

# The Pay Equity Hearings Tribunal



**Annual Report  
2024-2025**

# PEHT Annual Report 2024-2025

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## Message from the Presiding Officer

I am pleased to present the 2024-2025 Annual Report for the Pay Equity Hearings Tribunal. The 2024-2025 year was another terrific year for the Tribunal. The Tribunal's objective to resolve pay equity applications effectively and efficiently continues to be demonstrated. I am proud to report that in 2024-25, 56% of all cases were resolved, and the majority of new applications that are filed with the Tribunal are resolved under a year. This means that parties who file applications can reasonably expect their cases to be case managed and heard without undue delay. This could not have been done without the diligent effort of the administrative staff, alternate and deputy presiding officers and members who are critical to the Tribunal.

In 2024-25, the Tribunal heard evidence from the proposed expert witnesses in the *Glen Hill Terrace Christian Homes Inc. Et al* (Tribunal File No. 2001-18-PE) and has received the parties' written submissions. This case is the first one that has come before the Tribunal to address the issue of how maintenance is to be performed when an employer established their pay equity plan using the proxy method of comparison, and is expected to inform the community about how pay equity maintenance can be done going forward. The oral submissions are scheduled for the fall of 2025.

The Tribunal continues to operate remotely and again in 2024-2025, the Tribunal did not experience any issues with technological issues. No hearings were cancelled or adjourned because of technological issues.

## Overview

The Pay Equity Commission (the "Commission") was established by section 27 of the *Pay Equity Act, 1987, c.34* and is continued by subsection 27(1) of the *Pay Equity Act, R.S.O. 1990, c.P.7* as amended (the "PEA"). The Commission consists of two separate, independent parts: the Pay Equity Hearings Tribunal (the "Tribunal") and the Pay Equity Office. The purpose of the *PEA* is to redress systemic gender discrimination in compensation for work performed by employees in female job classes. Its implementation contributes to a fairer and more productive workplace.

The Tribunal is an adjudicative agency of the Government of Ontario responsible for adjudicating disputes that arise under the *PEA*. Pursuant to section 28(1) of the *PEA*, the Tribunal is a tripartite board, composed of the Presiding Officer, Alternate Presiding Officer, a number of Deputy Presiding Officers, and Members representative of employers and employees (Appendix A).

The Tribunal deals exclusively with issues arising under the *PEA*. The Tribunal has exclusive jurisdiction to determine all questions of fact or law that arise in any matter before it. Tribunal decisions are based on the evidence presented and submissions received and on the panel's interpretation of the facts in dispute, legislation and jurisprudence. The Tribunal is committed to a hearing process that balances the need to be fair, accessible, economical and efficient. It deals as expeditiously and fairly as reasonably possible in processing, settling or adjudicating all matters that come before it. The decision of the Tribunal is final and conclusive for all purposes. Decisions of the

Tribunal cannot be appealed but may be judicially reviewed. The Tribunal encourages co-operation among employers, bargaining agents and employees and is committed to encouraging settlement among the parties.

The Tribunal is entitled to determine its own practices and procedures and has the authority to make rules and forms governing its practices and the conduct of those appearing before it. The Tribunal's Rules, Forms and Information Bulletins are available on its website at <http://www.peht.gov.on.ca> or from its offices at 505 University Avenue, 2nd Floor, Toronto, Ontario, M5G 2P1.

## Organizational Structure

The Ontario Labour Relations Board (the "OLRB") provides administrative and institutional support to the Tribunal. The Tribunal benefits from the OLRB's sophisticated administrative and legal support, as well as information technology and the potential to take advantage of the expertise of its mediators. The Tribunal consists of a full-time Presiding Officer, as well as the part-time Alternate Presiding Officer, Deputy Presiding Officers and Members. Almost all of the part-time appointees have part-time appointments with other tribunals. This arrangement ensures that the Tribunal is staffed with experienced adjudicators and members (Appendix A). The Tribunal's objective is to retain and recruit resources who have extensive experience with pay equity legislation and adjudication.

