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Wednesday 20 June 2001

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des débats
(Hansard)**

Mercredi 20 juin 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

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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 20 June 2001

Mercredi 20 juin 2001

The committee met at 1003 in committee room 1.

**NIAGARA CENTRAL AIRPORT
COMMISSION ACT, 2001**

Consideration of Bill Pr11, An Act to amend The Welland-Port Colborne Airport Act, 1976.

The Acting Chair (Mr Gilles Bisson): All right, if everybody can get ready. Our Chair is caught up in a meeting and will be here soon. As soon as she'll be taking her place. We have all of the various things, so we want to call the meeting to order. I would like to first call on Peter Kormos, who is going to be presenting for The Welland-Port Colborne Airport Act, 1976.

Mr Peter Kormos (Niagara Centre): With me is Bruce Smith, a lawyer from the firm of Brooks, Bielby and Smith, which is the law firm which represents and acts for, and has for a considerable number of years, the Welland-Port Colborne Airport Commission. The commission—and Mr Smith can perhaps outline this in further detail—has representatives from several of the communities in southern Niagara that are serviced by this Welland-Port Colborne Airport, which is, again, a historic airport in the southern half of Niagara. It services not only hobby flyers, but also the air cadet league is based there. They serve the airport well and the airport serves them well. Flying lessons are conducted out of the airport. It also accommodates small-plane travellers to and from local industry: John Deere, Atlas Steel, Inco etc. It is a very well used and well-appreciated facility. I will let Mr Smith—Mr Smith goes to Queen's Park—explain the rationale for the bill.

The Acting Chair: Mr Smith, first of all, welcome. I'm a former air cadet, a former civilian instructor and a pilot, so I'm listening.

Mr Bruce Smith: Thank you, Mr Chair, and thank you, Peter. Peter has basically explained a little bit about the airport. The airport has been there for 60 years. The purpose of this act today is simply to amend the name of both the airport and the commission. Just a very brief reason for that is that right now, as you can see, it's called the Welland-Port Colborne Airport. It's kind of strange. It's called Welland-Port Colborne when it's actually located in the town of Pelham, and it's served by four municipalities that sponsor the airport, basically

Pelham, Welland, Wainfleet and Port Colborne. One of the reasons for the change was to give more recognition to the fact that there are four municipalities and we are more centrally located in the Niagara area. That was the impetus to do that. Also, we're looking at different things to try to get more expansion to bring more airport traffic to the area. We thought a new name would give it sort of the feeling that it was more of a Niagara airport than just simply the Welland-Port Colborne Airport service. That was the reason for the change.

There was an agreement passed by all four municipalities that was actually ratified back on February 13 of this year, when the last municipality signed it. All four, by their bylaws and through the proper course, have approved the change of the name of both the commission and the act. This is just the last step in that process, because there was an old Welland-Port Colborne act back in 1976.

The Acting Chair: Are there any questions from members of the committee? No questions?

Mr Bill Murdoch (Bruce-Grey-Owen Sound): Do you want to move it?

The Acting Chair: Yes, just one thing before I get to that. Are there any interested parties present who want to speak to the bill? No interested parties? Parliamentary assistant, are there any comments from the ministry?

Mr Morley Kells (Etobicoke-Lakeshore): The only comments are very positive. The Ministry of Municipal Affairs has no objection and the Ministry of Consumer and Business Services says the name does not conflict with other names in the database. So there are no objections.

The Acting Chair: There are no objections. Any other questions from anybody? At this point, then, if the clerk can help me out, we're going to call the question. Does anybody want to call the question?

Mr Murdoch: I move it.

The Acting Chair: Moved by Mr Murdoch, seconded by Mrs Boyer. We have to go through this first, right? If you're wondering, I'm not the regular Chair, so I'm having a little bit of help here from our good clerk. There are a number of amendments to that, if we can go through them.

Is there any amendment to section 1? Seeing none, all in favour of section 1? Those opposed? Carried.

Any amendments to section 2? All those in favour? All those opposed? Carried.

Any amendments to section 3? All those in favour? All those opposed? Again, carried.

Any amendments to section 4? All those in favour? All those opposed? Carried again.

Shall the preamble be accepted? Carried.

