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of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Tuesday 23 October 2001

Mardi 23 octobre 2001

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
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Greffier
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LEGISLATIVE ASSEMBLY
OF ONTARIO

Tuesday 23 October 2001

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Mardi 23 octobre 2001

The House met at 1845.

ORDERS OF THE DAY

BROWNFIELDS STATUTE LAW
AMENDMENT ACT, 2001
LOI DE 2001 MODIFIANT DES LOIS
EN CE QUI CONCERNE
LES FRICHES CONTAMINÉES

Mr Hodgson moved third reading of the following bill:

Bill 56, An Act to encourage the revitalization of contaminated land and to make other amendments relating to environmental matters / Projet de loi 56, Loi visant à encourager la revitalisation des terrains contaminés et apportant d'autres modifications se rapportant à des questions environnementales.

Hon Chris Hodgson (Minister of Municipal Affairs and Housing): I'll be sharing my time with the member from Etobicoke-Lakeshore and the member from Parry Sound-Muskoka.

It is my great pleasure to rise today to speak to an important piece of legislation that will help to foster clean, healthy and dynamic communities in this province by encouraging the environmental cleanup and revitalization of lands known as brownfields.

The Brownfields Statute Law Amendment Act, 2001, is a key element in this government's encompassing commitment to reasoned, thoughtful growth and development in the province of Ontario. This proposed legislation is a kick-start for the environmental cleanup and renewal of brownfields, former industrial or commercial sites that can be found in virtually every community throughout Ontario.

I know that many members of this House share this government's conviction that the revitalization of the province's brownfields is vital to the future development of our communities.

The time is right to move forward on this legislation. We have consulted extensively with stakeholders throughout Ontario—more than 50 submissions from municipalities, financial institutions and key players in the development industry—and we have amended our originally proposed legislation to reflect much of that ongoing input.

As honourable members are aware, brownfields are usually located in an urban core, close to municipal

services and transportation links. As such, brownfields sites represent an enormous untapped resource. Facilitating their development encourages efficient and effective use of existing municipal infrastructure, services and resources.

Brownfields exist in many communities throughout Ontario, often on lands that previously housed chemical plants, dry-cleaning stores, gas stations, railway yards or factories. These properties are usually located close to existing urban services and community transportation. Because of that, brownfields offer tremendous environmental, economic, social and fiscal benefits to communities that choose to redevelop them.

As they are cleaned and redeveloped, and as people once again choose to live and work and re-energize the area, there can be enormous economic and social gains to the whole community. Cleaning up and redeveloping brownfields can also offer help to preserve our vital green spaces and farmlands for all the people of this province.

I believe that the most exciting aspect of cleaning up these contaminated lands is not just that it will benefit communities today but that it will be of enormous benefit for generations to come. By bringing these old industrial and commercial sites back to life, communities have a unique opportunity to improve their quality of life, to protect the environment, to attract new business, new developments and jobs.

We have done our homework and we have taken the time we needed to ensure that we are striking the right balance with this legislation. We have heard from experts throughout Ontario during extensive consultations over a two-year period. We've also received advice from a panel of brownfields experts and we have continued to welcome comments and advice as this bill proceeds.

1850

The brownfields advisory panel chair, Blake Hutcheson, president of CB Richard Ellis in Canada, says this legislation supports the recommendations of the panel. If I may quote Blake, he says, "We believe this legislation will be good for Ontario, as it is both well thought out and balanced."

In subsequent consultations, we heard from a wide variety of stakeholders like Luciano Piccioni, the city of Hamilton's brownfields coordinator, who said, "Innovation is the key to brownfields. Municipalities need to be more proactive and be prepared to take some risks in order to get properties cleaned up and redeveloped. This legislation will allow municipalities to take these risks with greater peace of mind."

He noted that the two-year municipal grace period of liability protection when a tax sale fails is not enough to secure the site, do an environmental assessment, undertake the cleanup or not, issue and administer a request for proposal, choose a developer and negotiate an agreement. We listened to that concern and we responded. We have increased the liability protection from two to five years for lenders as well as for municipalities.

A submission from the Canadian Bankers Association noted that lenders are pleased that "explicit recognition has been given to the unique positions of secured creditors, receivers and trustees." That recognition is essential to the success of any brownfields project, and we will continue to work with the CBA as we continue to develop regulations in support of Bill 56.

And finally, a colourful endorsement from Mitchell Fasken, president of Jannock Properties and chair of the Urban Development Institute's contaminated land subcommittee, who says, "Bill 56 is a great piece of legislation that will kick-start brownfield redevelopment in Ontario. Fear of environmental liability is the 'dog that bites' when it comes to brownfields redevelopment. This legislation goes a long way toward muzzling that dog."

It's encouraging to hear these endorsements. I believe it demonstrates that we're on the right track, it demonstrates that we're willing to listen and it demonstrates that we respond to legitimate concerns by those who will be most involved in implementing this legislation across Ontario.

Today we have an opportunity to move ahead with progressive, forward-thinking legislation that will benefit all Ontario communities. The Brownfields Statute Law Amendment Act, 2001, if passed, will assist brownfields redevelopment in several key areas:

First, this legislation would set out clear rules for the cleanup of contaminated brownfield sites to ensure that environmental standards are met and public health protected.

It would also provide liability protection from future environmental orders for municipalities, lenders, owners and developers involved with brownfield properties.

Finally, it would streamline planning processes to expedite brownfield projects, and help municipalities provide financial support for cleanup costs.

Cleaning up brownfields improves our soil and water quality and protects human health. By encouraging redevelopment of brownfields, the legislation fosters clean, healthy, dynamic neighbourhoods and communities that all Ontarians want and deserve.

