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**Official Report
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Wednesday 27 June 2001

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des débats
(Hansard)**

Mercredi 27 juin 2001

**Standing committee on
regulations and private bills**

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

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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 27 June 2001

Mercredi 27 juin 2001

The committee met at 1003 in committee room 1.

**MASTER'S COLLEGE
AND SEMINARY ACT, 2001**

Consideration of Bill Pr12, An Act respecting Master's College and Seminary (formerly Eastern Pentecostal Bible College).

The Vice-Chair (Mr Garfield Dunlop): Good morning, everyone. I'll call the meeting to order. I'd like to welcome everyone here. We'll begin with Bill Pr12, An Act respecting Master's College and Seminary (formerly Eastern Pentecostal Bible College). The sponsor is Gary Stewart. Gary, if you could come forward with your delegation, please, and the applicant.

Mr R. Gary Stewart (Peterborough): Thank you, Mr Chairman. It is my pleasure to sponsor Bill Pr12, An Act respecting Master's College and Seminary (formerly Eastern Pentecostal Bible College). The college is located in Peterborough. With me is Dr Evon Horton, the president of the college, and Mary Ruth O'Brien, the counsel for the college. So I will turn it over to them to do a presentation.

The Vice-Chair: Please feel free to make a few comments.

Ms Mary Ruth O'Brien: Good morning. The Eastern Pentecostal Bible College Act was first enacted back in the 1980s and has been amended on two occasions since then to meet the needs of the administration and the growing college.

This particular amendment has two primary purposes: the first is to change the name to Master's College and Seminary; the second is to change the makeup of the board of governors and the executive committee. The existing legislation is very particular, naming particular individuals by their positions with various supporting agencies that help out the college. This is really impractical because the supporters of the college change from time to time, as do their methods of selecting their representatives to the board.

Most of our amendments in the past have been to address these changes. Under this new proposed set-up, it will allow the college some flexibility in its bylaws in ensuring that those constituencies that support the college are properly represented. There have been some small

adjustments to some of the administrative powers of the college as well.

Initially, the college had requested the addition of two degrees. We have decided to waive that for now and, if necessary, to obtain these degrees we will go through the procedures required under the Post-secondary Education Choice and Excellence Act, which, if it hasn't been proclaimed now, I understand will be very shortly.

The Vice-Chair: Thank you very much. Gary, did you have any further comments to make?

Mr Stewart: No, I don't think so.

The Vice-Chair: Are there any other interested parties here who would like to make any comments? Would the parliamentary assistant like to make any comments? I'm sorry, yes.

Dr Evon Horton: I just wanted to add to that that the school has been in existence for 61 years. Its primary purpose has been that of training ministers to pastor local churches in our province and other provinces of eastern Canada. I appreciate these changes that will help facilitate our administration and oversight of the school.

The Vice-Chair: Thank you very much, sir.

First of all, I'm going to ask the parliamentary assistant and then the committee members.

Mr Morley Kells (Etobicoke-Lakeshore): Thank you, Chair. Ms O'Brien did explain it very well, but, as you know, the letter from the ministry went to your attention, and there's a penultimate paragraph there which I'm sure you'll be able to comply with, to do with the board of directors, I believe. OK, it's not the board of directors; it's just to do with any proposed degree programs. I think you covered that anyway. So the ministry has no objections.

The Vice-Chair: Mr Hoy, you had a comment or a question?

Mr Pat Hoy (Chatham-Kent Essex): I just had two questions I wanted to ask. Your board of governors shall consist of at least 15 and no more than 25, and the governors would hold office for a term of two years. Is that a change or is that what you've been practising all along?

Ms O'Brien: The number of directors and the term of directors is the same.

The Vice-Chair: Do any other committee members have any questions?

Mr Gilles Bisson (Timmins-James Bay): How many people are enrolled in the college? I'm just curious.

Dr Horton: The head count is between 600 and 900. With some of these changes, we're anticipating it will be over 1,000 for enrolment this fall.

The Vice-Chair: Are the members ready to vote on this? This gets repetitious.

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall section 4 carry? Carried.

Shall section 5 carry? Carried.

Shall section 6 carry? Carried.

Shall section 7 carry? Carried.

Shall section 8 carry? Carried.

Shall section 9 carry? Carried.

