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**Official Report
of Debates
(Hansard)**

Wednesday 16 May 2001

**Journal
des débats
(Hansard)**

Mercredi 16 mai 2001

**Standing committee on
regulations and private bills**

**Comité permanent des
règlements et des projets
de loi d'intérêt privé**

Chair: Frances Lankin
Clerk: Douglas Arnott

Présidente : Frances Lankin
Greffier : Douglas Arnott

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLS**

**COMITÉ PERMANENT DES
RÈGLEMENTS ET DES PROJETS DE LOI
D'INTÉRÊT PRIVÉ**

Wednesday 16 May 2001

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The committee met at 1003 in committee room 1.

APPOINTMENT OF SUBCOMMITTEE

The Chair (Ms Frances Lankin): I'd like to call the meeting to order. If committee members could take their seats, please, we'd like to begin. We have a little bit of housekeeping business to take care of before we deal with the bills that are before us today. Mr McMeekin, I understand you have a motion to put forward.

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): I am delighted to move that a subcommittee on committee business be appointed to meet from time to time at the call of the Chair, or at the request of any member thereof, to consider and report to the committee on the business of the committee;

That the presence of all members of the subcommittee be necessary to constitute a meeting; and

That the subcommittee be composed of the following members: Ms Lankin, Mr Mazzilli, Mr Hoy and Mr Bisson; and

That substitution be permitted on the subcommittee.

As I understand, that's normally the procedure.

The Chair: I'm just reading that motion along with you and it indicates that, as Chair of the committee, I would chair the subcommittee. That's understood, but just so the motion before members of the committee is clear.

Are there any questions or debate on the motion? Seeing none, all those in favour, please indicate. Those opposed? Motion carried.

**PREMIUM AUTO COLLISION
INC. ACT, 2001**

Consideration of Bill Pr7, An Act to revive Premium Auto Collision Inc.

The Chair: The first matter before the committee today is Bill Pr7, An Act to revive Premium Auto Collision Inc. The sponsor is MPP John Hastings, the applicant is Munir Daya, and Miss Shamim Hansraj is the counsel. Could we ask you to come forward? Mr Hastings, as sponsor of this bill, would you like to make some introductory comments?

Mr John Hastings (Etobicoke North): I'll be very brief. Premium Auto Collision ran into a little bit of a problem with its accountant or whoever and the incorpor-

ation papers were not renewed. So the purpose of this bill is to renew the incorporation papers of Premium Auto Collision. There is a letter you should have from the companies branch that was circulated to a number of ministries. There didn't seem to be any problem in starting to revive this particular company.

The Chair: Members have the correspondence that Mr Hastings is referring to. Do the applicants have any comments they would like to make to the committee with respect to this bill?

Mr Munir Daya: None, other than what is presented here.

The Chair: What's been presented in writing? OK. Are there any comments from the government?

Mr Morley Kells (Etobicoke-Lakeshore): We have no objections whatsoever.

The Chair: Committee members, any questions and/or comments or debate? No. It's fairly straightforward. Everyone is comfortable to proceed to vote at this point in time? OK.

Shall section 1 carry? Carried.

Given that there have been no amendments, let me take this straight through.

Shall sections 2 and 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? The bill is carried.

Shall I report the bill to the House? It shall be done.

Thank you very much for attending here. I know that seems very routine but it's a necessary part of the procedure.

TOWN OF NEWMARKET ACT, 2001

Consideration of Bill Pr9, An Act respecting the Town of Newmarket.

The Chair: The next item before the committee is Bill Pr9, An Act respecting the Town of Newmarket. The sponsor is MPP Julia Munro.

Interjections.

The Chair: Could I ask the committee members for order, please? Thank you very much.

The applicant is the town of Newmarket. John Rogers is the assistant solicitor, town of Newmarket. Mrs Munro, would you like to make some opening comments?

Mrs Julia Munro (York North): Yes, thank you. I'm pleased to be here today to act as the sponsor. I would just give the committee a very brief overview in that this is a bill that is consistent with others of this type. It looks at special legislation in the area of historic buildings for the town of Newmarket.

The Chair: Counsel, would you like to make some comments and perhaps tell the committee what the bill seeks to achieve?

Mr John Rogers: The town of Newmarket is very proud of its heritage. This bill that is before the committee today deals with the Heritage Act provisions that allow demolition of historically designated buildings.

What we're doing through this private legislation is asking for some extra time. If an application is made to demolish a historic building—and that is certainly permitted—there is a 180-day waiting period that is normal. This bill will actually ask that the 180-day period be in place, plus the applicant would have to have a building permit for a new building that would be constructed within two years of the demolition permit being issued as a requirement before the demolition permit could be issued.

It's a type of provision that allows the LACACs of the municipality to investigate the building, to make attempts to possibly acquire the building if the funding or resources are available, or at least to inventory the building in the appropriate time frame. So it's an extension of time that's already under the Heritage Act, but it does require a permit for a new building to be issued before the demolition can take place.

1010

The Chair: Are there any interested parties who have attended for this matter today?

Mr Rogers: Susan Surtees from the local architectural conservation committee is here, only as an interested member of that committee. There have been no responses to our advertising, certainly to the town, with respect to any interest in this bill.

The Chair: Mr Kells, does the government have any response to this bill?

Mr Kells: We have a few comments to make but nothing of a serious nature. The Ministry of Citizenship, Culture and Recreation indicated during hearings on previous bills that its amendments to the Ontario Heritage Act were pending and that it anticipated the new legislation will afford greater protection to heritage resources than either the current act or private community-specific legislation such as this one. Having said that, they have no objections. We have no objections from any other ministry, and our ministry has no objections.

The Chair: Committee members, any questions?

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): I'm just curious. Let's assume there's a historic building or a building that's been there more than 100 years; nobody's living in it and it's deemed to be condemned. It has to be taken down and the owner has no plans to rebuild yet. What happens?

Mr Rogers: There are some assumptions that you've made there. There's a building in Newmarket right at the moment that almost fits that situation. Newmarket is a growing community and there's a lot of development taking place. In this particular situation we have a developer who has essentially left a historic house, used it for a while but is now letting it go into disrepair.

In actual fact, our town has taken the steps, through subdivision agreements, to require that that building be moved to an appropriate location where another agency, a non-profit agency, will take over the restoration and maintenance of that building. That's the kind of thing this bill will give us the time to do if we were caught in tighter time frames than in this particular situation.

Newmarket has done that on occasion. We actually now have one section in our commercial area on Yonge Street that has three historic homes that have been moved from their original sites to this enclave of three historic homes. Two of them are being used for commercial purposes. The third one will be used for a combination of residential and commercial purposes.

Mr Gill: But the developer or the owner is not obliged to build within a certain time frame after you move it?

Mr Rogers: In those circumstances if we move it, that restriction wouldn't be there. If this bill does go through and is adopted, then the owner would actually have to have a building permit in hand before they would be allowed to demolish the property.

Mr Frank Mazzilli (London-Fanshawe): I just want to offer a few words of caution on that myself. Certainly there are some properties designated heritage that are not homes but are larger, perhaps older commercial buildings. You get into a very heated debate in communities about converting these to meet the present code and the present needs. Putting someone in that situation where they must make the investment, without having any plans to do so, can be very dangerous if discretion is not used at the municipal level. My concern is, now that you have a bill, that you say to people, "This is what we do because it's the law and it's been authorized by the provincial Legislature."

Mr Rogers: That's certainly not our intention. Our intention is to give us an opportunity to work with the owner to make sure that the building can be preserved, if it can; if it can't, then to be able to inventory it and make sure we know that it was part of the history of Newmarket.

I can actually relate that the town itself owns a historic building. We're just in the process of selling it. It's a designated building, and we're making sure that the designations will continue.

Mr Pat Hoy (Chatham-Kent Essex): The Ontario Heritage Act will provide for the definition of "a building to be demolished." You don't anticipate your municipality itself doing that ahead of the Ontario Heritage Act?

Mr Rogers: No.

Mr Hoy: I think that's an important part of it.

Mr Rogers: I'm pleased to know that the province is moving forward with those amendments to the heritage act. We certainly would encourage that those be brought forward as quickly as possible. We're not going to be trying to change definitions or do anything strange that would run afoul of the provincial legislation. We certainly respect the fact that the province is the body that will define those things.

The Chair: Counsel, given the parliamentary assistant's comments that the government intends to amend the heritage act, it might be instructive for all members of the committee if you could elaborate just a bit more on why the existing heritage act doesn't provide sufficient protection for heritage and historic buildings. I know you've touched on it, but I myself would be interested to know how it falls short and doesn't give the municipality enough tools to work with.

Mr Rogers: The concern has been that in certain circumstances someone would come in with a demolition permit and the only reason they were going to demolish the building was to leave the land vacant and not have any plans for what would happen in the future to those lands. Consequently, sometimes that would encourage people not to maintain their heritage buildings that they had acquired. It's this concern. If, because of this requirement, we can ensure that people actually have a plan for that particular property before they come in for a demolition permit, then we would ensure that there really is a true plan for development of the site.