Brownfield redevelopment supports more efficient use of existing infrastructure and services like sewers and public transportation, relieving pressure to expand on farmland or greenfield sites. However, the tremendous benefits that brownfields offer are not being realized today, because it can be difficult to clean up and redevelop these sites under the current legislative framework. The proposed legislation and subsequent regulations will set out an environmentally responsible approach for cleaning up brownfields, while maintaining the Ministry

of the Environment's powers to issue orders to address an environmental emergency.

The Brownfields Statute Law Amendment Act, 2001, provides clarity and certainty for those involved in brownfields redevelopment: municipalities, developers and secured creditors. It addresses a number of specific issues now faced by those who would bring new life to these lands. For example, the act provides clear rules for cleanup through mandatory site assessment and cleanup, if required, of industrial and commercial sites being redeveloped into sensitive land uses such as residential and parkland; giving standards for contaminant levels in soil and groundwater the force of law; and prescribing how site assessment is to be carried out.

Clear rules for environmental liability by providing protection from future environmental orders: for example, for municipalities when taking action for the purposes of tax sales or actions related to other municipal responsibilities; secured creditors when taking action to protect interest in a property; persons conducting environmental investigations; and owners who follow the prescribed site assessment and cleanup process, including using a certified site cleanup professional and mandatory reporting to the public site registry, and who can certify that the property meets the contaminant standards for the proposed land use.

Ensuring quality cleanup and accountability: through sign-off by qualified persons, mandatory certification of site assessment professionals, and mandatory reporting of site assessment and cleanup to a public registry.

The proposed legislative changes do not in any way alter the Ministry of the Environment's powers to issue orders to address significant environmental contamination or to take strong action against polluters.

There may be some who question the need for this legislation. After all, brownfield redevelopment is already occurring in many municipalities in Ontario today, and my ministry is front and centre in highlighting these pioneering efforts through the ministry's brownfields showcase. But at present the process can be complex, difficult and very frustrating.

I believe that we are missing many incredible opportunities to develop our urban centres; without this legislation, we will undoubtedly miss countless more opportunities. Developers, municipalities and investors have all let us know their concerns with the process as it stands today. They have told us that the need for reform in the legislation is absolutely critical if we are going to make environmental and economic progress with these sites.

The Brownfields Statute Law Amendment Act, 2001, is designed to remove the key obstacles to cleaning up and recycling these valuable resources. It will help us foster the clean, vibrant, dynamic neighbourhoods that communities right across Ontario want.

It will help us curb urban sprawl and preserve our green spaces and farmland. It will help communities make more efficient use of existing infrastructure—like roads, sewers and schools—so that they don't have to

extend expensive new services into new areas. And it will help communities improve their quality of life, be more competitive and attract new businesses and jobs. In essence, it will help communities grow more wisely and efficiently.

The proposed legislation is good for the environment and it is good for human health. It allows for well-managed growth and it encourages local economic development and revitalizes our communities.

If enacted, this proposed brownfields legislation will form an important part of the government's overall Smart Growth initiative. As members know, Ontario's Smart Growth vision is about managing our continued economic growth in a way that makes sure we have a healthy environment and a good quality of life. It's about giving people choices, no matter where they live in Ontario. And it's about ensuring we have the infrastructure to allow for those choices.

Smart Growth is also about encouraging sound community development. Cleaning up and reusing brownfields will help us create the conditions for continued growth that benefits our environment, our economy and our communities.

Smart Growth is a government priority. It is our government's strategy for promoting and managing growth in ways that build a strong economy, strong communities and a healthy, clean environment. Making Smart Growth work will require collaborating and forming partnerships, integrating decisions on development, infrastructure and the environment, and making certain those decisions are fiscally sound.

Growth is essential. It generates jobs and improves our quality of life. It contributes to the sustainability of our health care system and our social safety net.

The government has just completed a round of broad consultations with the public and key stakeholders. We are very pleased with some of the innovative ideas that have been generated to support a successful made-in-Ontario Smart Growth strategy.

One theme in particular that emerged from the consultations is that Smart Growth must deal with the very different realities and growth challenges facing different parts of the province. Participants told us, loud and clear, that a one-size-fits-all solution will not do in Ontario.

I recently released a document called Listening to Ontario, which sums up what we heard in this round of consultations. It's an important step forward in the development of our Smart Growth strategy for Ontario. I think it's important to note that during our consultations, we heard many fine examples of Smart Growth in action. In fact, we heard that in many communities throughout Ontario, Smart Growth is already underway, offering local solutions to local challenges.

Perhaps the most encouraging indicator from the consultations was the willingness of community leaders across Ontario to work together with the provincial and federal governments to realize many of the goals and opportunities that will be made possible by a made-in-Ontario Smart Growth strategy.

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I'm very pleased to report that the results of the consultations thus far have been very encouraging. The issues and ideas that have been raised clearly demonstrate a growing and strong commitment to encouraging the principles of Smart Growth. Brownfields redevelopment has been a cornerstone of those ideas.

We will take those views and incorporate them as a key component of our Smart Growth action plan. Ultimately, the issues and the ideas raised through consultation processes will help build a sound future for Ontario, and I am certain that many of the innovative ideas and approaches we have heard will help to shape our province in the decades to come.

It is for this reason that I encourage all members of this Legislature to join in ensuring that we make the very best use of the lands we have available to us right now; that we use the resources we have at hand in a responsible, efficient way; that we initiate a legacy of environmental responsibility in our communities that will not only benefit our children and our children's children but will kick-start an era of sound community planning and development that will become a standard for strong, vibrant communities throughout this province.

The time for this legislation is now. I encourage all members to support making our province a better place to live.

Mr Morley Kells (Etobicoke-Lakeshore): I am pleased to rise in the House this evening to support this important piece of legislation.