Shall section 10 carry? Carried.

Shall section 11 carry? Carried.

Shall section 12 carry? Carried.

Shall section 13 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? Yes?

Thank you very much.

1010

CONRAD GREBEL

UNIVERSITY COLLEGE ACT, 2001

Consideration of Bill Pr18, An Act respecting Conrad Grebel University College.

The Vice-Chair: The second bill on our agenda is Bill Pr18, An Act respecting Conrad Grebel University College. The sponsor is Mr Arnott. Mr Arnott, welcome, and your guest as well. We'd like to turn it over to you at this point.

Mr Ted Arnott (Waterloo-Wellington): Good morning, Mr Chairman, committee members. Thank you very much for entertaining our bill this morning. This is Bill Pr18, An Act respecting Conrad Grebel University College, which I have introduced in the Legislature on behalf of the member for Kitchener-Waterloo, the Minister of the Environment, who, as we all know, as a cabinet minister is unable to introduce private bills.

With me today is Dr John Toews, who is the president of Conrad Grebel College, and he has a brief presentation for you this morning.

Dr John Toews: Thank you. Conrad Grebel College was established with Bill Pr71 on January 7, 1988. It's one of four colleges either affiliated or federated with the University of Waterloo. The bill has not been amended to this date. The purpose of this amendment is primarily to change the name of the college from Conrad Grebel College to Conrad Grebel University College.

The college in fact has become a university, offering two different degree programs. We're trying to address public confusion between universities, colleges and community colleges, or high schools, collegiates. A second-

ary purpose of the change is to add the president to the board of governors. The president at this time is not a member and cannot issue recommendations before the board.

The Vice-Chair: Thank you very much. Are there any other interested parties here that would like to make comments? If not, then may I ask the parliamentary assistant. Do you have any comments?

Mr Kells: Actually, no. I have a copy of a letter from the minister to the president. Obviously, there are no objections.

The Vice-Chair: Are there any questions from any members of the committee?

Are the members ready to vote?

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall section 4 carry? Carried.

Shall section 5 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? OK.

Thank you very much, sir. Thanks, Ted.

CITY OF TORONTO ACT (HERITAGE PROPERTIES), 2001

Consideration of Bill Pr20, An Act respecting the City of Toronto.

The Vice-Chair: The third item on the agenda is Bill Pr20, An Act respecting the City of Toronto. The sponsor is Marilyn Mushinski. Filling in for her today will be Gary Stewart, MPP. Gary, again, if you could.

Mr Stewart: Good morning again, Mr Chairman. It is my pleasure, on behalf of Marilyn Mushinski, MPP, to sponsor the Bill Pr20, An Act respecting the City of Toronto. This private bill will allow the city of Toronto council to delay the demolition of designated heritage buildings until the owner has obtained a building permit for a replacement structure on the property and waited 180 days from the date upon which the owner's application to demolish was refused by council. The owner would also be required to substantially complete the replacement structure within two years of demolishing the heritage building.

With me is Wendy Walberg, Rob Billingsley—and the other gentleman I don't know. My apologies.

Interjection: Wayne Morgan.

Mr Stewart: Oh, sorry. If I'd turned the page, we'd have found Wayne Morgan. Thank you. Welcome.

The Vice-Chair: Feel free to make a few comments.

Ms Wendy Walberg: Good morning. I'm Wendy Walberg from the city of Toronto's legal department. Toronto city council is requesting special legislation that would permit the city to require that any heritage building demolished be replaced within two years of demolition.

Under the Ontario Heritage Act, the owner of a heritage building wishing to demolish the building must seek consent of the municipal council. However, the only consequence of a municipal council refusing an application is that the owner must wait 180 days to demolish the building.

The private bill before you would do two things: it would delay the demolition until a building permit had been issued for a replacement building; and it would also require that the replacement structure be substantially completed within two years of commencement of the demolition itself.

The former cities of Scarborough and Toronto have special legislation which imposes these two requirements. The statute that created the existing city of Toronto preserved the special legislation of the former municipalities within its boundaries. However, the existing special legislation only applies to the geographic area of those former municipalities. Consequently, for heritage demolition applications, Toronto city council now has different powers in different parts of the city. It is that inconsistency which the application before you seeks to remedy.