In many instances, what our municipality tries to do is to maintain, if the building is going to disappear, that the new building that replaces it has some aspect of that original building in the design, that they maintain the heritage concepts. If it's just that somebody is allowed to walk in and demolish the building upon application for a demolition permit, then it's a process that doesn't allow for appropriate negotiations.

The Chair: So this just gives a little more leverage in the discussions with any potential owner or developer?

Mr Rogers: Yes. I think there are certain people who would be very happy if they said, "The building is designated, and once it's designated you can't do anything with it," but I think the reality of the situation is that you have to realize that some buildings just aren't capable of undergoing the appropriate renovations to make them usable and a financially feasible or economically viable buildings. We understand the reality of the situation, but it's just that often time can cure some of the issues and can help resolve some of the issues, if there is enough time and if there is really a plan in place to replace that building with an appropriate new facility.

The Chair: I read the background materials a while ago. Do I understand that there is support from other levels, regional or other municipalities that have looked at this?

Mr Rogers: Yes. In actual fact, our bill is modelled on the Richmond Hill and Markham bills. So within York region itself there are two other municipalities that have similar private legislation.

The Chair: So essentially there's harmonization, then, of the rules in the region, which is useful.

Mr Rogers: Yes, it's very useful.

The Chair: Committee members, any further questions or debate? Are you ready to proceed to the vote, then?

Are there any amendments being put forward to the bill? No. Then we will proceed through all sections on one vote.

Shall sections 1 through 10 of Bill Pr9, An Act respecting the Town of Newmarket, presented by Ms Munro, MPP, carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? It shall be done.

Thank you very much for appearing before the committee today.

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CITY OF ELLIOT LAKE ACT, 2001

Consideration of Bill Pr4, An Act respecting the City of Elliot Lake.

The Chair: The next item of business is Bill Pr4, An Act respecting the City of Elliot Lake, sponsored by MPP Mike Brown. The applicant is the corporation of the city of Elliot Lake, represented by George Farkouh, the mayor; Troy Speck, chief administrative officer; Virginia MacLean, the counsel. I think that's it in terms of the people who are here. It's good to see you all again.

Mr Brown, would you like to make some introductory comments with respect to this?

Mr Michael A. Brown (Algoma-Manitoulin): Good morning, Madam Chair. I'm delighted to be here. I'm sponsoring this bill on behalf of the municipality of the city of Elliot Lake. Troy Speck is to my right; George Farkouh, the mayor of Elliot Lake, is to my immediate left; and Virginia MacLean, obviously, at the end. I am going to turn the presentation over to Mr Farkouh to make the case for the city of Elliot Lake.

Mr George Farkouh: Thank you very much, Mr Brown. Thank you very much, Madam Chair and members of the committee, for permitting us to speak before you. I bring you greetings from the citizens of Elliot Lake. I know you've visited and we've had some discussions in the past.

I would like to begin by giving just a brief history, because I think I can put it in perspective as to why we're here today and why we're asking for this special bill.

Elliot Lake is a young community that was literally carved out of the Canadian Shield in the early 1950s when they discovered uranium. The community very quickly grew to over 24,000 people. Then they had the first bust and it became a ghost town, basically, and I lived it from the late 1950s to the mid-1960s. Then Elliot Lake came back to life once uranium was used for a positive use, which was electrical energy. Then of course we had the second bust in 1990, about 11 years ago,

when the price of uranium collapsed and Elliot Lake could no longer compete. We lost 4,500 full-time jobs, our entire industry, and with that, another 4,500 secondary jobs.

Elliot Lake is unique because it is surrounded by crown land. There is a map that you have. As you can see from the map, Elliot Lake is made up of nine townships. It was nine townships to permit the taxation of all the mining operations within that jurisdiction. That's why it was made so large from day one. I think it was very wise.

At the same time, all the land is of course owned by the crown. Something very unique happened with the Living Legacy process in that all the land on either side of Elliot Lake has virtually been set aside for public use and preserved for the legacy of parks and other long-term environmental usage. As a result, the area that we are speaking about, where these cottage lots would be developed, has already been isolated by the Ministry of Natural Resources for this purpose.

As a result of the collapse of our industry, our economy collapsed and our vacancy rate shot up to over 30%. We lost our entire industrial base, and today 80% of our taxation is residential. Especially with the market value assessment, it has impacted adversely on our community. Today our tax rates are double that of any other community in Ontario. At the same time, we developed a strategy in order to resurrect our economy, and that strategy has been predicated on retirement living, attracting retirees to our community—and we have been very successful at that—cottaging, tourism and arts and culture.

With the low market value assessment, our properties are actually selling for about a third of their replacement value. I'll give you an example of an industrial property that had damage done to it. The insurance paid to replace it. It cost \$200,000. We had an interested party, a local business that wished to buy it, so we did a market value assessment on it and it was assessed at \$90,000. The purchaser wouldn't pay \$90,000; in fact, we had to negotiate a price of \$75,000 for a property that was already in place and that had just had the building replaced for \$200,000.

As a result, we have serious problems with our assessment, one of the areas where we could become self-sufficient again. Currently we are before the province of Ontario asking for assistance because we cannot sustain our services without charging exorbitant taxes to our local taxpayers. The only way to do it is to increase our assessment base. One of the few areas we have available to us currently to increase our assessment base is to develop waterfront development and other cottage properties.

Mr Bisson?

Mr Gilles Bisson (Timmins-James Bay): I was just trying to get the Chair's attention.

The Chair: Could we wait until the presentation is completed?

Mr Bisson: Yes. I just want to be on the list.

Mr Farkouh: We started a process in 1995, when the present government was elected and the Honourable Chris Hodgson was the Minister of Northern Development and Mines and the Minister of Natural Resources. He was a strong proponent of shoreline development and started the process that followed, and that we're still in, of environmental assessment, public hearings, all sorts of fishery studies and water quality, and I think Mr Speck will speak to that. That process is ongoing; we have not completed it.

What we are asking here is for a private member's bill that will allow the city of Elliot Lake—once and when the process has been completed and the Ministry of Natural Resources is satisfied with all the assessments that have taken place and they're prepared—to turn over some of the land for development. At the present time, if a private developer was to come forward, they could actually go to the Ministry of Natural Resources and acquire that land. We're not asking anything unusual, because currently municipalities are permitted under the Municipal Act to develop industrial and commercial land.

In depressed areas in northern Ontario it's very difficult to find any private developers coming forward. You can't find them, so the municipalities often have to develop the industrial park. The municipality has to develop the commercial area and then hope to market it and sell it to the private sector. It's very difficult and it's very tedious.

We're asking for the same permission and privilege here to allow us to—once the environmental assessment hearings and all the objectors have been heard and addressed, then the ministry will make that decision. That's not our decision to develop anything until the Minister of Natural Resources says, "You're permitted to go ahead with it." That's all we're asking for. We're asking for your permission to approve this bill for the House and then it will allow us to go on with our process. Thank you.

The Chair: Mr Speck or Ms MacLean, do you have comments to add?

Mr Troy Speck: Yes, thank you, Madam Chairman and members of the committee. As His Worship has indicated, Elliot Lake started looking into the potential for cottage-lot development almost immediately, in the early 1990s, once we realized what our economic situation was going to be with the loss of the mining industry. Fortunately the MNR, with the support of Minister Hodgson, finally in around 1995-97 gave us the indication that they were willingly to look at Elliot Lake as a pilot project for cottaging in Ontario.

The way the process started was with the establishment of two committees: first, an interministerial committee, and second, a local waterfront development committee. In the packages that you received this morning you'll see a copy of the makeup of each of those committees together with what the mandate of each of those committees was.

The first thing that the committee had to do was get a sense of what was out there. At some point we hope to develop cottage lots around a lake or certain lakes, but because the land is all owned by the crown we have to get a sense of which lakes the community felt would be beneficial to develop and then take that list to the MNR and the other provincial ministries and get their feedback on which ones of those they felt we could reasonably go ahead with on an environmental basis.

We started out with a list of approximately 76 lakes, again just taking a look at what's out there. It went through several sieving criteria, taking out lakes that were too small, too far away from the municipality proper, lakes that could be accessed through communities other than Elliot Lake, because keep in mind this is an economic development project for Elliot Lake. That is how it was viewed and it was on that basis that it received the support of the Ministry of Natural Resources.

1030

Eventually the committee came up with a short list of 20 lakes. Lake management plans were developed for each of those 20 lakes. In the packages that you received this morning is a copy of a table of contents showing what type of information is contained in each of those lake management plans. I think you'll agree it's fairly extensive. Those lake management plans were developed with the assistance of the Laurentian University field station, on the direction of the Ministry of Natural Resources.

A copy of the lake management plans for each of the 20 lakes was provided to each of the ministries that participated in the interministerial committee. They were asked to review the plans and provide any comments they had on our plans with regard to their individual mandates. Those comments were received, reviewed by both the city and MNR and, where the MNR deemed appropriate, amendments were made to the plans.

Concurrent with the development of the lake management plans, there were essentially three main sieving criteria used in determining which lakes could proceed forward with development and to determine how many cottage lots each lake could conceivably withstand development for.