The Tribunal also participates in a broader, shared-services arrangement with the OLRB and the Workplace Safety and Insurance Appeals Tribunal. These adjudicative agencies share printing and production, mail services and common library services.

## Operations

The OLRB staff who perform the administrative functions for the Tribunal currently work a combination of remote and in-office days. Front desk staff are available for in-person filing as well as continuing to take calls and provide information to the public and stakeholders.

PEHT adjudicators and members continued to hear cases remotely. All hearings and pre-hearings in 2024-2025 were held by video or teleconference where appropriate and no in-person hearings took place. The PEHT has notified the community that video conference will continue to be the presumptive method of hearing. Parties may write to the Tribunal to request an alternative to video hearing and such requests will be considered on a case by case basis.

Electronic filing of applications, responses and all other material remains available and the increased space size for documents allows for greater accessibility. In 2024-2025, 98% of the Tribunal's forms and submissions were filed electronically. The Tribunal continues to allow for the filing of a large volume of documents through the use of a third

party cloud tool (such as Drop Box, Google Drive or Microsoft OneDrive), delivery by email, where appropriate, and the use of an electronic summons form.

## **Tribunal Processes**

The Tribunal's Rules of Practice set out the Tribunal's procedural power and practices. Information Bulletins, which provide more detail about specific procedures and practices, will continue to be updated as needed. These Bulletins, among other things, provide information to the public and stakeholders about making an application or responding to an application, what to expect at a hearing, the conduct of video hearings and reflect any changes to the Rules of Practice.

Upon receipt of an application, the Tribunal sends a Confirmation of Filing to the parties confirming that the application has been filed, providing the Tribunal file number and advising the parties of the date by which a response must be filed.

With respect to the adjudication of disputes, the Tribunal continues to encourage the parties to resolve their disputes without the need for adjudication. Once the response has been filed, many cases which involve more than a single party are scheduled for a Pre-Hearing Conference with the Presiding Officer, Alternate Presiding Officer or Deputy Presiding Officer where one of the objectives is to explore with the parties opportunities to settle all or a part of the dispute.

In order to increase its efficiency and reduce the parties' costs, the Tribunal continues its efforts to reduce the number of days it takes to adjudicate a matter. The Tribunal proactively identifies preliminary issues and directs the parties to address them, and encourages the parties to raise any issues they may identify well in advance of the hearing with a view to determining these matters on the basis of written submissions. The Tribunal continues to use Pre-Hearing Conferences and/or case management hearings to organize and streamline the issues in dispute so that a matter can be adjudicated as efficiently as possible. In addition, parties are routinely asked to exchange detailed submissions and documents well in advance of a hearing in order to make better use of available hearing time. It has been the Tribunal's experience that requiring the exchange of detailed submissions, witness statements, and documents in advance of the hearing not only serves to reduce hearing time but also facilitates the parties' ability to resolve some or all of the dispute.

In order to support a timely and efficient resolution of disputes, the Tribunal discourages adjournments except where compelling circumstances arise. In those circumstances, the Tribunal requires parties to offer substitute dates within 72 hours.

## **Key Activities**

The Tribunal's key activities are adjudication and dispute resolution in the area of Pay Equity. These two functions are the foundation for the Tribunal's objective of adjudicative and dispute resolution excellence.

### **Adjudication**

The Tribunal is tripartite in nature, comprised of neutral Presiding Officers and member representatives of employers and employees/trade unions. The Members are expected to bring the perspective and concerns of their community to the task of adjudication. All of the Presiding Officers have adjudicative experience or cross-appointments with other adjudicative agencies. The Tribunal holds hearings where evidence is presented and oral arguments are made. Pay equity issues are often complex; hearings can take multiple days to complete. Tribunal decisions are issued in writing and posted on accessible websites ([www.canlii.org](http://www.canlii.org)). Parties are encouraged to seek independent legal advice before coming to the Tribunal.