As honourable members will know, this government's comprehensive brownfields strategy is designed to provide a practical and environmentally sound approach to brownfield redevelopment that will help us build cleaner, healthier communities.

This is a reasoned, well-thought-out strategy that meets the needs of municipalities, which can now plan with more certainty the development of little-used or contaminated lands in their communities. This is a strategy that will meet the needs of those who will be involved in the future development of these lands: the bankers, the developers and those who occupy those developed brownfield properties in the future.

The ministry's brownfields initiatives are already garnering positive attention and accolades. For the ministry's brownfields showcase and municipal financial tools program, we were awarded special recognition and a showcasing at the 2000 international brownfields conference in Atlantic City. In addition, an internal ministry Reach award recognized our work in the partnerships/community builder category.

The Ontario Professional Planners Institute presented the ministry with a central district award for outstanding planning, as well as their provincial award for professional merit in the category of New Directions. This kind of sounds like an Oscar awards program, but nevertheless we won those awards.

And finally, the ministry recently received the 2001 Canadian Urban Institute Brownie Award for leadership

in policy development for Ontario's Brownfields Statute Law Amendment Act, 2001.

Obviously, those in the know believe that we're on the right track.

This is an important piece of legislation from many viewpoints, but I believe the most important contribution this legislation makes to the future well-being and economic viability of Ontario communities is through its direct relationship to the province's Smart Growth strategy.

This proposed legislation complements our government's Smart Growth strategy by linking economic growth to existing infrastructure in a way that makes sure we have a healthy environment and a good quality of life.

Brownfields are situated in just about every community in this province on which industrial or commercial activity took place in the past. For the most part, they are currently abandoned or underused. In some cases these properties may be contaminated, but in many instances there is little or no contamination. I can attest to this because in my riding of Etobicoke-Lakeshore we have an old industrial area known as the town of New Toronto. A good part of it was industrial and we have many spots that now do not have those manufacturing jobs that we used to have, and for many years I've been concerned. I've called them brown holes—areas that just nothing is happening in—and this legislation is going to go a long way to either making them new in the sense of commercial or industrial use, or even for residential use.

Most often, these properties are located, as I said, in prime inner-community locations where infrastructure and other urban services already exist. By making brownfield redevelopment easier, the proposed legislation will enable communities to improve their quality of life, be more competitive and attract new businesses and jobs. I have only to look to several examples in the communities in and around my own constituency. As I said, I'm in Etobicoke-Lakeshore, the west end of Toronto; we're now moving into the south end of Mississauga, which is similar in many ways to the demographics in my area. For example, Brickyard Park in Mississauga is precisely the type of brownfields redevelopment project we had in mind when we began to develop brownfields legislation.

Since the early 1900s, the Cooksville Quarry lands were used as a licensed quarry and for the manufacturing of building products. From 1981 to 1986, the site was also used for the disposal of coal fly ash from the Lakeview generating station. I don't necessarily want to give away my age, but I do recall very vividly that in the 1940s German prisoners of war actually worked in that quarry. The site is now home to a residential subdivision, retail services, a school site and the 10½-hectare Brickyard Park, providing a diversity of new housing stock, commercial and recreational amenities in a mature community. This site has also sparked interest in developing the industrial area to the west. Brickyard Park is a fine example of brownfields redevelopment in action.

Another example, the Port Credit Village development, is located on the site of the former St Lawrence

Starch plant, which again many of us my age would recall as the makers of Beehive corn syrup. This area on Lakeshore Road at the foot of Hurontario Street is a multiphase waterfront development program that replaces an obsolete industrial operation with a mix of mid-rise apartments, townhouses and street-related live-work residences. It also has heritage preservation and public waterfront parkland, enabling greater access to the Lake Ontario waterfront. Again, on a personal note, I can attest to the fact that many of my generation are selling their single-family dwellings and moving into that development.

In old Port Credit, Mentor College is a primary elementary school building located across from the CP Rail line. This former industrial building was converted to house classrooms for junior kindergarten to grade 4 students. This reuse has enabled them to expand the abutting school while providing greater land use compatibility with the nearby residential community.

It makes good sense to develop these lands. Cleaning up and reusing brownfields benefits our environment, our economy and our communities. Because of their proximity to community services and water and sewage lines, the development of these properties can inject a much-needed community stimulus that can bring people back to the community core, attract tourism, and transform ugly, unattractive properties into sought-after downtown living spaces.

I am extremely proud of the fact that this government was the first in Canada to introduce a process and set of environmental standards for brownfield site cleanup in Ontario. As the minister and I know, at the committee level, I was very pleased to see that all parties, to different degrees, supported the legislation; and indeed it was supported in depth because of areas like Brantford, Ontario, where they are facing many of the same problems.

This brownfields legislation and the accompanying regulations would give these standards the force of law that is absolutely necessary for redevelopment. In addition, this legislation sets out a process for cleaning up brownfields. This proposed legislation allows the cleanup of brownfields in ways that uphold strong environmental standards and maintain the Ministry of the Environment's ability to address significant contamination. The environmental benefits of cleaning up brownfields sites are clear. Revitalizing these properties improves our soil and water quality and protects human health.

The proposed legislation would remove key obstacles to cleaning up and recycling brownfields by making it easier to take advantage of brownfield opportunities. This legislation again will make more efficient use of existing infrastructure and preserve our parks and farmland. Redeveloping brownfields will also help us meet the needs of our growing economy while protecting our natural and heritage landscapes.

I urge all members to join with us in supporting this important and timely legislation, and I think that's happening. By promoting brownfields redevelopment, we can ensure that our communities remain strong and vibrant and environmentally sound.

