 or toll-free at 1-866-384-4221.

**Funding Support: This study is being funded by the Government of Ontario.**



Ministry of Community and Social Services

Ontario's Basic Income Pilot

**Declaration of Income****Instructions:**

- To be completed by persons who have not completed a 2015 or 2016 tax return with Canada Revenue Agency
- Employment Income is defined as any earned income through working a job either part or full time or any financial compensation received for services rendered
  - This may include income from self-employment, farming, rental housing, etc.
- Other income includes any payments you might have received from Canada Pension Plan, Old Age Security, Workplace Safety Insurance Board etc.
- If you are unsure as to what would constitute either employment or other income please contact us at 1-844-806-6270

I, TRACEY residing at 22 GEORGE ST. E  
Please print first name unit street address

in the city of LINNSAY, Ontario.

Do Solemnly Declare and Represent

That I have ~~not~~ <sup>attained from CRA</sup> filed a 2015 or 2016 tax return with the Canada Revenue Agency; and

Based on a review of my records, I estimate my employment income for the 2016 tax year to be approximately:

\$ 4,944.22 (Spouse)

I estimate my other income for the 2016 tax year to be approximately:

\$ 22,619.39

And I make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath

Tracey Meekelhe  
Signature

Date: Oct. 12, 2017

**Please see reverse side for further instructions**

EXHIBIT NO. 2

Examination of: Tracey Meekelhe

Bonus \$100 v \$112

DATE: Feb 27, 2020

TAYLOR REPORTING SERVICES

**Notice with Respect to the Collection of Personal Information**

(Freedom of Information and Protection of Privacy Act)

This information is collected for the purpose of administering Ontario Basic Income Pilot. For more information please contact 1-844-806-6270

**DANA BOWMAN et al.**  
Plaintiffs

-and- **HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO**  
Defendant

Court File No. CV-19-00000035-00CP

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
PROCEEDING COMMENCED AT  
LINDSAY

**JOINT SUPPLEMENTARY MOTION RECORD**  
**(MOTION TO CERTIFY CLASS ACTION)**

**CAVALLUZZO LLP**

474 Bathurst Street, Suite 300  
Toronto ON M5T 2S6

**Stephen J. Moreau, LSO# 48750Q**

**Kaley Duff, LSO# 74986A**

Tel: 416-964-1115

Fax: 416-964-5895

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Her Majesty the Queen in right of Ontario