

# Courthouse mould removal tops \$23M

*Provincial auditor questions why project not retendered*

BY LISA QUEEN  
Staff Writer

Tackling a massive mould infestation at the Newmarket courthouse cost taxpayers almost 100 times the original estimate, while construction contracts were awarded without following standard procedures, according to the assistant provincial auditor.

Jim McCarter red flagged the \$23-million bill in the annual auditor general's report to the Ontario government released last week.

Not only was the amount 92 times more than the \$250,000 originally budgeted for the work, but taxpayers also ended up on the hook for another \$20 million to relocate court operations to trailers in the parking lot when repairs went on for months longer than expected.

"The costs and scope of the remedial work were significantly underestimated throughout the life of this project," Mr. McCarter said in his investigation.

"We noted that the majority of contracts for both the remedial work and the relocation to temporary accommodations were awarded without following competitive selection procedures.

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Karen Ras, spokesperson for the Ontario Realty Corporation, the government body that manages properties owned by the province and oversaw repairs at the courthouse, defended costs.

She argued the corporation was forced to respond immediately to 27 health and safety orders issued by the Ministry of Labour.

Mould was discovered in the courthouse in March 2000.

The building was closed in June of that year after several occupants of the building, including judges, lawyers, support staff and prisoners, fell ill with ailments including headaches, dizziness and rashes.

Some victims were even taken to hospital by ambulance.

But repair work slated to take a few weeks in the summer of 2000 stretched out for a year.

"This was considered an emergency situation," said Ms. Ras, adding costs increased incrementally as workers realized the extent of the mould infestation.

"We did not have the luxury of going out to tender. This situation was an emergency situation. This is not the standard way we operate."

*It would have been a lot cheaper to tear down and rebuild from scratch, I think.*

Ms. Ras said the corporation hired a cost consultant and a quality surveyor to review construction invoices to ensure taxpayers were getting good value for their money.

She also said the corporation takes the auditor's report seriously and welcomes any suggestions Mr. McCarter offers.

But, at the same time, she would not rule out the corporation making similar arrangements if forced to deal with another government property in an emergency situation in the future.

In his report, Mr. McCarter dismissed excuses the crisis justified allowing costs to snowball.

While he notes efforts were being made to fast-track repairs to disrupt court operations as little as possible, Mr. McCarter stressed better planning of the project should have been imperative.

"Such planning would allow for better and more predictable decision-making prior to commencing capital projects and during the entire life of the projects and would ensure appropriate competitive procurement practices are followed."

Pauline Tapping, York Region vice-president and an executive board member of the Ontario Public Service Employees Union, is appalled costs spiralled out of control and standard procedures for awarding contracts weren't followed.

"The government wanted a quick fix," said Ms. Tapping, who believes provincial politicians were worried powerful judges, Crown attorneys and defence lawyers would make waves if the mould problems weren't addressed immediately.

"It would have been a lot cheaper to tear down and rebuild from scratch, I think. Of course, I'm not a construction worker. But now, the taxpayers in York Region have that burden."



STAFF PHOTO/BILL ROBERTS

Assistant provincial auditor Jim McCarter red flagged the \$23-million bill for tackling a massive mould infestation at the Newmarket courthouse in the annual auditor general's report released last week.

## More judges, Crown attorneys to tackle court backlog

BY JEFF MITCHELL  
Staff Writer

Measures including new hires and an annual "blitz" have helped chip away at the backlog of cases at Newmarket's courthouse, according to the head Crown attorney.

While he wouldn't release specific numbers, Bob McCreary said York Region is faring better than other jurisdictions, where charges are in danger of being tossed out because of delays bringing them to court.

"Right now we are in the range of about six months from set date to trial date. That's acceptable," Mr. McCreary said.

The issue of court backlogs arose again last week, when a provincial auditor's report showed the number of cases on the books for eight months or longer in Ontario has grown from 60,000 in 1997 to 100,000 today.

Charges lingering for months risk being dismissed. Courts have been on notice to hold timely hear-

ings since the landmark Askov case of 1990, in which the Supreme Court of Canada ruled a man who waited more than two years for trial had been denied justice. That ruling saw thousands of pending cases dismissed.

**It's a question of better managing the sheer number of cases we have.**

Bob McCreary  
Head Crown attorney for York Region

The court also ruled in 1992 Darlene Morin, a woman who waited 14 months to be tried on an impaired driving charge, had been subjected to excessive delays.

Ontario Attorney General Michael Bryant has announced plans to hire new judges and Crown attorneys as a means of tackling the backlog. Four of those new Crowns will be sent to

Newmarket, bringing the complement in York Region to 31.

Also helping clear up case lists are annual blitzes that see space in the Finch Avenue courthouse set aside for York cases. The most recent blitz occurred over three months this spring, Mr. McCreary said.

"Our backlog situation is under control," he said. "We're pretty optimistic."

Of course, it's not simply a matter of staffing. Cases are becoming more complex and those caught up in the justice system are often not represented by lawyers, which can result in delays.

Those elements require case management by the Crown's office to avoid having the entire system bog down, Mr. McCreary said.

"We're talking about the way we screen our cases, the way we make decisions on what cases we are going to make a priority," he said.

"It's a question of better managing the sheer number of cases we have."

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