### **Mediation**

Almost every case is scheduled for a pre-hearing conference before a Presiding Officer, different from the one who will hear the case. The purpose of the pre-hearing conference is to identify and narrow the issues in dispute, organize the litigation to ensure that it is ready for hearing and explore opportunities to settle some or all of the issues. Pre-hearings are more informal than a hearing and provide an opportunity for parties to ask questions about the Tribunal's hearing procedures. Pre-hearings reduce hearing time, saving time and expense for both parties and the Tribunal. In appropriate cases, a mediator is assigned to a file who facilitates both substantive and procedural agreements to ensure that the parties are ready to proceed on their first hearing date, or if they can settle the application altogether without the need for litigation. In every case where a mediator has been appointed, at least one issue has been resolved in advance of the first hearing date.

### **IT Initiatives and Electronic Filing**

The Tribunal's forms, in French and English, are available electronically on its website and are hosted by Ontario Shared Services. A total of seven forms are currently available to be submitted electronically, and parties can file correspondence, submissions and other material electronically. In 2024-2025, 98% of the total number of forms and submissions filed with the Tribunal were filed electronically.

All OLRB staff and PEHT Presiding Officers, Deputy Presiding Officers and Members are issued laptops with VPN to allow them electronic access to files while working remotely.

The OLRB continues to build its statistical data and reporting capabilities on a Power BI platform allowing for future access to real-time data, which the PEHT may also access.

## Caseload Processing

The total caseload for the fiscal year 2024-2025 amounted to 9 applications, which was a combination of 4 pending applications carried over from the previous year and 5 new applications. The Tribunal's caseload each year is made up of two parts: the cases carried over into the year from the previous year and the cases filed during the current year.

During the 2024-2025 fiscal year, the Tribunal disposed of 5 applications. Two applications were granted, one was dismissed, one was terminated and one was settled. A total of four files were pending at year-end.

The Tribunal has made a practice in its Annual Report of providing caseload data of the kind set out in the preceding paragraphs and in the Caseload Statistics table. These numbers alone do not always provide a meaningful picture of the demand that those cases place on adjudicative resources, principally because that demand varies significantly from one application to another. A more nuanced understanding emerges from statistics relating to the number of pre-hearing conference dates scheduled and held (2), hearings scheduled (18) and held (6), and number of written decisions issued this year: interim decisions (22) and final decisions (5). Even then, of course, there is considerable variation in the complexity of the decisions and the amount of time required to generate the reasons. As set out above, the Tribunal's case load was dominated by the *Glen Hill Terrace Christian Homes* matter (Tribunal File 2001-18-PE), as it is understood that many potential applications are impacted by the Tribunal's decision in this matter.

## Caseload Statistics

Fiscal Year	Caseload				Disposed of						
	Total	Pending April 1	Received Fiscal Year	Re-Opened	Total Disposed	Granted	Dismissed	Terminated	Settled	Pending Other Case	Pending March 31
2024-25	9	4	5	0	5	2	1	1	1	0	4
2023-24	17	10	4	3	13	4	6	0	3	0	4
2022-23	34	23	9	2	24	6	2	11	3	2	10
2021-22	31	20	9	2	8	2	1	2	3	0	23
2020-21	27	21	6	-	7	1	4	1	1	0	20
2019-20	39	29	10	-	18	1	13	0	1	3	21
2018-19	36	31	5	-	8	3	0	2	3	-	29
2017-18	44	37	7	-	13	4	2	2	5	-	31
2016-17	46	25	21	-	13	3	0	2	8	-	37
2015-16	45	13	32	-	21	5	3	1	12	-	25
2014-15	30	18	12	-	17	3	2	2	10	-	13
2013-14	31	20	11	-	14	5	2	4	3	-	18
2012-13	35	21	14	-	11	0	4	4	3	-	23
2011-12	39	21	18	-	21	3	4	3	11	-	21
2010-11	35	13	22	-	16	4	3	5	4	-	21
2009-10	50	28	22	-	37	8	4	1	24	-	13
2008-09	48	25	23	-	20	0	4	0	16	-	28
2007-08	34	12	22	-	9	2	1	0	6	-	25
2006-07	25	10	15	-	13	3	4	0	6	-	12
2005-06	16	5	11	-	6	3	2	0	1	-	10
2004-05	5	0	5	-	0	0	0	0	0	-	5