The special legislation of the former cities of Scarborough and Toronto and the special legislation which the city of Toronto is seeking today are essentially the same. The private bill before you would replace the Toronto and Scarborough acts and would apply equally to all parts of the existing city of Toronto. I am informed that there is similar special legislation in at least 11 other Ontario municipalities.

I have with me today Rob Billingsley, from the city of Toronto's legal services, and Wayne Morgan, from the heritage preservation services division. We'd be pleased to answer any questions you may have about this application.

The Vice-Chair: First of all, I'm going to ask the parliamentary assistant if he has any comments on it.

Mr Kells: Actually, I think it has been explained rather well. The ministry's comments are basically that our own amendments to the Ontario Heritage Act are pending and that we anticipate that the new legislation will afford greater protection to heritage resources than either the current act or a private community's specific legislation, such as this. Having said that, they have no objection to the municipality enhancing its powers under the Ontario Heritage Act to control the demolition of designated heritage properties. Again, they also say that it helps because it ties up the loose ends because of the new city of Toronto's amalgamation. So there certainly is no objection from this end.

The Vice-Chair: Do committee members have any questions or comments? Seeing none, is the committee ready to vote? OK.

Bill Pr20, An Act respecting the City of Toronto:

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall section 4 carry? Carried.

Shall section 5 carry? Carried.

Shall section 6 carry? Carried.

Shall section 7 carry? Carried.

Shall section 8 carry? Carried.

Shall section 9 carry? Carried.

Shall section 10 carry? Carried.

Shall section 11 carry? Carried.

Shall section 12 carry? Carried.

Shall section 13 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 was good to have you here today.

1020

THE BOYS' HOME ACT, 2001

Consideration of Bill Pr13, An Act respecting The Boys' Home.

The Vice-Chair: Our next item is Bill Pr13, An Act respecting The Boys' Home. Ms Churley is not here, so Mr Bisson will be the sponsor.

Mr Bisson: Thank you very much, Mr Chair and members of the committee. As you know, Marilyn was not able to be here this morning. She's at the Walkerton inquiry and has asked me to step in in her stead. I'd like to introduce Mr Carter, who is going to explain this particular act, The Boys' Home Act, and their need to amend a few parts of the act. I'll leave him to explain all that, and I'll move the amendments after.

The Vice-Chair: There are a number of amendments to make on this. It's a little complicated, so we'll work our way through it.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): This is almost like re-introducing the bill, there are so many amendments.

The Vice-Chair: Well, we've read the amendments. We'll do it now. Please carry on.

Mr Terrance Carter: Good morning, Mr Chair and members of the committee. My name is Terrance Carter. I'm pleased to be with you. My clients were to be here, but I think there may have been a communication problem on my part, so please don't read anything into it. They wanted to be here, but I think it's better to go ahead instead of keeping you waiting any further.

I want to give a brief explanation of the purpose of the legislation and then explain what the amendments are. The amendments arise out of discussions with the public guardian and trustee's office, and they've been very helpful in the process, as has Laura Hopkins, counsel for the legislative committee.

The Boys' Home is a very old organization. It's the oldest provider of services for youth in Ontario. It goes back 142 years. It was originally incorporated by the provincial Parliament back in 1861. In 1913, it was amended. The legislation they operate under now is legislation going back to 1963. They run a number of

residential programs, correctional facilities and detention programs, and they get most of their funding from the province of Ontario. It's one of the larger social service providers within the city of Toronto.

Last year, they were looking at undertaking some programs with the province of Ontario. We had an opportunity to review their objects and pointed out to them that, given the passage of time since 1963, it would probably be a good idea to revise and clarify some of the objects. That's important because The Boys' Home is a registered charity with Revenue Canada. Therefore, the members of the board of directors are volunteers, and they want to make sure they're working within the context of their corporate objects. As we went through them, we found that there were some other provisions in the 1963 legislation that we could revise and improve on, dealing with power clauses and so forth.

What I want to do is highlight some of the provisions of Bill Pr13, as well as the amendments, to clarify matters for you. First, the name of the organization originally was going to stay as The Boys' Home. The suggestion from the public guardian and trustee's office was that since provision of services would be offered to females as well, it might be misleading to leave it just as The Boys' Home. We accepted that recommendation, and the board of directors of The Boys' Home approved on Monday night a change of the name of the corporation to The Boys' Home for Youth. The definition of "youth," as you'll see in the legislation, is fairly broad and includes individuals, which obviously includes both males and females. That's one of the amendments that is before you.