Shall the title be carried? Agreed.

Shall the bill be carried? Agreed.

Shall I report the bill to the House? Agreed.

Congratulations. You have a bill. Thank you very much, Mr Kormos and Mr Smith.

I'm informed by the clerk that Ms Tina Molinari is in another committee right now. If somebody can go and get her from the caucus—

Interjection.

The Acting Chair: She just went? I'll just adjourn the committee for a few minutes until she gets back here. In the meantime, if both Robert and Patricia Pilon wish to come to the front and get ready, we'll get started as soon as Ms Molinari is here. So we stand adjourned for a couple of minutes.

The committee recessed from 1009 to 1011.

1150982 ONTARIO INC. ACT, 2001

Consideration of Bill Pr14, An Act to revive 1150982 Ontario Inc.

The Acting Chair: I'd like to call forward Mr Joe Spina, MPP, and Ruth Harniman: An Act to revive 1150982 Ontario Inc. Mr Spina, if you have a few words?

Mr Joseph Spina (Brampton Centre): Thank you, Chair. I'm going to let Ruth speak on behalf of her company. The ministry has all of the information as to why we asked for this company to be revived. She'll explain, and from our ministry perspective clearly there's not an objection. So I'll let Ms Harniman do it.

Ms Ruth Harniman: Good morning. I have an active, ongoing business in the Brampton area. This came about due to a mistake in filing one of the forms and I was not notified properly that I had misfiled it. I didn't know that I needed to revive the company until I became involved as a plaintiff in a lawsuit, when it was discovered that the company had been dissolved. I am an ongoing business, I have employees, I pay my taxes, and I wish to continue, and I'm growing. So I really would like to have my charter back.

The Acting Chair: Any other comments?

Mr Spina: Only, Chair, that for obvious reasons we would endorse the committee to allow her to properly re-charter her company since she has an ongoing business and clearly there is no legitimate reason why the company should have been dissolved.

The Acting Chair: Are there any other interested parties wishing to make a presentation on this? Seeing none, if the parliamentary assistant has any comments?

Mr Kells: Thank you, Chair. The Ministry of Municipal Affairs has reviewed the file and we have no

objections. The Ministry of Finance has reviewed it and has no objections. The Ministry of Consumer and Business Services doesn't have any objections; it simply says here, "If the corporation files proper forms showing directors, the ministry has no objection to the proposed act."

The Acting Chair: OK. Any questions from the committee members?

Mr Spina: Chair, Ms Harniman has a letter from her lawyer indicating to meet the requirements of consumer and business services.

The Acting Chair: No other questions? Seeing there are no other questions, I'd like to call the question.

Shall section 1 of the bill carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 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? Agreed.

I'd like to thank you very much. The next process: obviously, it's got to go to the House for a final reading. Thank you very much.

Mr Spina: Thank you, ladies and gentlemen.

1252563 ONTARIO LIMITED ACT, 2001

Consideration of Bill Pr16, An Act to revive 1252563 Ontario Limited.

The Vice-Chair (Mr Garfield Dunlop): Committee, we'll now do Bill Pr16, An Act to revive 1252563 Ontario Limited. The sponsor is Mr Marchese, and of course Mr Bisson is looking after it.

Mr Gilles Bisson (Timmins-James Bay): Thank you very much, Mr Vice-Chair. It seems not long ago that I was there. I would first of all like to say on behalf of Mr Marchese that he's not able to be here this morning, as you can see. He is now in another committee debating a bill that I believe is going clause-by-clause. So he could not be here with us. I'm here with Mr Baker, who is going to explain the act to revive 1252563 Ontario Limited. Mr Baker, you have the floor.

Mr Gordon Baker: Thank you, Mr Vice-Chairman. Thank you, Mr Bisson. This company was dissolved for failure to file a correct form. They had filed a form through their previous law firm and it was incorrectly filed. They were notified. They attempted to correct the mistake and unfortunately didn't understand what they were trying to correct, and the company was struck out.

It's an ongoing business. It's known as BakeWorks, at 326 Bloor Street. Some people may know where it is. They have employees and they have been carrying on business ever since and they'd like to have the company revived so they can properly carry on business.