### Definition of Terms:

- 1) Granted means that the application was, in whole or in large part, successful.
- 2) Dismissed means that the application was, in whole or in large part, not successful.
- 3) Terminated means that the application was not granted, dismissed or settled but was terminated at the parties' request or abandoned.
- 4) Settled includes all cases where the parties, either with or without the assistance of the Tribunal, settled the dispute, as well as cases that were adjourned.

## Key Decisions

**Trumble**, Applicant v. Pay Equity Hearings Tribunal, Respondent; May 22, 2024 (2024 ONSC 3036)

Application for judicial review brought by employee challenging the Tribunal's dismissal of their application. The Applicant alleged that the 2019 pay equity plan put in place by the Township did not achieve pay equity as required by the Pay Equity Act, R.S.O 1990, c.P.7. The Township's pay equity plan had been approved by the Tribunal. The Applicant objected to the Township's failure to increase her salary under its pay equity plan. The Tribunal dismissed the application, and the Applicant sought judicial review. Though the Applicant objected to numerous factual and procedural decisions made by the Tribunal, the Divisional Court found that the Applicant was able to present comprehensive submissions before the Tribunal and afforded deference to the Tribunal's findings. The Divisional Court reiterated that the court is not the body with primary responsibility for determining pay equity issues in Ontario. Rather, the Legislature has assigned that responsibility to the Tribunal. The Divisional Court held that deference will be afforded to the Tribunal with respect to pay equity issues considering the expertise and experience members have with complex issues surrounding pay equity. In dismissing the application for judicial review, the Divisional Court held that Tribunal's decision was transparent, intelligible, and justified in law and fact.

**Ontario Public Service Employees Union/Syndicat des Employés de la Fonction Publique de l'Ontario, Local 166**, Applicant v. Craigwood Youth Services, Respondent; November 14, 2024 (PEHT Case No: 2547-23-PE)

Application brought by Union alleging that the employer had not made proper pay equity adjustments. Respondent employer argued on a preliminary basis that the application ought to be stayed/dismissed for delay. The Tribunal found that there was actual and presumed prejudice that resulted in delay for matters that predated 2013 in filing the instant application. The Union argued that the delay was attributable to the parties engaging in "meaningful negotiations" during the period of delay. The Tribunal did not accept that a delay from 2006 to 2019 amounted to a justifiable delay, as that is not evidence of "meaningful negotiations. The Tribunal also found that the Union's challenge to how pay equity payments were calculated arose in 1995 when the plan was agreed to and deemed approved, and as such a delay from 1995 to 2019 caused actual and presumed prejudice. The Tribunal however found that once the application was filed, the period from 2013 to the date of application was an acceptable period as the employer did not establish prejudice during that period of time since it has a statutory record keeping obligation and the issue in dispute was one of objective calculation. As such, the employer's motion to dismiss the application for delay was successful on two of the three grounds, but the period of time from 2013 onwards was set for hearing.