The second purpose of the legislation is to clarify the objects. What we've done is a clarification of the services and a clarification of who benefits from them. A clarification of the services allows us to provide services for correctional and detention services, and there has been an amendment which, at the request of the public guardian and trustee, makes it clear that it's charitable. It says "for rehabilitation purposes," and that helps to clarify that matter. The second purpose of the objects being clarified is to expand the age of youth up to 24 and also to include females.

One of the provisions within the legislation is a deeming provision which states that the objects are clarified as being in place at different periods of time. This was reviewed very carefully by the public guardian and trustee's office, and we went through an extensive explanation to them of the purpose for it.

What I'll just explain to you is that the provision of services to females, which goes back to 1999, arises out of the fact that the organization provides anger management services to boys, and therefore it goes into schools. When it goes into schools, you can't very well exclude females within the provision of services. So there has been a small provision of services for females since 1999.

In addition, there has been provision of correctional and detention services since 1989. That's really an

extension of their current objects that were in place in 1963. In addition, there is provision for family services and counselling, which goes back to 1989.

These provisions help to make sure that the board of directors of this volunteer organization will not face sort of the Catch-22 of having clarity being brought to their objects but someone's saying, "Aha, well, you didn't have the authority to do things that you did in the past."

The last deeming provision deals with the definition of age. As you'll see in the legislation, "youth" is deemed to include services for individuals up to 24. That's because the government programs that the organization administers go up to the age of 24. As a result, in providing those services, we have to have the corporate authority for it. That goes back to 1984. It's under a program that the government called the Futures program. We reviewed this with the public guardian and trustee's office. They were satisfied that there was no detrimental interest that would be effected. They thoroughly reviewed the matter and indicated that they're satisfied with the deeming provisions.

A couple of the other provisions, which are a bit more technical but to explain them to you: on the investment powers, when you deal with a charity there has been some debate of whether there have been broad investment powers, and we had attempted through the legislation to clarify that matter. The public guardian and trustee's office, through recent changes that have taken place this month to the Trustee Act, have now recommended that we simply work with the Trustee Act investment powers, and our client is agreeable to that.

There is a clarification the public guardian and trustee's office wanted about the Charitable Gifts Act, and we've agreed to that. That is one of the amendments that is before you.

Then, finally, about the dissolution clause, the public guardian and trustee recommended that if there were any special purpose funds that were in place at the time of dissolution of the organization they be set aside and transferred over to another charity instead of being subject to seizure by creditors at that point. We agreed with them, thought it was a good idea, and have incorporated that into the amendments.

Mr Chair and members of the committee, that's a very brief summary of the legislation and the amendments to it, and I'd be happy to answer any further questions that you may have.

The Vice-Chair: OK, to the parliamentary assistant, first of all, do you have any comments?

Mr Kells: Actually, I chatted with legislative counsel and they assure me that the amendments and the changes suggested by the Ministry of the Attorney General have been acted upon. So from our point of view there's no objection.

The Vice-Chair: Do any of the committee members have any questions?

Mrs Claudette Boyer (Ottawa-Vanier): I just wanted to be sure: what is going to be the title now of the house? What is the house going to be really called?

Mr Carter: It's going to be The Boys' Home for Youth.

Mrs Boyer: The Boys' Home for Youth, OK.

Mr Gill: I have no objection or anything. I'm just thinking out loud. If you were going to change the name anyway, and you do have a male and female population, why would you call it The Boys' Home for Youth? This was sort of a kick at the can, and you could have done it politically correctly, if you wanted to call it that.

Mr Carter: That's a very fair question. There's a lot of heritage, a lot of history involved with the name. It's become an institution that goes beyond the suggestion of gender by the name The Boys' Home. It's similar to the YMCA, Young Men's Christian Association. Our client very much wanted to keep "The Boys' Home" because there are organizations, there are donors, who have given to it over the years, and they didn't want to lose that. At the same time, they wanted to bring some clarity and so they added "for Youth" at the end, which is a defined term. So it's a fair question, but we do want to keep the heritage if at all possible.