In terms of the first process, historically MNR and the Ministry of the Environment had never had a policy for cottage lot development on lake trout lakes. Lake trout were always considered to be a sensitive fish and no policy had been developed. During the course of the three or four years that we've been doing our lake management plans, the Ministry of Natural Resources and the Ministry of the Environment have been developing their policy on lake trout lakes.

Essentially, the policy they have developed centres around dissolved oxygen in the water, which is apparently the most necessary element to the viability of lake trout. The policy essentially is that if any lake tests as having fewer than seven parts per million of dissolved oxygen in it, then that lake is not acceptable for development. As a result, when each of those 20 lake manage-

ment plans were developed, they were also tested for their dissolved oxygen levels on three occasions.

As a result of that, the list of lakes eligible for development was reduced from 20 to 11, and those 11 lakes either met the minimum requirement of seven parts per million of dissolved oxygen or were not trout lakes to begin with. The 11 lakes that I'm referring to are the 11 lakes that are highlighted in dark blue on the map that you have before you today.

In addition, the second sieving criterion was phosphorous levels. Phosphorous is a by-product of septic systems, use of fertilizers and the like. A scientific model used by the MNR and the Ministry of the Environment called the Dillon's model was applied to determine what level of development in terms of numbers of cottages each lake could withstand, without affecting the lake's water quality.

You have, in the package that was provided to you this morning, a chart that lists the 11 lakes that are currently still eligible. The first column after the name of the lake will show you the number of lots that the Dillon's model shows that lake could withstand, without impacting that lake's water quality. I'll now refer to the third column in that chart. That's the third sieving criterion, probably, because of the terrain in the Elliot Lake area, the most severe sieving criterion. That was the criterion that was established by the Algoma Health Unit with regard to septic systems. Those requirements provide that you can't have a septic system on a lot that has less than one metre of soil depth and has greater than a 25-degree slope toward the lake.

The Laurentian University field station went around each of the candidate lakes, digging test pits and doing transects to determine the soil depth and the slope toward the lake. In the end, that testing showed that there are limited areas around most of the lakes, again because of the terrain, that could actually meet the requirements. As a result of that, the health unit requirements for septic systems limit the number of cottages that can actually be developed on those lakes, in most cases to a number that is far below what the Dillon's model shows that lake could withstand without impacting water quality. Those are the numbers in the third column of the graph that you have before you.

Throughout this lake selection process, there has been opportunity for the public to have input and review. Public information centres were held in February 1999 and again in December 2000. At both centres, the public were given the opportunity to ask questions of committee members and of ministry representatives and to submit written comments. Written comments are reviewed by both the municipality and the Ministry of Natural Resources and, where the MNR feels appropriate, changes are made to the lake management plans.

In addition to the public information centres, the committee was also requested to and did hold separate information and question sessions for the Penokey Hills Field Naturalists in November 2000 and the Elliot Lake and District Chamber of Commerce in December 2000.

The committee also appeared before the new council in late 2000 to update the mayor and the new council members on the process, where it stood, and to answer any questions.

I think it's important to keep in mind that the public information sessions I have referred to will not be the end to public input in this process. Although we have been in this process for three or four years, we are really still early on in the process. We're at the stage of still identifying which lakes the ministry will let us go ahead and develop on. The city of Elliot Lake will then have to determine, of those lakes, which ones we want to go ahead with.

Before one cottage is built on one lake, there are a number of provincial planning policies and planning legislation that have to be adhered to. Any area around any lake will have to be rezoned. There will have to be amendments to our city's official plan. All of those are processes that are public processes requiring notice to the public and the opportunity for public input and comment before any decision is made by the council.

In terms of where we're at now, again, the second public information centre was held in December 2000. The municipality and MNR are currently reviewing the comments that were submitted at that time. Once MNR has finished reviewing them, all comments will be responded to, and we expect that MNR will come back to the municipality, hopefully within the next two to three months, to tell us of those 11 lakes that are still being considered, which ones they deem are appropriate for us to go ahead with.

The Chair: Thank you. Miss MacLean?

Miss Virginia MacLean: Thank you, Madam Chair. I'd like to address just briefly the objections that you have before you. I think in your package there are substantial objections, and I just want to briefly outline what I think, in summary, are the concerns that have been addressed in those objections, and advise you how, in our opinion, this bill does not take away anyone's rights to continue to object in the proper forum.

First of all, the Penokean Hills Field Naturalists, you'll notice, have very many environmental impact concerns. And as you heard from Mr Speck, we have many fewer lakes now than we did originally. It was a year ago when their first letter went in and there was double the number of lakes that we're looking at right now. That whole process, as we know, is subject to the Environmental Protection Act. The legislation specifically will make this process subject both to the Planning Act and the Environmental Assessment Act. So there's no doubt that this municipality would be acting the same as any other developer on these lakes and be subject to exactly the same legislation.

There is concern about lack of consultation. You've heard Mr Speck refer to the public meetings that have been held, and that was just by way of introduction with respect to looking at the lakes. The public process, as we all know, under the Planning Act, is very exhaustive, and if the lands have to be rezoned, there has to be an official

plan amendment. Both of those involve public process with the right of appeal to the Ontario Municipal Board, so potentially we could be talking about an exhaustive Ontario Municipal Board hearing before anything is done on any of these lakes. Every one of these ratepayers would therefore be entitled to attend such a hearing, which would be held in Elliot Lake.

The restrictive public access to the lakes is another issue, but that is premature in terms of argument, because that's part of the planning and the process. When there is something approved, if the municipality is granted power to become a developer, then they will be implementing the plans pursuant to the Planning Act, and that would be part of the plan.

Negative impact on ecotourism is another thing that's addressed. Again, Environmental Protection Act policies and Planning Act policies would diminish any negative impact.

A lack of market feasibility study, you've heard the comments of His Worship on that very issue. I would suggest that is a matter of misunderstanding by the people who are objecting, but again, it's something that can be addressed.

The scale of the project was very much a concern a year ago. That has diminished as the number of lakes involved has diminished and the number of lots has diminished. So there is a change in scale, and we still don't know what the scale is.

The cost of development is high. One objector was talking about roads and services. As you will notice, this bill is very unique. There are no roads or services being provided by the municipality, specifically so that we don't have the costs. The municipality cannot afford the costs of installing services in their cottage lots, and the services are not necessary. A lot of access will be by water. There will be some public docks constructed, but there will be very minimal municipal services provided at all.

Public information and lack of public information, public meetings, as I said, is another concern. Again, that will be addressed if this municipality is granted the power and has to go through the planning process. There will be full and fair hearings and full opportunity for everyone to express their opinion.

So those are the comments I'd like to make, Madam Chair, with respect, to the objection.

1040

The Chair: Anything else from the applicants at this point? Are there any interested parties who have attended to present on this bill today? Seeing none, may I ask the parliamentary assistant for comments from the government?

Mr Kells: Actually, as Mr Speck and Miss MacLean explained, the bill certainly has a history, and I'll just take us through it very briefly.

Over a year ago there was a first draft, and the ministries involved had a chance at that time to review it. A revised draft was circulated by legislative counsel in June 2000. Mr Clement, the minister at that time, met

with the mayor to discuss the bill, and that was over a year ago too. The proponents at that time indicated they would be back in the spring of 2001, and indeed here they are.

The comments from the ministry are very basic. It's supported by the northern development ministry. In this case, the minister at that time was Tim Hudak, and he and his ministry are on record as supporting the private bill. Also, in a very major way, the natural resources ministry supports the project. We've received no other substantive concerns from other ministries on the proposals, and the Ministry of Citizenship, Culture and Recreation and the Ministry of Energy have indicated no concerns.

As you know, the bill will establish a statutory corporation. I guess it's also of note that three years ago the Northwestern Ontario Municipal Association, NOMA, formed a committee to explore options relative to crown land for the purpose of lakefront cottage lot development. So it even has a history in that direction.

On the other hand, ongoing discussions with municipalities continued through the fall of 2000 as part of the Municipal Act reform consultation on the issue of municipalities' request to be able to form business corporations. The proposal to cabinet for a new Municipal Act includes recommendations to enable the establishment of municipal corporations subject to the minister's regulation prescribing a list of purposes for which corporations are permitted. There are limits on powers and other requirements.

In this regard, the Elliot Lake proposed bill—and I guess the operative word here is “could”—could provide a pilot project to examine issues and direction within a limited context of cottage development on crown land. As the solicitor indicated, the preamble to the bill has also been amended to state that the purpose is to allow Elliot Lake to develop residential property without providing municipal services.

Finally, as to the revised bill that we have before us and the written comments that we have from the city of Elliot Lake addressing the problems, our ministry has no objection to the proposed bill.

I probably would share with the Chair just a little concern, and I believe the solicitor tried to address it. The only thing that jumps out at me in the e-mail I have in front of me is that it indicates, “Written responses, which were promised, have not been received following the public information centre held last December.” I wondered if possibly the solicitor could address that concern.