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Mr Norm Miller (Parry Sound-Muskoka): It's my pleasure to be here this evening in the Legislature to say a few words on the Brownfields Statute Law Amendment Act, 2001. This act is a very important piece of legislation, because it will encourage the cleanup and revitalization of abandoned or contaminated lands. Redeveloping these brownfields encourages smarter patterns of growth: it cleans up contaminated lands, makes more efficient use of existing infrastructure, like roads, sewers and schools, and provides an alternative to development of greenfields and farmland. Certainly that's—

Mr Peter Kormos (Niagara Centre): On a point of order, Mr Speaker: Quorum call, please.

The Deputy Speaker (Mr Michael A. Brown): Is there a quorum present?

Clerk Assistant (Ms Deborah Deller): Quorum is not present, Speaker.

The Deputy Speaker ordered the bells rung.

Clerk Assistant: Quorum is now present, Speaker.

The Deputy Speaker: The member for Parry Sound-Muskoka.

Mr Miller: The point I was just making was that developing brownfields stops urban sprawl to a certain extent and encourages the development of brownfields instead of greenfields and farmland. I certainly think that's a very worthwhile goal.

The proposed legislation is the result of two years of consultations and discussion. Last September our government announced the appointment of an advisory panel to provide expert advice on the environmental cleanup and rejuvenation of old industrial and commercial sites known as brownfields. In fact, the chairman of that committee was a resident of Parry Sound-Muskoka, that being Blake Hutcheson from the town of Huntsville in my riding. That advisory panel emphasized the government's commitment to building cleaner, more prosperous communities for future generations. The result of this consultation process is the Brownfields Statute Law Amendment Act.

In addition to incorporating recommendations from the advisory panel, it also addresses the key challenges to brownfields cleanup and redevelopment; that is, environmental liability, planning processes and financing. The proposed legislation is definitely great news for Ontario communities, and I can certainly tell you that the people of Parry Sound-Muskoka are in support of such legislation. It is great news for communities in Parry Sound-Muskoka because it will reduce many of the prime barriers to brownfields redevelopment. In particular, it will provide a degree of certainty over environmental liability.

In my hometown riding of Parry Sound-Muskoka there are some areas that can be classified as brownfields. In fact, I think I'm safe in saying that across Ontario most communities do contain such areas. Certainly in the Parry Sound-Muskoka area originally the town of Bracebridge was at one point the largest centre for the production of leather in the British empire—I'm sure a lot of

the members here are not aware of that important fact—but back at the turn of the century when that industry was booming they didn't have the same environmental concerns that we have today and the same environmental laws. Arsenic was used in the process of tanning leather. As a result, there would be some brownfield sites in communities in Parry Sound-Muskoka, at some of the former tannery locations. At that time, part of the reason they were located in Parry Sound-Muskoka was the abundance of hemlock trees in the area. The hemlock bark was used in the tanning process.

These brownfield areas can be particularly problematic from time to time, given their contamination and abandonment. However, despite the tremendous benefits to be gained from developing brownfields, financial institutions and developers are often reluctant to invest in these sites. Their caution stems from concerns over potential liability for future environmental problems and for the financial implications of this liability. The liability factor is one of the largest barriers in the redevelopment of brownfields. I can understand the apprehension and lack of interest shown in these areas, given the problems these lands may in fact represent for our future. It is a shame that these sites have become such underused economic losses and liabilities to our communities.

The proposed legislation sets out clear rules for limiting future environmental liability, complemented by checks and balances to ensure that environmental standards are met and that the people of Ontario are protected. In addition, the proposed brownfields strategy provides a practical and environmentally sound approach to brownfields redevelopment that will help us build cleaner, healthier communities. The legislation will also permit landowners and municipalities to make the right decisions in order to make better use of these currently underused lands in our communities.

It is important for members of this House to note that the proposed changes in the act do not alter the Ministry of the Environment's powers to issue orders to address environmental emergencies or to take strong action against polluters. The ministry will continue to audit site cleanups. Specifically, the legislation would require mandatory environmental site assessment and cleanup, if it is required, and the setting of standards where there is a land use change from industrial/commercial to residential/parkland or other land use changes prescribed by regulations. It would enable regulations to provide clear rules for site assessment, cleanup and standards for contaminants based on the proposed land use. For example, current cleanup criteria will become regulated standards. This legislation would also require the acceptance of a site-specific risk assessment by the Ministry of the Environment and allow for conditions to be placed on the use of a property.

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The brownfields legislation would establish clear rules for environmental liability. It would provide liability protection from future environmental orders from municipalities if taking actions for the purpose of a tax sale or

actions related to other municipal responsibilities. It would provide liability protection from future environmental orders for secured creditors, while protecting interest in a property. It would also provide protection from environmental orders for any person conducting an environmental investigation while acquiring interest in a property. It would also provide a liability protection from future environmental orders for owners who follow the prescribed site assessment and cleanup process. This includes filing a record of site condition to that site registry and using a certified site cleanup professional. This legislation would maintain the ministry's power to issue an environmental order in response to an environmental emergency. It introduces a number of quality assurance measurements, which include sign-off by certified professionals, mandatory reporting to a site registry and an auditing process to ensure compliance with the legislation and regulations.

I can safely say that I feel confident that this legislation goes a long way to establish clear and strict rules for environmental liability and the essential cleanup of brownfield sites.

Brownfields redevelopment is definitely a hot topic in Canada these days. In cleaning up these contaminated and unused lands, it would benefit local communities greatly as well as benefiting many of us for generations to come. In redeveloping these industrial and commercial sites, communities will be able to improve their quality of life and protect the environment, attract new business and new development, and create jobs.

As I said before, the cleanup and redevelopment of brownfield sites can offer significant environmental, economic, social and fiscal benefits.