**Ontario Secondary School Teachers' Federation, District 17, Applicant v Simcoe Muskoka Catholic District School Board, Respondent; April 30, 2024 (PEHT Case No: 0165-21-PE)**

This matter returned to the Tribunal following the decision (differently constituted) of Simcoe Muskoka Catholic District School Board, 2018 CanLII 123879 (ON PEHT). In that decision, the Tribunal found that the Simcoe Muskoka Catholic District School Board had not negotiated the amended pay equity plan in good faith. The parties were directed by the Tribunal to reach an agreement, failing which, a Review Officer would be directed to prepare a pay equity plan on the parties' behalf. The parties failed to reach an agreement and therefore a Review Officer ordered pay equity plans. In the instant application, the Ontario Secondary School Teacher's Federation, District 17 asserted that the Review Officer's order was unreasonable and that the Review Officer was bound to the terms and conditions the parties had agreed to before the negotiations broke down. The Tribunal held that the Review Officer was not bound by the Terms of Reference in an earlier decision given it was unsigned and no one who negotiated the Terms of Reference presented evidence before the panel in the instant case. The Tribunal held that in cases where a Review Officer has been directed to prepare a pay equity plan pursuant to an order under section 21(1)(a) of the Act, the Tribunal will provide deference to the choices made by the Review Officer in the same way the Tribunal provides deference to a deemed approved plan. Further, the Tribunal noted that banding is a well-established and common method for determining comparability in a pay equity plan. With respect to retroactivity, the Tribunal found that the Review Officer's conclusions were unreasonable. The Tribunal confirmed that retroactivity will not be truncated due to delay on part of one or both parties.

## **Court Activity**

Parties may seek judicial review of a PEHT decision to the Divisional Court. In 2024-2025, there was one application filed and withdrawn. In addition, the judicial review application referenced above was dismissed on May 29, 2024.

# Performance Measures

## Efficient Case Processing

### **2024-2025 Commitments**

- 75% of new files opened within two business days after an application is filed in accordance with the Tribunal's Rules of Practice.
- 75% of confirmations of filing of applications sent to parties within four business days of application filed in accordance with the Tribunal's Rules of Practice.
- 75% of files closed within two business days following final decision.

### **2024-2025 Achievements**

- 100% of new files opened within two business days after an application is filed in accordance with the Tribunal's Rules of Practice.
- 100% of confirmations of filing of applications sent to parties within four business days of application filed in accordance with the Tribunal's Rules of Practice.
- 80% of files closed within two business days following final decision.

## Adjudication and Disposition

### **2024-2025 Commitments**

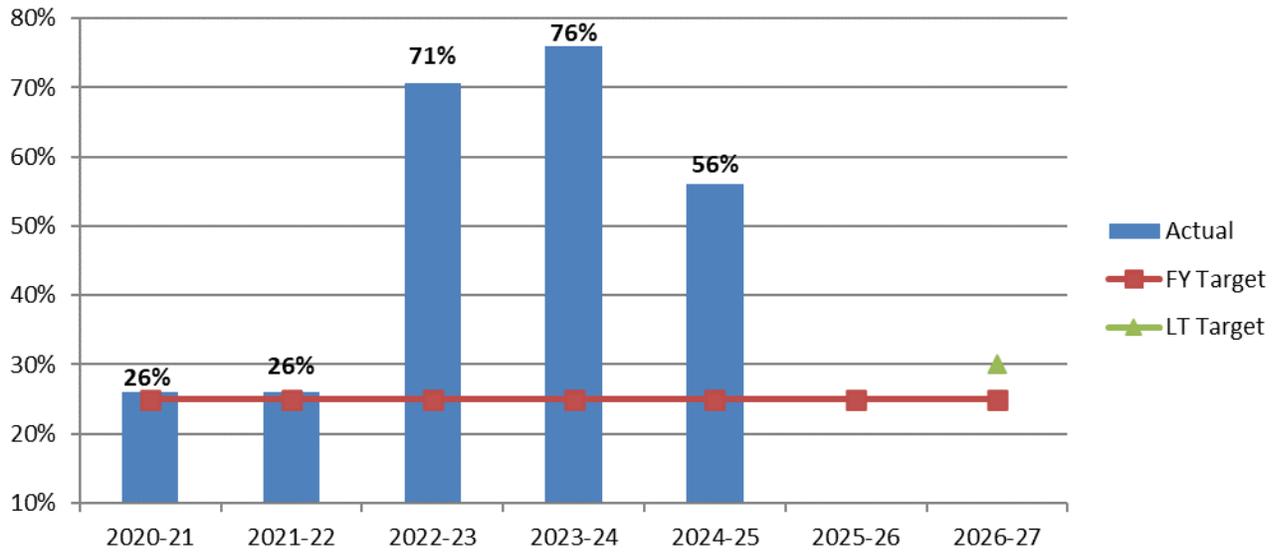
- 90% of files reviewed by Presiding Officer or Deputy Presiding Officer within two weeks of response date.
- Where a pre-hearing conference is held, in 50% of those cases at least one issue is resolved.
- 25% of outstanding cases disposed of during the year.