Mr Speck: The public information session was held on December 20. People were given 32 days, I believe, to provide their comments. We received comments from just shy of 100 people. Some of them require fairly simple responses: people who just say, “We're in favour of it. It's about time. Go ahead.” There were also some comments that had some fairly detailed questions and fairly technical questions, and I think it's incumbent upon us to give good answers to those questions. As a result of that, those letters were forwarded to the environmental

consultants that we have engaged through this process, Ontech Environmental. We've asked for their assistance in formulating responses to those technical questions. Comments and the responses that we propose to give to them have to be reviewed and approved by the Ministry of Natural Resources. The letter that goes back to the people will be signed by both myself and by Mr Dick Hagman, who is the regional supervisor for MNR.

As you can appreciate, that process takes a little bit of time. It is ongoing. I can advise the committee that we had a meeting two weeks ago at which we had drafted roughly two thirds of the responses. We're targeting the end of this month or early June to have all the responses ready. What we wanted to avoid was sending some responses back to people and not to others. We wanted to be in a position to respond to everybody before we responded to anybody.

Miss MacLean: I would add that with respect to Mr Devereux, Mr Devereux has a letter. He attended before council in May 2000 and he made the same submission in May 2000. There has been communication with Mr Devereux, but I guess it's just a lack of understanding. Notwithstanding the fact he has had an opportunity to attend and he knows what the issues are, he still has the same position. Those of us who have a municipal background appreciate that this does happen from time to time.

There has not been a lack of communication by the municipality. Moreover, this municipality put a notice in the newspaper with respect to this hearing and they were not obligated to do so, but because of the time lag between advertising and coming to the committee, that's why notice was put in the newspaper. I think in fact that's probably why you have more recent response than you would have had otherwise.

The Chair: Before we move to questions and comments from committee, I would like to ask if the parliamentary assistant or if there are spokespeople for the ministry who may want to respond to this.

It's my understanding from discussions with legislative research and the parliamentary assistant that this in fact is precedent-setting legislation, which is not necessarily a bad thing. It's just that it approaches a unique issue in terms of development of crown lands and the role of municipalities in playing that role, as opposed to the province or private developers. Therefore, the committee is looking at something that is novel, interesting, innovative, and has all the attendant problems with that as people chart uncharted waters.

I would like to ask the parliamentary assistant whether or not the government, in looking at making amendments to the Municipal Act potentially down the road, sees any problems at all in proceeding with this bill as a private bill, as opposed to bringing it forward as a broader policy discussion about whether it is appropriate for municipalities to be given these kinds of powers.

Mr Kells: It's a very pertinent question. Naturally, as you may suspect, we have discussed it a great deal. The question remains in some sense unanswered, even though

the ministry has taken a position that we support the Elliot Lake bill.

We could have taken the position, I assume, that maybe the Elliot Lake private bill could wait for the Municipal Act, but in the schedule of politics, as you know, that is asking the city to put a great deal of faith in the speed at which we can move things along here.

We have no objections and we do see it as precedent-setting, but it's precedent-setting in a direction that we're going anyway. Unless there are some dramatic changes—it's not an amended Municipal Act, it's going to be a new Municipal Act—then we couldn't see any sound and basic reason to hold up this request by Elliot Lake.

Mr Bisson: Basically you're going in a direction that I want to ask questions about of the clerk. As I understand it, this committee can only deal with bills that don't set policy or change policies of the provincial government. Is this bill actually in order? Because it seems to me that what we're actually doing here is setting policy, albeit the government agrees. In this case they agree, so we're going to allow the bill to go forward. But what happens if I, as a committee member, come with a bill that the government is not in agreement with that again sets policy? I would be ruled out of order, it would seem to me. Is it in order?

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Ms Susan Klein: Can I answer that?

Mr Bisson: Yes, whoever.

The Chair: We have someone from legislative research. She's taken some time to look into the precedent-setting nature of this and what has come before committee before. It is a pertinent question we need to look at.

Ms Klein: Actually I'm legislative counsel.

The Chair: Right.

Ms Klein: The question's about—

Mr Bisson: Is this bill in order?

Ms Klein: I think the question is, is it appropriate to introduce legislation like this as private legislation, and that's under rules of parliamentary procedure.

We have a history, in terms of municipal private bills, of private bills having novel, unique subject matters that, if they were an amendment to the Municipal Act that applied across the province, would be a change of policy for the whole province but are nonetheless done in a local circumstance and allowable for private bill process in one municipality. So it's not inappropriate for private legislation.

Mr Bisson: You wait to see the bill I'm going to bring before this committee if that's the case.

That's useful, because that means to say that as a northern member, if I have an issue dealing with First Nations, I can set policy because it's only specific to a certain geographical part of this province, if I understand what you're saying.

The Chair: Municipal. I think if you listen to—

Mr Bisson: Well, this is First Nations communities.

Ms Klein: I wouldn't want to say exactly on a particular bill, but I think I'd have to answer on a general basis and that is that you do see private legislation giving a municipality a power and exemption from the general municipal law that applies across the province.

For example, years and years ago the issue of smoking in the workplace began as private legislation, I think in the city of Toronto. A number of municipalities followed suit, and ultimately the government passed labour legislation, the Smoking in the Workplace Act, but it began in localities, in individual municipalities, as private legislation.

Mr Bisson: The reason I raise this is we're dealing with development issues in Attawapiskat as we speak. There's a fairly large amount of activity there when it comes to exploration and advanced exploration in diamond mines. What I think you're telling me is that I as a member can come to this committee and introduce an act respecting the reserve of Attawapiskat to deal with an issue that probably has a broader scope than this committee can deal with. If that's the case, thank you.

Ms Klein: You're also raising aboriginal issues. I don't know—it's a whole different story.

The Chair: If I may, Mr Bisson, if I could interject at this time, I don't think legislative counsel can, in a clairvoyant way, give an opinion with respect to the bill that you may bring forward.

Ms Klein: Thank you.

Mr Bisson: I'm just opening the doors for my bill.

The Chair: Having just consulted with the clerk of the committee in terms of the process of this bill getting here, there would have been a review by the clerk's office and although it is precedent setting and it appears larger in scope because of the nature of what we're dealing with, it has been deemed to be appropriate to be before this committee because it deals with one particular municipality.

Mr Bisson: I just wanted all that on the record. That's all I wanted. I do have questions—

The Chair: We're just putting enough on the record for you to have ammunition to make your arguments in the future, that's all.

Mr Bisson: That's right, that's exactly what I'm up to.

The Chair: Mr Mazzilli.

Mr Bisson: I have some questions of the presenter.

The Chair: I'm sorry. Would you proceed quickly with that, then, and we'll go to Mr Mazzilli.

Mr Bisson: I've got a bunch of questions but I'm in the Chair's hands. I have a series of about five or six questions.

The Chair: OK, let me go to Mr Mazzilli and we'll come back to you.

Mr Mazzilli: I just have a couple of questions, and then I'll turn it back over to Mr Bisson.

Your Worship, I understand the dilemma that you're in. You probably know London more than I know Elliot Lake, so just give me a quick education here. What's the gross tax base for the township of Elliot Lake?

Mr Farkouh: Just to give you an example, last year we collected approximately \$8.2 million. As a result of reassessment, which takes place annually, as you well know, we lost 9.1% of our revenue, or \$740,000.

Mr Mazzilli: How many lots do you anticipate out of this whole process?

Mr Farkouh: This is to be determined by the process. As Mr Speck has indicated, we're still not even there—

Mr Mazzilli: Approximately. What would you envision?

Mr Farkouh: Approximately 450 to 500 lots.

Mr Mazzilli: So at your best scope, you're looking a 500 lots, is that it?

Mr Farkouh: Yes, given—

Mr Mazzilli: I'm trying to move along with this. What would you expect property taxes on a lot with no services to be per year?

Mr Farkouh: I would say anywhere between \$1,000 to \$1,500 a year. First of all, we would have conditions that if any of these lots are to be sold to an individual, they would have to build on them within a short period of time, probably two years. We're only interested in this project as economic development. We're not interested in speculators, buying the land and holding it in land banks.

We still have research to do as we go through the process, but our main objective here is this will have a two-phase economic benefit to the community: (1) from the tax revenue that we will gain; and (2) from the actual economic activity that will happen as a result of the construction and the purchase of material, and then from the visitation of the individuals who would come to these cottages.

Mr Mazzilli: I understand you're in a dilemma: you've just lost \$700,000 in tax—

Mr Farkouh: Just last year.

Mr Mazzilli: —and you want to get it back quickly, and \$500,000 you're saying can be salvaged, \$500,000 to \$700,000 out of this proposal?

Mr Farkouh: Yes.

Mr Mazzilli: The job creation is certainly very temporary when it comes to construction. So you have 500 homes go up and it's over. Certainly there's some on-going economic impact. I just ask the broader public question about selling the entire shoreline or a good part of the shoreline for a tax base of \$500,000 a year. It's just a dilemma that—

Mr Farkouh: Actually, if you look at the map that was provided, we are talking about probably less than 1% of a shoreline, which is a very small portion. The process of Lands for Life has already identified that all the massive area to the east and the north and the west of us has already been reserved for crown reserve and public land, parks. Many of those lakes—I think this should be pointed out—are within the municipal boundary and have been part of the chain where our whole industry has been involved. We're not talking about the most pristine lakes here. Those have been pulled off, as Mr Speck indicated, through the filtration process.