I've also filed an undertaking with the ministry to make sure the appropriate forms are filed as soon as the bill is revived.

The Vice-Chair: Are there any other interested parties to make comment on this? None? Parliamentary assistant, do you have any comments on it?

Mr Kells: The only comment I have is that the bill was circulated to the Ministry of Finance, which finds the corporation is in good standing, so they have no objections. The Ministry of Consumer and Business Services has reviewed the bill and their comment is very basic: "If the corporation files proper forms showing directors, the ministry has no objection to the proposed act." I assume that's what you're going to do?

Mr Baker: Yes. I've undertaken to do that.

Mr Kells: There are no objections, Chair.

The Vice-Chair: Do any of the committee members have any comments on this? Are we ready to vote?

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): You said this was a bakery?

Mr Baker: It's the BakeWorks on Bloor.

The Vice-Chair: Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 of the bill 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? Agreed.

1020

1072550 ONTARIO LIMITED ACT, 2001

Consideration of Bill Pr8, An Act to revive 1072550 Ontario Limited.

The Vice-Chair: We now have Pr8, An Act to revive 1072550 Ontario Limited. The sponsor is Mr Smitherman, MPP, and the applicant is here as well. Good morning, Mr Smitherman.

Mr George Smitherman (Toronto Centre-Rosedale): Good morning Mr Chair, members of the committee. It's my pleasure to introduce a constituent of mine, Alia Qaisi. The matter before us, Pr8, is a reasonably simple matter. It is a request to revive an Ontario corporation that was inadvertently allowed to dissolve. My constituent would be happy to speak to it.

The Vice-Chair: Can the applicant make any comments on it?

Ms Alia Qaisi: Yes. Actually, the form that changes the directors, I left the existing information blank by mistake. We didn't receive notices. The ministry sent notices, but the notices never reached us. I have copies of returned envelopes that the ministry gave me, so they never reached us. We didn't know that the corporation was dissolved until it was time to file taxes and we discovered from the GST office that it wasn't.

Mr Bisson: I just have a question for the parliamentary assistant. It's, what, three bills like this. Does this happen a lot, where the ministry fails to give notice, or the notice doesn't get to the applicants? I believe this is the third one today. Is something going on?

Mr Kells: I can't comment to this because this is my first time around. But I agree, this is the third one today.

I'm just reading the information here myself. I don't know whether this is a regular occurrence or whether there's a reason each time. I'm not sure.

Mr Bisson: I wonder if I could ask the applicant if you know in your research—

Ms Qaisi: I want to comment, actually. I think they sent notices but the notices never reached us. The envelopes were returned. I have photocopies of the returned envelopes.

Mr Bisson: I'm not concerned about that. You're the third person who has had to come here and have this done because, for whatever reason, it seems the information that people were sent didn't get there. I'm wondering, in your preparing for this, if you know of others. Is there a trend happening here or something?

Ms Qaisi: I really don't know.

Mr Murdoch: I wonder if the parliamentary assistant can look into this and come back and speak to it. It's a good point. Maybe the ministries aren't doing things right. That's what parliamentary assistants would love to do, I know: find out this information for us and bring it back at another meeting.

Mr Bisson: I would like to move a motion to that effect.

Mr Murdoch: I can second that.

The Vice-Chair: OK. We'll make sure the parliamentary assistant brings the report back, but in the meantime he does have a—

Mr Kells: I'm about to inform the Chair that I don't see why this should be done by the parliamentary assistant, anyway. I'm talking about the whole situation. It seems to me that this simply could be done by the clerk's office and really doesn't need my input.

But since I'm here, the ministry in question, consumer and corporate affairs, does say the obvious, that the corporation in question failed to respond to a letter from companies branch and then failed to respond to a notice of opportunity to be heard. Corporations still owes \$50 for the special notices fee imposed February 24, 1995. Then they go on to say that they'd like to have that paid and they'd like to have the preamble of the bill reflect what took place.

I can't comment on the efficiency of the government of the day. Maybe it was in the last days of the NDP government; it's hard to know. All I can say is—

Mr Bisson: For that fact, it might be back to the time of Mr Davis.

Mr Kells: That's right. So all I can say is I certainly will pass your concerns along.