Environmentally, the cleanup of brownfield sites will improve our soil and water quality and protect human health. Redeveloping brownfields allows communities to make more efficient use of existing infrastructure before expanding on farmland or greenfield sites. I think of Parry Sound, which has a prime waterfront location. I believe it was used in the petroleum business at one point in the past and is right on the water in the downtown area, with town water and town sewer located there. So certainly it's a prime location and will hopefully benefit from this legislation and encourage the redevelopment of that site to be enjoyed by the people of Parry Sound-Muskoka and visitors to the area.

In our local neighbourhoods, brownfields encourage community building and revitalization of our underused areas. Communities are able to come together in the redevelopment of these sites in order to benefit as a whole. Certainly that site in Parry Sound is a prime example.

Fiscally, brownfield sites that are left vacant or that are perhaps contaminated generally have low assessment and therefore low taxes. The taxes may even be in arrears, which means lost revenue for municipalities and other stakeholders. So it's obviously in the interests of the municipality to take land that may be abandoned, may be a hazard, and see it developed so it's no longer a hazard, no longer an eyesore, gets back into use; and

eventually they will receive property taxes from that redeveloped brownfield location.

In the US an entire industry is emerging comprised of lawyers, decontamination and insurance specialists, financing packagers and even brownfields trade fairs where individuals and municipalities are showcasing their brownfield sites to potential developers.

In the city of Hamilton, brownfields redevelopment is alive and very active. The city of Hamilton has a large, older industrial area that contains several abandoned, idle or underutilized properties where expansion or redevelopment is complicated because of the real or perceived environmental contamination, building deterioration or inadequate infrastructure.

The city has taken a proactive approach on brownfields, establishing an efficient, standardized process for dealing with site contamination through the planning process.

The city has also developed a comprehensive plan to promote the redevelopment and reuse of brownfield properties. This plan, known as environmental remediation and site enhancement, or ERASE, contains innovative financial incentives and market programs designed to spur brownfield development.

Because of these and other initiatives, the city of Hamilton is recognized in Canada as being a leader when it comes to facilitating and promoting brownfields redevelopment and investment.

I'd like to just briefly comment on one project in the city of Hamilton. The historic CN station on James Street North was given a new lease on life with the help of the Labourers' International Union of North America, LIUNA, and the city of Hamilton. The union completed the conversion of the CN station and officially opened the LIUNA Station banquet centre and office space in the spring of 2000. Now the organization, in co-operation with the city of Hamilton, is constructing a \$10-million, three-storey nursing home with 120 long-term-care beds on a former brownfield site on Queen Street North. It is certainly great to see these brownfield sites coming back into productive use.

I think it is important to note that many municipalities in Ontario are already working hard to develop similar projects in their own communities.

This bill will definitely go a long way in helping mayors and reeves in my riding redevelop the brownfields in our communities.

The proposed bill will include community improvement provisions of the Planning Act that will allow municipalities the greater flexibility to provide for a broad range of community improvement activities, including brownfield remediation and redevelopment. That is, if a municipality has community improvement policies and designated areas for community improvement in its official plan, it may issue grants or loans to encourage rehabilitation of lands and buildings in the community improvement area, including the remediation and redevelopment of brownfield sites.

It is a reality that unfortunately brownfield projects usually don't get off the ground because of the high costs

of cleaning up the sites. But the proposed legislation would encourage owners of brownfield sites to undertake site cleanup by providing them with property tax relief to assist in remediating their brownfield properties.

The rewards of cleaning up and revitalizing brownfield sites are tremendous for the municipality, for the developer and for communities as a whole. First of all, it's good for the environment; for our municipalities it means increased property tax revenue; for the developer it means opportunity; and, most important, it means jobs for our communities.

My riding of Parry Sound-Muskoka, although generally pristine, does contain some brownfields. I believe that the redevelopment of these brownfields is crucial to our communities' futures and the growth that would come with these opportunities.

With this legislation we will undoubtedly see more. Bill 56 is now at its third reading. This summer there was a lot of public input, with many different groups making suggestions for this bill. I went with the general government committee as we travelled to Brantford and toured some specific brownfield locations where the town is cleaning them up. Since that public input, there has been clause-by-clause examination of the bill and many amendments to the bill have been adopted.

The Brownfields Statute Law Amendment Act, 2001, is vital to the future development of brownfields in Ontario and a key element in the work being done in communities all over Ontario to re-energize and revitalize urban cores.

1930

In speaking with local councillors and community members in Parry Sound-Muskoka, they expressed their support for this bill, and I am sure many other communities across the province would agree.

As a leader in the Smart Growth initiative for our government, I have to commend Minister Hodgson for his effort in promoting and managing growth in ways that sustain a strong economy, build strong communities and promote a healthy environment in Ontario.

It is certainly safe to say that all three parties have supported this bill in various parts. It was very cooperative, the way it moved through the amendments process in the general government committee.

I wholeheartedly lend my support to this legislation and I call upon my legislative colleagues to join me as we enact the legal framework that will help to make Ontario communities strong, safe and environmentally secure, and will see the redevelopment of many brownfield locations.

The Deputy Speaker: Questions? Comments?

Mr Rick Bartolucci (Sudbury): I would like to thank the minister, first of all, then the member from Etobicoke-Lakeshore and, finally, the member from Parry Sound-Muskoka for outlining the government's position. Although we don't agree totally with the government's position, I think philosophically we can all say that it's very important that we reclaim land and make that land safe for everyone in Ontario.

Just to make sure that the people of Ontario understand what the term "brownfield" means, "brownfield" is a term used to describe abandoned industrial lands that have been contaminated by toxic chemicals, and before these lands can be redeveloped, they have to be cleaned up. That's what we're debating tonight, and we'll be debating it for the rest of the night.