### **2024-2025 Achievements**

- 100% of files reviewed within two weeks of response date.
- Where a pre-hearing conference was held, the parties resolved at least one procedural or substantive issue in every instance.
- 56% of cases disposed of during the year overall.

Note: The settlement rate and time to conclude cases recognizes the complex nature of pay equity disputes which results in few negotiated settlements. As a result, almost all cases are decided only after lengthy hearings. In general, the same counsel represent the parties in pay equity cases and the scheduling of hearings is further extended by the availability of counsel as well as Presiding Officers and Members who are cross-appointed to other Tribunals. In addition, a number of cases may arise out of the same Order or be otherwise related or will remain pending at the Tribunal as they work their way through the courts on judicial review or appeal, which also impacts the disposal rate.

## Cases Disposed Of



## Ombudsman Review

The Ontario Ombudsman has the authority to investigate complaints about the Ontario Government and its agencies, including the Tribunal. There were no new or outstanding investigations in 2024/25.

## Information and Privacy Commissioner of Ontario

The Information and Privacy Commissioner of Ontario has the authority to investigate complaints about the Ontario Government and its agencies, including the Tribunal. There were no new or outstanding investigations in 2024-2025.

## Requests for Access to Documents in the Tribunal's Adjudicative Files

Since the Superior Court Decision in *Toronto Star v. AG Ontario*, 2018 ONSC 2586 (CanLII) and the subsequent enactment of the *Tribunal Adjudicative Records Act* ("TARA") in 2019, the Tribunal receives more frequent requests for adjudicative records. During the 2024-2025 fiscal year, the Tribunal received and processed three requests for documents from Tribunal files. Those making requests included parties to a case, lawyers not involved in the file and members of the public. The requests sought records in active files currently being heard by Presiding and Deputy Presiding Officers and older closed files. Requests were processed in accordance with the Tribunal's Policy, TARA and the Tribunal's Rules of Practice, as applicable.

## Financial Performance

In accordance with the Ministry of Labour, Immigration, Training and Skills Development, Delegation of Financial Authority Framework, financial authority is delegated to the Presiding Officer (Chair) of the Tribunal. The Presiding Officer is required to ensure that public funds are used with integrity and honesty. The Tribunal's operating budget is included in the Ministry's estimates and allocation process, and the Tribunal is required to report to the Ministry each quarter with respect to its expenditures and planned future financial commitments. The total annual remuneration paid by the Tribunal for OIC appointees was \$198,586.

The PEHT's financial performance for the 2024-2025 fiscal year resulted in a savings for the Tribunal. Salaries and wages and transportation/communication costs are comparable to the previous fiscal year with only minor non-material changes in salaries due to cost-sharing arrangements with the OLRB. Services expenditures were marginally underspent due to lower part-time per diem costs. Supplies and equipment expenses were not incurred this fiscal as the Tribunal was able to operate with existing equipment and supplies.