Mr Mazzilli: I have no further questions.

Mr Bisson: First of all, to the mayor: I just want to go through the map here. Basically, the areas in red around the lakes that are traced dark blue are the proposed, at this point, cottage lots development.

Mr Farkouh: Yes.

Mr Bisson: And that's going to be narrowed down—

Mr Farkouh: Maybe Mr Speck can answer.

Mr Speck: Can I clarify that? What the areas in red around each of those lakes show, those are the areas around each of those lakes that would meet the health unit requirements for septic systems in terms of depth and slope.

Mr Bisson: Those are the ones you're looking at?

Mr Speck: Those are the only areas where we could put cottages on those lakes.

Mr Bisson: And you're going through a process that's going to narrow this down, I take it, to the actual acceptable lots for development?

Mr Speck: We're waiting right now for the MNR to tell us how many of those 11 lakes they're OK with our going ahead and buying for cottage development.

Mr Bisson: When do you figure there's going to be a decision made as to how many lots we're really talking about and which ones?

Mr Speck: Once the MNR comes back to the city with, "OK, these are the eight lakes you can go ahead on," then it will be up to city council to—

Mr Bisson: No, when? When do you figure the MNR will be done its due diligence?

Mr Speck: From what they tell me, sometime within the next two to three months.

Mr Bisson: OK, so that's the first part of the question.

To the mayor, I have a question: how much tax would you actually pay on a home now? If I'm a homeowner, a three-bedroom bungalow in Elliot Lake, what's the annual tax bill?

Mr Farkouh: I'll give you an example.

Mr Bisson: I know the value is low so your taxes are higher.

Mr Farkouh: Yes, the normal tax rate anywhere in the world is about 1.5% to 1.7%. Elliot Lake is nearly double. We're about 3.2% to 3.3%. The average home in Elliot Lake is around \$55,000 to \$60,000. So \$60,000 times three, you're looking at about \$1,800 to \$1,900. So we're looking at an average cottage of about \$50,000 or less.

Mr Bisson: So your tax rate is higher because your value is—

Mr Farkouh: Because our values are low, yes.

Mr Bisson: But your taxes overall are actually fairly competitive with some of the other jurisdictions.

Mr Farkouh: Yes.

Mr Bisson: Just to put on the record. I don't want to scare people away from Elliot Lake, you know.

Mr Farkouh: But we did something unique for the cottage—

Mr Bisson: I've got to do your job for you.

Mr Farkouh: But just a follow-up to Mr Bisson: we were having problems with some of the waterfront

properties paying excessive taxes, so we created within the rules a rural rate, which is about a third lower than the actual urban rate.

Mr Bisson: The other question I have is this issue of road access versus water access. Most of these lakes, as I look on the map—and I've been in your area a number of times—have a road going to a public beach.

Mr Farkouh: Logging roads and that.

Mr Bisson: So most of these lakes already have road access.

Mr Farkouh: Yes.

Mr Bisson: The issue is you're not going to build roads to the actual cottage lots.

Mr Farkouh: No.

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Mr Bisson: So cottagers who buy these lots are under the assumption that they are water-access lots, by and large.

Mr Farkouh: Correct.

Mr Bisson: The concern that opponents have raised in the e-mails we have seen is that they say, "We don't want this costing the municipality any money." I take it you don't have any development costs other than the transfers of land and legal costs dealing with MNR and stuff. Can you give us a bit more of a sense of what you expect this to cost you?

Mr Farkouh: We hope it will not cost us anything. In part of the bill, I believe, it is also spelled out that any revenues that would be generated from the sale of these lots would be set aside in a reserve account to be used for the purpose of economic development. So no money will come into our own treasury to subsidize our normal operations, but in fact we would use those funds to continue to develop other economic development initiatives so that we can increase our tax base.

Mr Bisson: But pertinent to the inquiry in the e-mails, you're telling me, as the mayor of Elliot Lake—I was going to say Iroquois Falls. They're going through another crisis. It seems that's happening all over northern Ontario, unfortunately. In response to the people who have sent the e-mails, you're saying that you don't anticipate the municipality putting out any outlay of cash for what would be development of roads, sewers, water, all of that stuff, other than the public docks.

Mr Farkouh: Only if there's an anticipation of an offsetting revenue for that money. We would not spend one dollar unless we were assured that there would be revenue to offset that one dollar.

Mr Bisson: The other question I have is this whole issue of residential versus cottages, as spelled out in the bill. Mr Speck can probably respond to this. The e-mail talks about the bill, and it basically talks about residential properties, residential development. They ask for it to say "cottage" so that it's clear that this is basically about seasonal homes and not about full-time residents who will come back later and say, "By the way, I want garbage pick-up, I want water, I want everything else." Can you speak to that? Is there an agreement that it has to

say "cottage," or is there some reason it has to say "resident"?

Mr Speck: I don't know in my own mind why a cottage isn't a residence. People reside in cottages. That's an issue that perplexes me a little bit. I can tell the committee that in the lake capacity numbers you have before you in that chart, those are the numbers of lots that each lake could withstand on a year-round basis. The reason we've done that is because we're fully aware that although someone will open up a cottage, they may use it in the winter, they may use it in the summertime, especially in northern Ontario where you're skidooning, you're fishing. People may wind up spending a large part of their time at this residence.

Mr Bisson: I hear what you're saying but my point—and I think you know where I'm going—is that residents want some kind of assurance that this is not a development for the sake of creating another residential development. They want to be assured, as I understand from the e-mails, that these are actually seasonal homes that people may go to at Christmastime or whenever.

Mr Farkouh: But on a practical basis, under the Assessment Act you have only one category and that's residential, multi-residential. So there is no distinction. Whenever there's an assessment done, you can't say, "This is a cottage assessment." It's residential, multi-residential, industrial, commercial and so on.

Mr Bisson: So you can't classify seasonal homes under a different classification?

Mr Farkouh: No, they're residential.

Mr Bisson: I wasn't aware of that. You learn every day here. So just for the record, there is a reason why it's being done.

I have a couple of questions for Mr Brown, as the local member, because I need your assistance on this part. This is the politics of the community as far as where things are coming from.

Interjection.

Mr Bisson: No, you're the MPP, brother. You thought you were getting away from this cheap, right? It's like Harry Truman: the buck stops here.

Mr Brown: Exactly.

Mr Bisson: The politics of this, people who are opposed, what is it all about? We were just given an e-mail this morning from Mr Barry Devereux saying that there were 500 people who have signed a petition in opposition to this. What's the opposition based on? What are people worried about? This is just so that we understand, as members, what this is all about.

Mr Brown: I was not at any of the public meetings myself so I can't speak directly to that. I have spoken to the Penokean Hills Field Naturalists on a number of occasions over the past year, or maybe more than a year—18 months perhaps—and have spoken just in the last couple of days to other people in that organization, and others. Part of the problem—and I think we're maybe going down that road here today—is, what does this bill do? This bill does not permit one lot anywhere. It does not do that. All this bill does is allow the

municipality to act as a developer, which it could, if you were going to put a hotel on this property, if you were going to put a sawmill on this property, if you were going to put a pulp and paper plant on this property. The municipality, and any municipality in Ontario, could develop an industrial land base.

The city has asked me—and I believe it's incumbent as the local member to bring these bills forward as they come to me—"Do you think it's appropriate?" I come from a government back in 1987 that ran on a platform that crown land as a development tool was a legitimate thing to do. You have to understand that only—I don't know what the exact percentage is—maybe 2% or 3% or 4% of the entire city of Elliot Lake is private land. It is crown land. It is one of the things that you would know from Timmins, which I think is the largest municipality by area in Canada, that there are huge issues that you as a northern member and I as a northern member deal with to deal with crown land. It would be much simpler if this was my home county of Lambton where it's all private land. We know how to deal with that. But when we're dealing with northern communities that have economic concerns, we don't have huge development pressures. We need jobs, we need economic development, but at the same time we understand that we need a strong—probably northerners, as you would know, Mr Bisson, have more real knowledge of the environment than anybody. We live it day after day after day. So we don't want to destroy any of this.

I'm not certain there will be one lot that comes out of this development, because there are decisions about the environment, there are decisions through the Planning Act, there are decisions by the Ministry of Natural Resources. Basically, there are going to be some hard decisions by the city of Elliot Lake as to whether this makes any economic sense at all. But I don't think it's my job as a member of the Legislature to decide that. I think, provided that the local people who are elected—there has been an election in the interim, I would remind members, where this was an issue that was discussed widely in the public. I would agree there's some controversy. I would also tell you that most of it, in my view, can be resolved. Mr Speck made the point that this is just one stop in the process here, but the process stops if we say no. But there's nothing to stop Mike Brown or Gilles Bisson or Pat Hoy or Frank Mazzilli from going to the Ministry of Natural Resources tomorrow and saying, "I would like to purchase this property on that lake." As you know, they do so, and develop it under all the rules that the city of Elliot Lake will have.