Mr Bisson: I just have a question now. It's somewhat related to the parliamentary assistant. I wasn't aware that if you filed for incorporation and you misfiled, you needed a private bill to be incorporated. Don't they just go back and refile again? I'm not quite sure why that happens.

Mr Kells: I'm not either. I'd probably have to ask counsel here for a comment on that.

Mr Bisson: One of the earlier ones had done something wrong in the application, if I understood

correctly. I don't understand why there's not a mechanism in the law that just allows them to reapply without having to go through the expense and the trouble that these people have in coming here today.

Ms Susan Klein: All I know is under the Business Corporations Act there are different kinds of dissolution. There is one provision which allows that if the corporation is dissolved under that section, then they can just come to the ministry and ask to be revived and it's done administratively. All the ones before you today are dissolutions under a different section and there is no provision in the act for administrative revival.

Mr Bisson: That's my point. That's something we should remember if we come back to this act, and maybe a note could be made to the ministry—if you could, Chair—that whenever we amend that act, to try and fix that. I don't know what your expense is for coming here, but you probably had to go to a lawyer.

Ms Qaisi: No, it's not that. It isn't really expensive, it's just that we have a lot of contracts that are tied to the company, including the lease, and if the landlord finds out that it's a dead corporation he'll just take over the business.

The Vice-Chair: Mr Wettlaufer, did you have a question?

Mr Wayne Wettlaufer (Kitchener Centre): In response, this has been a long-standing issue. It's not a problem, but it's a long-standing issue. I can remember for many, many years our corporation was involved in providing bonds for companies that were dissolved as a result of a paperwork error, if you will. You have to consider that there are hundreds of thousands of small businesses registered in the province of Ontario and there are very few situations of this type. In relation to the whole, the number where that takes place is minuscule and, while they're a pain in the behind for the business involved, it's a fact of life.

The Vice-Chair: Mr Spina, you had a question too?

Mr Spina: I'm just wondering if we should address the case here, and then the discussion with respect to the process could carry on afterwards.

The Vice-Chair: Mr Kells has another comment to make.

Mr Kells: The final comment from this point of view is that it was circulated to the Ministry of Finance, who found no difficulty under the Corporations Tax Act, and they have no objection to the revival of this corporation, on the record.

The Vice-Chair: OK, are the members ready to vote?

Mr Murdoch: Just one thing. I'd like to say thanks to the parliamentary assistant. He's doing his job there now and he's finding out the information that we're asking for. We appreciate that.

Mr Bisson: I'm with Mr Murdoch on this.

The Vice-Chair: Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 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? Carried.

Thank you very much. It's been good to have you here.

RDP COMPUTER CONSULTING INC. ACT, 2001

Consideration of Bill Pr17, An Act to revive RDP Computer Consulting Inc.

The Vice-Chair: I understand, Mr Spina, you'll be the sponsor for Mrs Molinari?

Mr Spina: Yes.

The Vice-Chair: Do you want to take your seat, then?

We're back to Bill Pr17, An Act to revive RDP Computer Consulting Inc. Robert and Patricia Pilon, welcome this morning, and sorry about the inconvenience to you. Would you or the sponsor like to make any comments on this?

Mr Robert Pilon: Basically, this is to revive the corporation. What happened was, I paid a fee to a financial planner to incorporate my company and he did go ahead and actually cut the cheque, but the cheque was NSF. I received notification from the Ministry of Consumer and Commercial Relations indicating that the cheque was NSF, so I contacted the financial planner and informed him of that. He then told me that we had 60 days to cut another cheque and pay the fee, which he failed to do, so I received a final notice from the Ministry of Consumer and Commercial Relations saying that the corporation had been dissolved. I then contacted them and was informed that the only way I could revive the corporation was to put a private member's bill into the House.

I then proceeded to contact the financial planner and informed him of this. He said that he would go ahead and do all the paperwork for the private member's bill which, again, he failed to do. That's why I'm here today. I put it together myself and that's pretty much it.

1030

The Vice-Chair: Mrs Molinari, would you like to make any comments?

Mrs Tina R. Molinari (Thornhill): Just to encourage the committee to support the bill. I apologize; I was left with having to be in two places at one time this morning, but I'm pleased to be here to support this.