My community of Sudbury was a city, a community, a region that needed to be reclaimed because of the devastation of air pollution from the stacks. All the partners came together: Inco, Falconbridge, the region, all three levels of government. The important thing was that they were provided the tools, the resources, in order to reclaim the land. The Minister of Municipal Affairs and Housing, the former Minister of Northern Development and Mines, would know that it has been very successful. In fact, it's a model that has been used around the world. The important thing to remember is that it is the model that's used around the world because we had all the tools in the toolbox to do the work which was required.

There have been extensive hearings on this, 50 deputations. There have been I think 81 amendments, but there are still some shortcomings to this bill which require careful scrutiny on the part of the government, and we hope that they would do that.

Mr David Christopherson (Hamilton West): I want to commend the member for lasting on his feet that long. I know it can be a bit of a marathon if you're not used to it.

As we've said consistently from the beginning, the NDP caucus is supportive, but don't read too much into that, because there is a lot that's not in Bill 56 that we have a great deal of criticism with. Fundamentally, this is the right way to go, but without bucks, as the minister knows, we're only going to get so far.

Like many members here this evening, I was downstairs in the legislative dining room with the certified general accountants, and it happens that the president of the board of governors, Herb Wodehouse, is a Hamiltonian. In fact, he has his office right in downtown Hamilton and lives in Westdale, so both his business and his residence are in my riding. Also, Joyce Evans was there, who works in Ancaster, now a part of Hamilton, and lives in Dundas, another part of Hamilton. We were talking about the fact that our beautiful waterfront is working magnificently for us in terms of its contribution to the overall health, economic and otherwise, of our community, and our downtown is suffering. In between are a whole slew of brownfield sites that are sitting dormant, and we have some interest, certainly a lot of desire, on the part of Hamilton city council to move on these sites, but this legislation alone is not going to do it.

I'm going to speak later this evening about the conference, which I know the minister would be aware of, that was held in Hamilton at one of the best redevelopment sites you could possibly have in all of Ontario. I'll speak to that later also.

Mrs Marie Bountrogianni (Hamilton Mountain): I'd like to talk to you about a situation in Brantford that

has a relationship with Bill 56. Mr Levac gave me this information. In fact, I was at one of the hearings with our general government committee when we looked into this issue.

Brantford has been on the leading edge of brownfield redevelopment for years without the help of the province. Now that they are getting involved, they are not listening to those who have first-hand knowledge of the problems. Their councillors, the entire city council, in fact, have been working on this for years and the province is ignoring this advice.

The federal government has removed federal tax liens, but recently during amendments to the bill the province refused to do so. They refused to address this issue even though Mr Levac brought it up during committee.

They also refused to address the issue of financial help to municipalities by creating a fund specific to emergency brownfield cleanup. Cities such as Brantford have had their entire emergency funds drained in order to clean up one of the sites which contains unexpected hazards and contaminants.

Government did not address off-site liabilities even though municipalities which were affected by these sites had asked for off-site liability protection. They did not pass amendments dealing with the right of entry, which is vital for cities to address what exactly is in a building site and how hazardous is actually is.

The committee travelled to Brantford to see first-hand what issues the municipalities are dealing with. Even so, the government has chosen to ignore some of the most important elements of the problems that towns and cities are dealing with.

In this bill, they have added no additional resources to implement what is in this bill. Once again, the same old game: it sounds good, it reads well, it looks good, but without the added resources, it's just another public relations exercise that we abhor on this side of the House.

Mr Bert Johnson (Perth-Middlesex): I just wanted to get up and add to the debate tonight because the member for Parry Sound-Muskoka and the minister have spoken very well on this. I wanted to add a little bit of the context of this from my riding.

Yes, we probably have brownfield-type locations in Perth-Middlesex. Not a lot; we didn't have the petrochemical development that Sarnia had and things like that. But I do recall and want to emphasize that the city of Stratford at one time was quite a rail centre. It had engine shops. It was the only location, I think, for miles and miles that they could pull their big steam engines into, lift them up, do the repairs and so on—great big cranes; just a huge industrial complex.

I think in those days the debris that was left over after a work job was not looked after that well. Consequently, the old CNR shop in Stratford is a location that hasn't been developed. I'm not saying that the only reason it hasn't been developed is because we haven't had this legislation, but this legislation I think is designed to overcome the kinds of complexities and impediments that a property like the old CNR engine shop in Stratford has.

I also want to emphasize that I think until about 1993 the federal government had a policy of this sort of remediation and they've let it go.

Thank you very much for letting me add my comments.

The Deputy Speaker: Response?

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Hon Mr Hodgson: I'd like to thank my colleague and parliamentary assistant, the member from Etobicoke-Lakeshore, for all the hard work that he's done on this bill. I'd also like to thank my colleague from Parry Sound-Muskoka for his words of encouragement and his support of this important piece of legislation. I would also like to thank the member from Sudbury. I agree with him that Sudbury has done a tremendous job of revitalizing their community with the tree planting. When I was Minister of Northern Development we shared a beautiful day in Sudbury where we planted a tree to mark the success of this program, and it really has made Sudbury a beautiful community. The Hamilton West member and the Hamilton Mountain member talked about some of the improvements to the bill. They recognized the fact that when they were in government, they did absolutely nothing to clean up the legislative framework to allow their communities to be revitalized—the beautiful waterfront.

The member from Hamilton Mountain I think is alluding that she wants more money, but we found from other jurisdictions in North American that have done this that clarifying the liability and allowing the private sector to redevelop this property was the way to go. You could throw money at it. We are allowing for some incremental tax financing that will help make the properties more feasible to be redeveloped, but we've found the right mix by learning from what is happening in other jurisdictions.

Second, I'd like to thank the member from Perth-Middlesex for his support of this bill. With the concurrence of all members', we've improved this bill from when it was first introduced. There have been a lot of amendments because we've listened to the constructive and helpful advice from the members opposite and members on this side of the House and from outside people who took the time to come before the committee.