So the question before this committee is not: should there be development? It is: is it appropriate that the municipality does that? That is really what it boils right down to. It isn't a decision about how many cottage lots, how many lakes, what's the environment. The decision that we are being asked as a committee to make is: is it appropriate for the municipality to act as a developer for residential property?

Mr Bisson: That is a really good question.

Mr Brown: That is the question. I have said that's the decision, and essentially the only decision that really is being made here. We're not deciding about the environment, we're not deciding about natural resources' view of the world, we're not deciding about the economics; we're deciding, should the municipality be able to make the economic judgment and would the municipality then be subject to all the other rules that a private developer would be?

The Chair: Mr Bisson, if you have one more question to put, I'm going to go on to other members and we can come back for more after.

Mr Bisson: Just to finish—and I have others and I'll come back in rotation—you didn't answer my original question, but that was an interesting point because it comes back to the first one, which is we're sort of being asked to make a decision around policy and how the ministry disposes of crown land for the sake of seasonal homes. I'm not so sure that is something that I've really given a lot of thought to at this point, quite frankly, and what the implications are overall.

I just want to understand from a local perspective. The people who are opposing this, is it because they're saying, "We don't want a bunch of people from outside coming in and setting up cottages"? Are they worried they're not going to get dibs?

Mr Farkouh: I'll give you the politics of it, Madam Chair, with your permission.

1110

Mr Bisson: It takes a mayor to come to the point, right?

Mr Farkouh: Yes. Elliot Lake is very unique because we have transformed ourselves 180% in the last—

Mr Bisson: Degrees.

Mr Farkouh: Sorry, 360 degrees.

Mr Bisson: That's 180 degrees.

Mr Farkouh: Oh, 180 degrees, OK—in the last 11 years.

Mr Bisson: I'm good with numbers; I'm a New Democrat.

Mr Farkouh: I should be good with numbers; I'm a car salesman.

Mr Bisson: We're about even.

The Chair: You just tainted your image—
Interjections.

Mr Farkouh: Actually, Mr Devereux is a good customer of mine, and we get along personally quite well. Mr Devereux, during the last election, with this 500-signature petition, circulated a slate, and you know what slates are like in a municipal government: a mayor and six councillors; these are the only people you should vote for. I was not on his slate, because I was in favour of this development, and in his letter he talks about local real estate brokers—well, a local real estate broker was on the list as running for mayor against me.

To say the least, I'm still here, and I made my views perfectly clear to the public. I never hide anything from them. I think that's the essence of democracy: tell it the way it is and let the people decide. In fact, of the six

councillors, I believe maybe one or two might have been on his slate, but they're also in favour of this development, subject to all the controls that we're talking about. So there's not one of us on council who's opposed to this cottage lot development. We're all in favour of it, subject to all the controls.

As Mr Brown indicated and Mr Bisson will confirm, as northerners we realize our livelihood depends on the environment: the trees, the water, the rocks. As a result, we are more sensitive than people realize when it comes to environmental controls. We would not do anything in developing these lands that somehow would impact on our strategy, which is involving the attraction of retirees into our community, which is developing arts and culture, and tourism. If we felt for one minute that doing this project was contrary to our long-term objectives, I can assure this committee that we would not proceed with one dollar on it.

We feel it's compatible and it's consistent with our overall strategy, because we have a lot of trust in the process, and the process has been ongoing now for over 10 years actually, through all the steps. I can assure you the Ministry of Natural Resources is about as stringent when it comes to the lakes and the fish as any citizen in this province could ever be, and rightly so, because it belongs to the citizens of this province.

The Chair: Mr Speck briefly, and then I'd like to go on to other committee members.

Mr Speck: Again, to address Mr Bisson's question, "Where does the opposition come from?"

Mr Bisson: It takes a lawyer to answer this question.

Mr Speck: I think you'll see in most, if not all, of the letters of objection the comment, "We're not totally opposed to this. We're opposed to the scale." That's where a lot of the concern came from, and I think that was a result of the process. Remember, we had to at some point go to the MNR and say, "OK, here are the lakes we're interested in. Tell us which ones we could do." We wanted to avoid going to them with only three lakes to find out that none of them could be done. So we went out, as I said, at the outset, cast a broad net of 76 and then down to 20. Because the process had been so public at the outset, people said, "Oh, they're looking at 76 lakes; that's too many," not realizing that there was going to be a sieving process to get down to where we are now. So the scale really isn't what it was when those objections were made.

The Chair: OK, Mr Speck. I'd like to move on now.

Mr Gill: In terms of the number of lots—you just touched upon the number of lakes; you know, you started out with 76. What are you down to now?

Mr Speck: Eleven lakes.

Mr Gill: Most of the literature we saw talked about 19 out of 20 or something like that. So it's 11 now?

Mr Speck: Yes.

Mr Gill: In terms of putting into perspective the area that you're looking at versus the area allocated to Living Legacy, what sort of a ratio is there around the developmental area? How much is put aside as Living Legacy?

Mr Speck: I don't have those figures off the top of my head.

Mr Gill: Roughly. You know, 100 to 1?

Mr Farkouh: The Living Legacy compared to our area?

Mr Gill: Yes.

Mr Farkouh: I would say it's more than 100 to 1 that's been reserved for the Living Legacy. Our area is actually very small considering the large area around us that's being reserved as public area.

Mr Gill: On December 20 you had the public consultation process, and you said that since then there have been about 100 responses back. How many are positive and how many are negative? You said there are some positive and some negative.

Mr Speck: There are, and please keep in mind that the way it was set up was not for people to vote in favour of it or opposed to it.

Mr Gill: No, just a general sense of the letters.

Mr Speck: You get a general sense that 25% are absolutely in favour; 25% "in favour, but I want you to keep these things in mind"; 25% expressed some concerns again about the scale and issues like that but didn't say whether or not they were opposed to it or against it; and about 25% of those comments came back indicating that they were opposed.

Mr Gill: If everything was to go smoothly, when do you see the development taking place?

Mr Speck: We'd be lucky if we could start next summer. I think that would be optimistic. Probably the summer after that.

Mr Gill: Thank you, Madam Chair.

The Chair: Mr Bisson?

Mr Bisson: Yes, I still have some questions.

I guess the question I have is to Mr Brown. Considering that this stuff is still going through the process of the MNR and other ministries about how this is going to unfold, is this bill a bit premature at this point? Should we have waited until all of that was over so we knew what the hell we were really dealing with?

Mr Brown: You're asking the sponsor. Maybe somebody from the city might like to answer it better, but it would seem to me, Gilles, that until there's a proponent for a particular lot, there are no particular lots here. There are no particular subdivisions. There are no particular lakes being proposed. These are 11 lakes with a number of candidate parcels. You cannot go through the planning process, you cannot go through the rigorous MNR process, you can't go through the health unit process, you can't go through any of that process until you identify exactly the lot. You can't go through the plan of subdivision until you identify, and if there isn't a proponent for it at this point, ie, the city of Elliot Lake, then that work can't be done.

You're right, there's probably a little bit of chicken-or-egg stuff going on here but I think they've got to the point in the process that if they're not allowed to be the developers, they'll have to cede the development opportunities to a private developer.

Mr Bisson: But at this point we don't know—and I guess that's why I'm asking this question—neither the municipality nor the MNR or anybody really knows exactly what lakes we're talking about at the end and exactly what the process is going to be. That's why I'm wondering if this bill is a bit premature coming before this committee; if it should be more properly dealt with after at least the approvals process of MNR so we know what the heck we're talking about.

Mr Brown: I'll let George comment. I don't know if that's possible. It seems to me, again, this bill asks the question. The only question this bill is really asking is, should the municipality be a developer or not? When it boils down to it, that is the question, and you're right, that could be subject to a pretty broad debate about whether that could happen. But if the committee decides that the city of Elliot Lake cannot be, well, we'll have to wait until somebody private makes the proposal.

Mr Farkouh: I think I can answer Mr Bisson on this. I think we need to know whether we will be given the enabling legislation to proceed with this or not. If we don't have that assurance early on, and this is really late in the process of all the work we have done, then it makes it difficult for us to really formulate what strategy to follow once we get these approvals from the various ministries that are working in tandem with us at the present time.

I think it's appropriate to have this enabling legislation, this private member's bill, to allow us to know, OK, we have that hurdle out of the way, so if we are successful in addressing all the environmental issues, the planning issues and all the other things, then we can proceed to start working out how we will disperse these lots. Will it be by lottery system? Will it be by small developers? Will it be by the city? We don't know all these things. But if we can't do it, it's very hard for us to go to the next step.

1120

Mr Bisson: The essence of my question is that a lot of these questions have yet to be answered by the process that you've engaged in with the provincial government through the Ministry of Natural Resources and others, and that's why I'm wondering if this committee is actually dealing with this bill a little bit sooner than it should be.

The Chair: Could I just ask to have some clarification from the parliamentary assistant in terms of the government and the multi-ministry view on this as well? It might be helpful.