All figures in \$000.0 thousand

Account	Expenditure Estimates	In-year Board Approvals	Year-end Budget	Year-end Actuals	Variance	% Variance
Salaries & Wages	275.8	(64.6)	211.2	186.8	24.4	11.6%
Benefits	39.70	-	39.7	18.7	21.0	53.0%
ODOE:						
Transportation & Communication	14.9	-	14.9	0.1	14.8	99.2%
Services (Including Lease)	134.9	(90.0)	44.9	32.9	12.0	26.7%
Supplies & Equipment	1.0	-	1.0	0.2	0.8	84.7%
<b>Total ODOE</b>	<b>150.8</b>	<b>(90.0)</b>	<b>60.8</b>	<b>33.2</b>	<b>27.6</b>	<b>45.4%</b>
<b>Grand Total</b>	<b>466.3</b>	<b>(154.6)</b>	<b>311.7</b>	<b>238.6</b>	<b>73.1</b>	<b>23.4%</b>

## Appendix A

### Order in Council Appointments

The Tribunal's adjudicators (Presiding Officer, Alternate Presiding Officer, Deputy Presiding Officer and Members) are all appointed by the Lieutenant Governor in Council as Order in Council appointments (OICs), for a fixed term. The following is a chart of OICs working in 2024-2025, their appointment terms and remuneration:

Name	First Appointed	Term of Appointment	Annual Remuneration
<b>Presiding Officer</b>			
Ross, David	August 13, 2019	April 9, 2028	\$ 186,697.74
<b>Alternate Presiding Officer</b>			
Rowan, Caroline	August 6, 2020	August 5, 2025	\$ 68.49
<b>Deputy Presiding Officer</b>			
Sanderson, Douglas	April 13, 2023	April 12, 2028	\$ 2,758.00
<b>P/T Members (Employer)</b>			
Bolton, Lori	September 13, 2017	September 25, 2027	\$ 3,841.50
Greenside, Patricia	November 21, 2019	November 27, 2029	\$ 2,955.00
Phillips, Carol	August 15, 2012	September 28, 2024	\$ -
Roth, Stephen	December 12, 2019	December 11, 2029	\$ 2,265.50
Zabek, Carla	April 4, 2012	April 3, 2027	\$ -
Hasan, Tisha	November 7, 2024	November 6, 2026	\$ -

\* The Alternate Presiding Officer was cross-appointed from the OLRB until November 1, 2024. A cost recovery model is in place between OLRB and PEHT for full-time OLRB appointees appointed to the PEHT, where applicable. Part-time Appointees are paid on a per diem basis. Their annual remuneration is the actual amount paid to them by the PEHT. There is one FTE for the PEHT which is held by the Presiding Officer.

## Accountability Statement

The Tribunal's Annual Report for the fiscal year ending March 31, 2025 was prepared under my direction for submission to the Minister of Labour, Immigration, Training and Skills Development in accordance with the Agencies and Appointments Directive as issued by Management Board of Cabinet.

The Public Accounts of Ontario are the annual financial statements that are prepared in accordance with the accounting principles for governments issued by the Public Sector Accounting Board (PSAB). The Public Accounts consist of the financial report of the Government of Ontario and the financial reports of each ministry. In accordance with the Ministry's Delegation of Financial Authority Framework, financial authority is delegated to the agency. Each year the Tribunal verifies that all its transactions are reflected accurately and completely in the Public Accounts through the execution of a Certificate of Assurance.

As an agency of the Ministry of Labour, Immigration, Training and Skills Development, the Tribunal's Annual Report is subject to the minimum reporting requirements established in the Agencies and Appointments Directive, including:

- Financial statements that have been audited or subject to the appropriate level of external assurance;
- Analysis of operational performance;
- Analysis of financial performance;
- Names of appointees, term of appointments and remuneration;
- Performance measures, targets achieved/not achieved and action to be taken.

**This report covers the fiscal year April 1, 2024 to March 31, 2025.**

## For More Information

**Local:** 416-326-7500

**Toll-Free:** 1-877-339-3335

**Hearing Impaired (TTY):** 416-212-7036

**Hours of Operation:** 8:30am – 5:00pm

**Website:** <http://www.peht.gov.on.ca>

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