Mr Gill: One of the questions that comes up, you know, near your last sentence, you said, "If it ever closes and you have some funds left, then those funds should go to another charity rather than going back to the creditors." My concern is that if you owe money to the creditors and you have money in the bank and your association or home is closing, shouldn't those monies automatically be going to the creditors?

Mr Carter: Yes, and that's correct. The general assets of the organization would be available for creditors. What we're dealing with is special-purpose trust funds, where a donor gives the monies for a particular purpose, and what the public guardian and trustee recommended is that, almost like a charity within a charity, those monies should be protected and the intent of the donor in giving those monies should be protected by having them transferred over to another organization. We thought that was a good idea.

1030

The Vice-Chair: Any other questions? Are the members ready to vote?

Mr Bisson: On a point of order, Mr Chair: To make sure we do this clearly, we should be asking if there are any interested deputants.

The Vice-Chair: Thank you very much, Mr Bisson. Are there any other interested parties who would like to comment on this bill?

Seeing none, are the members ready to vote?

Mr Bisson: There are some amendments that I need to move before we do the vote.

The Vice-Chair: There are a number of them, yes.

Mr Bisson: If you want, I'll go through those now.

The Vice-Chair: Mr Gill, do you have the bill?

Mr Gill: Sure.

Mr Bisson: I move that subsection 1(1) of the bill be amended by striking out "under the name 'The Boys' Home'" at the end and substituting "under the name 'The Boys' Home for Youth'".

The Vice-Chair: You've heard that motion. Any comments on it?

All in favour? Carried.

Shall section 1, as amended, carry? Carried.

Mr Bisson: I move that subparagraph 1(ii) of subsection 2(1) of the bill be amended by inserting "for rehabilitation purposes" after "correctional facilities".

The Vice-Chair: Are there any questions on it? All in favour of the amendment? Carried.

Shall section 2, as amended, carry? Carried.

Mr Bisson: I move that paragraph 8 of subsection 3(2) of the bill be amended by adding at the beginning "Subject to the Charitable Gifts Act".

The Vice-Chair: Are there any questions on it?

All in favour of the amendment? Carried.

Mr Bisson: I move that section 3 of the bill be amended by adding the following subsection:

"Investment of trust funds

"(3) The Trustee Act governs the investment of trust funds by the home."

The Vice-Chair: Are there any comments on it?

All in favour of that amendment? Carried.

Shall section 3, as amended, carry? Carried.

Shall section 4 carry? Carried.

Shall section 5 carry? Carried.

Shall section 6 carry? Carried.

Shall section 7 carry? Carried.

On section 8, you are going to move that?

Mr Bisson: Yes, we can either move to strike or we can vote against it. Would voting against it be the easiest?

The Vice-Chair: On an amendment it's out of order to—

Mr Bisson: I was just going to vote against it. It just seemed to me a lot easier to do it that way. Just call the vote on section 8 and we'll vote against section 8 of the bill.

The Vice-Chair: Shall section 8 carry?

Mr Bisson: No.

The Vice-Chair: No. Thank you very much, Gilles. I found this very confusing too, by the way.

Section 9.

Mr Bisson: I move that section 9 of the bill be amended by adding the following subsection:

"Same

"(2) Upon the dissolution of the home, any special or restricted purpose trust funds held by the home shall be transferred to a new trustee appointed by the directors of the home, to be applied in accordance with the terms of the applicable trust."

The Vice-Chair: Are there any questions? All in favour of the amendment? Agreed.

Shall section 9, as amended, carry? Carried.

Shall section 10 carry? Carried.

Shall section 11 carry? Carried.

Mr Bisson: I move that section 12 of the bill be struck out and the following substituted:

"Short title

“12. The short title of this act is The Boys’ Home for Youth Act, 2001.”

The Vice-Chair: Are there any questions?

All in favour of the amendment? Carried.

Shall section 12, as amended, carry?

Mr Bisson: I just have one other amendment on the preamble to the bill.

I move that the preamble to the bill be amended by striking out “Statutes of Ontario, 1963” and substituting “Statutes of Ontario, 1962-63”.

The Vice-Chair: Are there any questions? All in favour? Carried.

Shall the preamble, as amended, 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.

The committee adjourned at 1036.

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