Mr Kells: I appreciate the thrust of your questions, but my briefing note here—no surprise what it says—says that the Ministry of Natural Resources is working with the city to ensure that potential development recognizes the sensitivity of lake trout, habitat protection, resource sustainability and that appropriate planning practices are being followed. Does that not speak to your concerns?

Mr Bisson: But there's the planning process and then there's also the other issue, which is, presently if I'm a

resident of the province of Ontario and I want to buy a cottage lot, there is a lottery system that's established by which we go in. The MNR does all the stuff that you're talking about with regard to the planning process. Once they've decided which lots to put up for sale, there's a process that the ministry then has that I can go and apply in the lottery system and then appropriately that goes on.

If I understand what the mayor is saying, you may or may not have a lottery system at the end of this process, which would be a different policy than is applied in other parts of the province, if you follow my drift. I'm just wondering. Some of those questions have to be answered, it seems to me, before we allow this bill to go forward.

Mr Kells: If I may, I'm also told by counsel for the ministry that municipalities can get into the residential development business under the Housing Development Act. I'm not sure on the history of this.

Mr Bisson: Can you explain that again, please?

Mr Kells: I could bring the counsel up if you would like.

Mr Bisson: Yes, it would be helpful. Don't misunderstand where I'm coming from. I understand what the municipality is trying to do, and I have some support for that as a fellow northerner. But I'm a little bit worried about setting a precedent here on something that we've just now seen as a committee and had the chance to read yesterday. I need some questions answered before we go further.

The Chair: I'll turn it over to counsel. I also would appreciate it, counsel, if you could—it's covering some ground that the applicants covered, but again, give us a bit of a sense of the history. One of the things I think is important for us all to acknowledge is the role that provincial government ministries have played in the development of the concept of this cottage development project as an economic development initiative for Elliot Lake. Again, to come back to Mr Brown's point, the question we're being asked is whether or not the municipality holds the development powers with respect to that. Secondly, the question Mr Bisson is asking: is this the right time in the process for that question to be answered by this committee? If you could illuminate us on some of the matters that should be considered with respect to those questions.

Mr Tom Melville: Sure. I'm Tom Melville. I'm counsel for the Ministry of Municipal Affairs and Housing.

In terms of the consultation process, I think the applicant has pretty much already outlined that the ministries were involved and have participated in a consultation process, and staff have made recommendations in that regard. I don't think I want to speak about that more specifically other than to say it has happened.

In terms of the appropriateness of the timing, I think that would be more of, again, a policy matter which is before the committee, and the committee is itself debating the merits of proceeding with this individual bill versus more general public legislation, and that's not the

legal issue, so I don't think as counsel that's appropriate for me to answer.

In terms of the question about the existing of development powers, I think that is appropriate for me to answer. Under the Housing Development Act now, municipalities do have the authority to develop residential development. I don't think it's a power that's used very much, but it is there. This bill really, I think, addresses other things more specifically, ie, allows the creation of the corporation that has been under discussion and allows the corporation to undertake certain activities which are mentioned in the bill, primarily promotional and development-related matters. Is that correct, Virginia?

Miss MacLean: It's my understanding that the Housing Development Act "housing" is housing, it's like a subsidized housing concept. That's what we're talking about. We're talking about community housing, housing that's a necessity in the community. This is a different concept. This is private-enterprise housing.

Mr Melville: I'm not disputing—

Miss MacLean: That was the problem with the act.

Mr Melville: But in terms of the question if there are housing development-related powers in municipal legislation, they do exist now, under the Housing Development Act.

Miss MacLean: Yes, whether it applies or not is the question.

The Chair: May I ask counsel what, if any, powers that currently reside within the Ministry of Natural Resources with respect to disposition of crown lands, ie, the lottery, the other processes that have been put in place either by policy, regulation or law, would be affected by this piece of legislation and/or ceded to the corporation that is being established?

Mr Melville: All I can really say on that is that it doesn't seem to address those issues one way or the other. That's not the subject matter of the bill. I wouldn't want to go further.

Miss MacLean: It's my understanding from discussions with the ministry—and I did ask them that question—that clearly they have the power to enter into contracts to sell it. It is there, apparently, and that's how the arrangement would be. It would be a contractual arrangement with the municipality.

I guess that's the answer with respect to Mr Bisson. They cannot enter into the contractual arrangement unless they have the power to do so, which is why they need the power now.

The Chair: Is it your understanding, Miss MacLean, that the Ministry of Natural Resources, in entering into that contract, would be in the position to place whatever requirements or restrictions on the process and the procedure that the municipality must follow with respect to disposition of those lands? In a sense, it would become a matter of negotiation between the municipality and the ministry and form its final determination in that contract.

Miss MacLean: That's correct.

Mr Melville: That's correct.

The Chair: Mrs Munro?

Mrs Munro: I appreciate the complexities, to some degree, of the issues you've raised. My question is perhaps too specific in the sense that you're not there yet, but I wanted to come to this issue you mentioned about the need to refer to these as residential, as opposed to cottage, as necessary in terms of the way in which the legislation is outlined. But it is the cottage aspect that I want to ask about.

In the table of contents you've provided us with, it refers to both summer and winter recreational activities. I wondered whether or not you are working with a definition of what "cottage resident" will mean. Clearly, when you look at the areas you have identified, I would suggest, just from this view, that accessibility would obviously be problematic in terms of year-round. But my concern really comes to that issue of how you define who is a cottager and who isn't.

Mr Farkouh: That's a good question, Mrs Munro. I think that will be determined by the individual who will be the owner and the resident of that property. Obviously they can use it as seasonal or they can use it year-round. Notwithstanding that we will not be responsible for any municipal services there, there is nothing to prevent them, in the winter, using their snow machine and spending time in it, and in the summer, launching their boat and going there. Really, they will be residents. I think it's semantics, really, whether it's a cottage or a residence. But I think, to be consistent with all the current regulations in terms of assessment, we don't have a category that's called "cottage rate"; it's called "residential rate." They address multiresidential. So even in there, they don't address all the in-betweens: the link homes, the semis and all that. It's either residential or multiresidential and then they go on to other categories.

We're not opposed to calling it whatever. We know what it's going to be intended for, and it's going to be intended for a different type of housing than we currently have to provide to our market.

Mrs Munro: My question comes from the idea that if it were to become appropriate for people to spend more time there than perhaps people imagined or envisaged when this was being laid out, there would be growing pressure. You suggest that the understanding is that there would not be municipal services and things like that. I just wondered how strongly you can enforce that if there is pressure from those people, once established.

1130

Miss MacLean: If I might assist, the planning process will determine what the definition is. In the zoning bylaw, it will clearly set out what it is.

You've raised a very interesting question. I think legal counsel here may be aware of a very recent decision of the Ontario courts involving residential property in which there was a question of whether or not the municipality that did not plow the road but allowed people to stay there year-round should be responsible and should be putting in a road. The court said, "No, you don't have an action against the municipality." So if the municipality has determined that these are seasonal in its zoning

bylaws and it provides no services, it's not legally under any obligation to provide those services.

Mrs Munro: I think that is the issue I really wanted to speak to. In terms of emergency services or anything like that, does the same rule apply?

Miss MacLean: When you buy something in a location, you know what's there when you buy it.

Mrs Munro: I understand that, but I just know there are also situations of public pressure, where there are a number of people and they put that pressure on.

The Chair: Could I intervene for a moment? With respect, sometimes—because of the materials we've had in front of us and the nature of the opposition, committee members are asking questions in this area. I think it's important for us to remember what the bill is in front of us, in that the issue of services down the road and/or cost and/or any actions is not a question that we're competent at this committee to determine or to respond to at this point in time, Mrs Munro, just to keep us back on track a bit.

Mrs Munro: I appreciate that. I just wanted to have the opportunity to raise this particular thing because I can see that it might be down the road. I appreciate that it is outside the scope of the immediate discussion.

The Chair: I do want to say to the applicants that the nature of this bill, because it is precedent-setting and because there is a policy question around the powers of municipalities and the establishment of a business corporation—and that's what's before us—touches on a lot of other areas in which members of provincial Parliament have a great interest. It has engendered a broader set of concerns than what the bill actually applies to, and I'm sure that must be a touch frustrating.

I also think the way in which the materials have been prepared and presented for committee, there perhaps could have been some clearer supporting documentation. A lot of us were left coming to this meeting today with a lot of unanswered questions.

Mr Bisson: A friendly suggestion?

The Chair: It may be that the process could have been improved that would have provided for a clearer deliberation on the bill than we've had thus far this morning.

The parliamentary assistant, and then Mr Bisson.

Mr Kells: The Chair and myself had some discussions. Obviously we followed the discussions around the table. I think sometimes the points get blurred in the sense of what we're debating, but the main point is that we need clarification, it would seem to me, in the area of the policy behind natural resources and the other ministries in relation to your request.

Even though our ministry supports your bill, I think it would probably be in the best interests of yourself, the government and the opposition parties to ask the ministries that have made comments on this bill to enlighten us as to exactly what the policy implications are, particularly when we're wandering into precedent-setting areas.