There's a lot of work to be done to turn some of these contaminated sites into productive locations that we can all be proud of in our communities. This is a major step forward in Ontario. It's happened in other jurisdictions. My only regret is that it took so long to happen in this province.

The Deputy Speaker: Further debate?

Mr John Gerretsen (Kingston and the Islands): I'm very pleased to join the debate tonight. I will be sharing my time with the member from Thunder Bay-Atikokan and the member from Ottawa Centre somewhat later on.

Tonight so far, in the hour or so that we've been here, we have heard from the government members the term "framework" at least a dozen times. I think the people of Ontario should clearly understand that that's all we have here. It is just a framework as to how these brownfield

areas in our communities, the contaminated sites, can be fixed up and reclaimed, in effect. But, as is so often the case with this government, the resources to actually get that work done are totally lacking in this bill. I understand that there were something like 50 different deputations before the committee that had carriage of this bill, and that they all basically said the same thing: "It's a step in the right direction, but if you want it to be a meaningful process, you have to fund it." Of course, the funding is completely and totally lacking in this bill.

Every one of us in this House, particularly those of us who represent older areas of the province, has these kinds of problems. In the Kingston area we have three major areas that could be classified as brownfields. We have an area that was the former site of a tannery in the Kingston area, where for many, many years lead and other contaminants not only contaminated a large portion of the property that the tannery was located on but also a fair amount of the riverbed of the Cataraqui River which flows between Ottawa and into the St Lawrence River at Kingston. This is a major, major concern. Although the property is still privately owned, it was basically abandoned, and it's been abandoned for at least the last 30, 40 or 50 years.

There have been a number of different development proposals for that site, and every one of the proposals didn't go anywhere because the tremendous cost that would be involved in cleaning up the site itself, the land mass, simply made it too prohibitive. Worse than that, a fair portion of the riverbed of the Cataraqui River that is located adjacent to this property has been similarly contaminated, to the point that it is almost unsafe to use any kind of motorized boats on that portion of the Cataraqui River. It is used quite extensively by a rowing club, and that doesn't seem to upset the bottom of the riverbed too much, but I can tell you it would be a massive undertaking to clean up that would cost millions of dollars.

The point I'm simply trying to make is that in a lot of cases it is just totally unrealistic that private development is going to do this—because they're just going to walk away from the land—without some substantial government involvement. And that involvement, in my opinion, should come both from the provincial government and from the federal government.

We have another site in Kingston—and I'm sure I'm not alarming anybody with this, because it's well known to the people who work in this particular site—the OHIP building, the building used by the Ministry of Health in Kingston, that was built back in the early 1980s when the OHIP division of the Ministry of Health was transferred to Kingston. That was placed very close to an abandoned coal yard. There were some other complications as well in that there were allegations or suggestions made at the time that in effect it was located close to or almost on top of an old Indian burial ground, which delayed the project for quite some time so that restorations and archaeological work could be carried out in the area.

But it is a well-known fact that the building, which is now some 17 years old, is the subject of great concern to

the people who work in the building. Although companies have done different testing in the building, there are allegations that people get certain illnesses from being there, or at least that they suffer illnesses at a much greater rate from being in certain portions of the building than otherwise would be the case. This building is owned by the provincial government, or at least it was until fairly recently, but the provincial government, even though it sold the building, you may recall—it was mortgaged thereafter for a lot more money than the building actually sold for, which raised all sorts of questions in this House which the minister, who was then the Chairman of Management Board, is quite familiar with because I raised the issue with him at the time as to how the government could sell a building and allow the new buyer to mortgage the building for more than 100% of the value of the building. Of course the new owner could do that, but it tells me that if you're able to mortgage a commercial building for 105% of its value the moment you take it over, then you've got a pretty good deal on that building. Anyway, that's a totally different issue.

The point is that even though the government no longer owns the building, the liability with respect to the building is still within the government's responsibility. I've been approached by a number of different worker groups within the building about the various studies that have been done with respect to it, because there are severe allegations that people get sick when they work in certain parts of the building. There is a higher rate, I believe, of cancer. I'm not quite sure what kind of cancer it was; it could have been breast cancer, though I'm not 100% sure about that at this time. Yet the government—this is a building that it has the responsibility for—has been very, very slow in actually dealing with that situation. The government has been very slow in dealing with that situation.

So I say to myself, if the government is not willing to deal with a brownfield kind of situation with respect to its own workers in a realistic fashion that we would expect from a good employer, then are private individuals going to do this, or are they just going to walk away from it?

So although this is a good framework which sets out some of the rules and regulations as to what should happen with respect to a site, I make no bones about it and there's absolutely no doubt about the fact that this kind of legislation simply doesn't work in the long run without the government putting in adequate resources.

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It was very unfortunate that when we made an amendment to this bill suggesting, in situations where the money couldn't be raised in order to do the cleanups, that an emergency fund be set up through a provincial mechanism, that was rejected on the theory that we're only dealing with the framework here. It is like so many other bills that we pass here: when we all know that the only way you're effectively going to deal with a situation is to make sure that it's properly resourced and funded, we're doing exactly the same thing again.

The bottom line is this: the framework that's set out in this bill eventually allows individuals—the original owners of properties—to get out of responsibilities that they, as property owners, should rightfully have with respect to that property. Yes, there is a certain period of time when provincial liability or provincial responsibility sets in and then municipal responsibility, but the point is that the bill allows the original landowners of the property to evade their responsibility.

The other thing that is very closely connected with that is that it allows the municipality to make tax deals with the redevelopers of that property whereby taxes are either forgiven or postponed for a certain period of time. Who pays the ultimate price for that? Who pays the ultimate price when taxes are either forgiven, postponed or somehow deleted? It's the local taxpayer; it is the municipality. This is another form of downloading.