The Vice-Chair: Are there any other interested parties?

Mr Bisson: I'm convinced just on the eloquence of that speech that I must support the bill.

The Vice-Chair: Are there any other interested parties who would like to comment? Does the parliamentary assistant have any comments on this?

Mr Kells: As before, this was circulated to the Ministry of Finance. They have no objections to the revival. The only comment from the ministry of consumer and corporate affairs is, the bill should be changed to reflect the correct company name. Otherwise, the ministry has no objection to the proposed act.

Mr Bisson: Are you suggesting that we change it in the bill? Is that what I heard you say?

Mr Kells: From my understanding, it is correct now. If it isn't, let's find out.

Mr Bisson: OK, fine.

Mr Murdoch: So it's OK now?

Mr Kells: Yes.

The Vice-Chair: Are the members ready to vote on this?

Mr Bisson: Is this a filibuster you're on, Chair, or what?

The Vice-Chair: This is the longest this meeting has ever taken.

Bill Pr17, An Act to revive RDP Computer Consulting Inc. Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 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? Carried.

Thank you very much, Mr Pilon and Mrs Molinari.

569924 ONTARIO LIMITED ACT, 2001

Consideration of Bill Pr19, An Act to revive 569924 Ontario Limited.

The Vice-Chair: We have one more and that's from Mr Parsons. Mr McMeekin, are you representing Mr Parsons?

Mr McMeekin: Apparently, yes.

The Vice-Chair: This is Bill Pr19, An Act to revive 569924 Ontario Limited. Mr McMeekin is filling in for Mr Parsons. The applicant is Douglas Amy and counsel is Leslie Mason of Shibley Righton LLP. Mr McMeekin, do you have any comments?

Mr McMeekin: I just want to say that I'm here with Mr Mason on Mr Parsons's behalf. You'll be shocked to learn that there was one additional act of inadvertence which we needed to correct today. Of 700,000 businesses out there, there are at least four we're fixing today. Mr Mason, you might want to add something.

Mr Leslie Mason: I'm the counsel for the applicant. The former law firm representing the applicant inadvertently completed the form incorrectly and, as a result, the corporation was dissolved. The corporation owns a small condominium apartment building in Belleville and acts in a representative capacity for various individuals. As a result, a number of individuals are selling the units to local residents and we can't convey title. So the company must be revived to convey title.

The Vice-Chair: Any comments from any other parties here? Parliamentary assistant, do you have any comments?

Mr Kells: Yes, there are three this time. The Ministry of Municipal Affairs has no objections, the Ministry of Finance has no objections, and I believe the only comment from the ministry of consumer and corporate affairs is that if you would file the proper form showing the directors, they have no objections.

The Vice-Chair: Mr Murdoch, do you have a question?

Mr Murdoch: Again, a wonderful job done by the assistant.

The Vice-Chair: I guess we're now at the point where we're ready to vote on this.

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 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? Carried.

Congratulations. Thank you, Mr McMeekin.

The Vice-Chair: We have one other item on the agenda, and that's a motion to the standing committee on regulations and private bills. It's a motion to revise the membership of the subcommittee on committee business, that the membership of the subcommittee be revised as follows: that Mr Kells be appointed in place of Mr Mazzilli. Do we have a motion to move that?

Mr Murdoch: Can I say something?

The Vice-Chair: Yes, you can.

Mr Murdoch: With the outstanding job he's done today, I wouldn't see why we would not support that, because in each case we had today he had his facts here and he was right up to date. I don't have to move that at all. I think it's just a matter of voting on it, but if we needed to move that, I'd be pleased to do that.

The Vice-Chair: So you would move that?

Mr Murdoch: Yes. I'd be honoured to do that.

Mr Bisson: I'd be honoured to second it. Who else is on the subcommittee? I have a funny feeling I am. Is it me?

Interjection: I think you are.

Mr Spina: Who is the other one?

Clerk of the Committee (Mr Douglas Arnott): The other members are the Chair, Mr Hoy and Mr Bisson.

The Vice-Chair: Do we have a seconder on that? Mr Bisson, OK. Any other questions on this?

All in favour? That's carried.

Is there anything else? We're adjourned.

The committee adjourned at 1036.

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