We hate to have to bring you all the way back down to the big smoke again to talk about this, but it's for our edification and it will be very helpful to us in similar bills that would probably follow yours or indeed in discussions that are going to come up in relation to the Municipal Act.

From the ministry's perspective, we would be happy to entertain a deferral based on providing the committee with more information, particularly with the policy implications.

Mr Bisson: I was going to make that type of motion, actually, because I think there are a couple of questions that we have to ask the people from the ministry's side, the interministerial committee. It would be good to get them before the committee, maybe next week, to answer some of the questions.

The other thing: there are two specific things I would want from the municipality or the provincial member or Mr Speck. One of the comments you made earlier on is that some of the detailed questions that were asked by the citizens opposed to this have not yet been responded to because you're trying to get the answers. I find myself a little bit trying to see the cart before the horse. I'd like to know a little bit more information on that. Were they viewed as dilatory questions or is it that legitimately there are questions that can't be answered? We need to get an idea of what those questions were and why it is they're not being responded to at this point. I'd like to have that next week, if possible.

The Chair: If I could just indicate, it wouldn't be next week; it would be the following week. Next week is constituency week.

Mr Bisson: That's fine. I'll be here alone.

The Chair: Before we get any further, there are a lot of hands going up. Let me try to facilitate this.

Mr Bisson: I was going to put the motion, actually.

I would move a motion that the committee meet in two weeks' time, at which point the interministerial committee would be brought before this standing committee in order to be able to answer questions of committee members; make sure that there's public notice in the community for those people who want to make comment; make sure that there's some sort of public notice made by our committee that they have an opportunity to yet again make comments here in two weeks' time, because it addresses the issue that they said they didn't have enough time to respond. At least this way it addresses that.

The Chair: The motion went into a speech there. I'm trying to get a handle on the motion that we will be debating and then voting on. If I could just take a moment to see if the Chair understands the member's motion, it would be that the vote on the bill that is before us, Bill Pr4, be deferred; that in two weeks' time the representatives of the interministerial team who have been working with the community be asked to come forward and present to the committee their view of any provincial policy implications of the application that is being made by the city of Elliot Lake.

Mr Bisson: And that notice be put in the local papers of Elliot Lake to allow citizens to come and comment if they wish to.

The Chair: That is the motion that is before us. Any debate on that motion?

Mr Hoy: I wonder if the parliamentary assistant would first of all state that he believes that the ministries would be here two weeks from today.

Mr Bisson: That's what they're paid for.

Mr Kells: I was going to say, unless we've lost all powers whatsoever, somebody had better be here.

Mr Hoy: I want to make a comment, because he put it in his original motion here. I thought Mr Speck said that the reason that some of these answers to the people concerned about this application in this bill were delayed was that you were waiting for correspondence with other ministries so that you can put together a total answer, not a perfect answer but to answer each and every specific question they were asking. I think that was a legitimate answer from Mr Speck, that for some of the more technically asked questions to allow the administration here to consult with the ministries. I think that was a perfectly legitimate answer, that they give full answers and that they aren't obliged to answer on question A one week and question B the following week and question C the next. I thought that answer was well stated.

The Chair: We appreciate you restating it, Mr Hoy, but it's not part of the motion that's before us.

Mr Hoy: No, but it appeared that others didn't hear it.

The Chair: It's not part of the motion that's before us, however, at this time. I'm just saying that to forestall Mr Speck from giving us a further answer to that. I think we did understand the point that he made.

On this motion, committee members, debate at this point in time?

Mrs Munro: I would certainly support a motion for deferral, but I'm wondering whether or not the detail that Mr Bisson has given is a bit too prescriptive at this point. I'm just wondering whether or not we shouldn't be leaving those details that are currently in the motion to be decided by subcommittee or some other process, as opposed to restricting this committee by the notion of the two weeks and by the composition of a meeting in two weeks.

Mr Bisson: Did I understand your question? Are you suggesting that we may be more than two weeks?

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Mrs Munro: First of all, I want to make it clear I'm supporting the motion for deferral. What I am suggesting, and it's more of a question than a statement, is whether or not the rest of your motion is too prescriptive—

Mr Bisson: About the interministerial committee?

Mrs Munro: Yes, and whether or not it should just be that we would leave those directions or suggestions to a subcommittee.

Mr Mazzilli: If I could comment on that, I find not that it's too restrictive, but to say that in two weeks we're going to bring all the stakeholders together—how many

residents may come? We may have to plan for four weeks of hearings here.

I support the motion of deferral. Perhaps we could continue with the advertisement in Elliot Lake, that people contact the clerk so that we have an idea of how many people want to be heard, or whether they want to be heard in correspondence, but defer to a time when we can meet and decide how many people want to make presentations.

Mr Bisson: That's not the intent of the motion. Just to be clear about what the motion is, I have specific questions of the interministerial committee, as you do, and I want to be able to pose those in two weeks' time. The parliamentary assistant says the buck stops with him; he's going to have them here. The only other part of the motion was we should let the citizens of Elliot Lake know, if they have comments or questions or want to appear, here's how you do it.

Mr Kells: We're really talking about our own ministries, the government's ministries, explaining to us exactly the policy implications of what we're asking you and the opposition parties to vote on.

The Chair: If I may add to that, it is not a new or different procedure that local interested parties are aware that the committee is dealing with it. They have the opportunity to send written representations and/or to appear. That's always an open option. I don't think anyone should concern themselves that we're actually inviting prolonged public hearings on this. We have some policy questions about the nature of the bill.

I think the planning objections from the community are issues that would be dealt with through the planning process under the various pieces of legislation that govern that. It is more the policy implications. That's what we're asking the ministry's interministerial committee to address, just so the applicants are clear. The policy implications of the application that's before us for the establishment of this business corporation by the town and the policy implications for this means of negotiated contractual determination on disposal of crown lands, or a decision on usage of crown lands: those are the things that I think come together for this committee with respect to this bill, not the actual planning decisions, which rest with a municipal process and provincial legislation, in which people have the ability to make representation on those concerns. I'm saying this for the record so that if anyone is interested from the Elliot Lake area, they'll know what the committee is going to be concerning itself with when we come back.

Is there any further comment or concern?

Mr Brown: That's helpful. I was a little concerned that where the committee was going on this was that the committee believed that somehow it was going to make natural resource/environmental planning decisions in the area. You've just restated the central fact that this bill is asking that the corporation of the municipality have the ability to develop.

The problem I thought I might be hearing is that certainly I could not be supportive, and I don't think any

member of the Legislature could be supportive, of actually making the planning decisions here, identifying the lakes, deciding the lots. That would be very dangerous. So I understand we are talking about the municipal issue and the disposition of crown land from the MNR situation. Those are the two issues we're dealing with.

The Chair: I think it's helpful to have that on the record. I think that's everybody's understanding around the table. We will not be entering into a process that invites concerns of a planning nature. There are other processes that deal with that.

Mr Bisson: It's a policy issue.

The Chair: It is a policy issue, a unique and interesting policy issue. I think that, unfortunately, the process of private bills and these applications doesn't easily allow for committee members to have sufficient information without asking for a corollary presentation from the ministry. So this is not an unusual procedure for us to undertake as a committee, where we ask, when significant policy questions are raised by an individual application, for the ministries to come forward and explain those implications to committee members so that as MPPs we feel we're fully informed and able to discharge our duties and then moving to give full consideration to the bill.

Before we go any further, I need to take a vote on the motion that's before us. Mr Mayor, it really is not appropriate for an applicant to enter into the discussion at that point in time. If there is a major consideration that you have about the motion, I think we can find a way through your sponsor, Mr Brown, if you would like to put something on the record.

Mr Brown: What exactly is the motion?

The Chair: The motion before us is that consideration of Bill Pr4 be deferred, that the committee is asking the interministerial team, or representatives of the ministries involved in the interministerial team, to come forward

and make a presentation to the committee about the provincial policy implications of your application. That's with respect to the powers of municipalities, the establishment of the business corporation, with issues of contractual arrangements on disposition of crown lands—those are the issues we would like to hear—and that we continue to notify the residents of Elliot Lake that this matter is before the committee and that we will resume, in two weeks, consideration of this.

Is everyone in complete understanding of what the motion is? Are committee members ready to vote on that, then?

All those in favour, please indicate. Those opposed? That's carried unanimously.

So that matter will be deferred. The committee does not meet next week, as it is constituency week and members will be back in their ridings. So the following Wednesday we will come back, and the first item of business will be discussion with the ministry on the policy matters. If there are any further presentations to be made by the applicant or any interested parties, we will hear those and then any further questions or comments and debate by the committee members. Barring any other determination by the committee, we would proceed to dispose of Bill Pr4 at that point in time.

Committee members, you'll be notified whether there are any other items of business that come before the committee for that day on the Monday when the House resumes.

Is there anything further before the committee at this point in time? Could I have a motion for adjournment, then, please?

Interjections.

The Chair: Mr Mazzilli, Mr Bisson, thank you.

All those in favour? Opposed? The committee is adjourned.

The committee adjourned at 1148.

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