I can well understand, as a former municipal politician, that there are some municipalities that say, "At least we have the power to work different arrangements by doing this." But let there be no mistake about it, the fact that municipalities will be the losers in this as far as the tax revenue that they otherwise would have received on this piece of property is going to hurt municipal finances and is going to affect the local property taxpayer. This is so typical of this government. It has downloaded all sorts of services, and I will not go into an entire litany because then the time that I have here, which I see is unlimited tonight, which is very nice to see, the unlimited time that I have tonight, because it will allow me—oh, there are only 49 minutes left, but I will leave some time for my friend from Thunder Bay-Atikokan.

The municipality is ultimately held responsible again through this downloading. I could give you a whole litany of all the downloadings that have taken place. I know that the people out there are extremely confused about this. I get it on a daily basis. They don't know who to blame when their taxes go up. I tell them it's a combination of a whole bunch of things. There has probably been reassessment done in your community, the way it has in mine; probably an amalgamation took place that has affected the tax situation as well, where in one part of town the taxes went up and in another part they went down; then there's downloading on top of that. As a result, nobody really knows what effect downloading in and of itself has had on the municipal tax base. This is just another form of downloading.

It would have been, in my opinion, a lot more acceptable and fair of the provincial government to say, "Look, it is not just to the benefit of this particular municipality to deal with the brownfields situation. No, we also take provincial responsibility, and we are setting up a fund whereby in emergency situations, where the economics of the situation really dictate that there has to be governmental involvement, there would be funds available to deal with that situation." Putting the framework in place alone just simply isn't enough. We've seen it in so many other situations.

The other area that we're quite concerned about is that there's no off-site liability. By that I mean that quite

often you have properties which may have been contaminated and for which the liability has now been taken over through this act, by the municipality ultimately, but there's absolutely no way that the properties that adjoin the property which has been taken over by the municipality get any kind of liability protection. We moved an amendment to that effect and it was rejected out of hand. Quite frankly, that may potentially leave adjoining property owners in a position where they, in effect, really have no recourse. Whereas an adjacent property owner would have had an opportunity of recourse against the original property owner, now, with the municipality taking that over and with the municipality making a deal with whoever's going to redevelop the land and clear up the brownfield situation, there is no way that the adjoining property owners have any recourse for any contamination that may have occurred to their property. I think that would have been the fair thing to do, yet the government, for whatever reason, decided not to get involved in that.

The other thing that's very interesting: it's my understanding that another amendment that was put forward, whereby in effect any money that was owing to the municipality by way of liens would be forgiven as a result of this effort, was rejected by the provincial government. It's interesting that the federal government has taken a completely different approach. They have agreed that if a property is reclaimed, then any federal liens against it will be absolved. My comment to the minister and to the government is this: if it's good enough for the federal government to do that kind of thing, and if you really want to get rid of these brownfield areas, why, provincial government, do you not take the same approach? It seems to me that perhaps you aren't quite as firm in your position as you should be, or quite as generous.

I still believe that all of these major projects—there's absolutely no question about it: the only way that municipalities can ever get involved in it is if we go back to a system whereby there's an equal cost sharing among the federal, provincial and municipal governments. There have been many programs over the years where that has worked extremely well under Liberal regimes, Conservative regimes, both federally and provincially, where there was a buy-in by all three levels of government, realizing that they're there for all the people of that area. When you live in a town you've got a federal, a provincial and a municipal representation or involvement in a situation; it is best to get all three involved. That way there's a buy-in and there's an understanding of what the problem is and it's only fair that the cost be shared on a triparty basis. It's unfortunate that we haven't got that situation here.

We're disappointed that the province—

Hon Cameron Jackson (Minister of Citizenship, minister responsible for seniors): You'll get over it.

Mr Gerretsen: The Minister of Citizenship says I'll get over it. Yes, I may get over it, but the question is, if you really wanted these brownfield areas reclaimed as quickly as possible, which I think we all would like to

see happen throughout Ontario, the best way to do it is to get involvement from all the levels of government.

Let me just give you one other example: it deals with the SuperBuild fund and it is very closely related to this situation, just in case you think I'm straying from the subject matter at hand. I'm not doing that. The government has made a big to-do over the fact that it's got this SuperBuild fund and they're going to pour something like \$240 million into infrastructure projects for municipalities in water and sewer projects.

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Mr Mike Colle (Eglinton-Lawrence): It's over 20 years.

Mr Gerretsen: I don't believe it's 20 years, but it's over a five-year period of time. I applaud them for that, the concept of doing that. But you know what's happened, Speaker. You and I know what's happened is that in municipality after municipality applications were made as many as 15 months ago, announcements were made by the various ministries involved, and not one single project as of today has been approved in order to assist municipalities to get those better water and sewer projects going in their municipalities.

Hon Mr Jackson: Why is Ottawa sitting on it?

Mr Gerretsen: "Why is Ottawa sitting on it?" the minister says. Well, Ottawa is not sitting on it. As you well know, every other province has signed an agreement with the federal government except for this province, because they wanted a different kind of a deal than what was good for every other province of this country.

Interjection.

Mr Gerretsen: Minister, you will get your chance.

I think that's a shame, it's an absolute shame. In my municipality, for example, they want to build a brand new pipe under the Cataraqui River system to our sewage treatment plant. It's something that is definitely needed. The pipe is about 40, 45, 50 years old, and it needs to be replaced. That application has been sitting here for something like a year, or close to a year. There are other applications that have been sitting here for 15 months. The municipal leadership in all of these municipalities—we heard today in estimates from the Minister of the Environment, an individual I have some respect for. I asked her that question. And do you know what she said? She's not in charge. She makes a recommendation to SuperBuild, and SuperBuild ultimately makes an announcement. The problem is SuperBuild has made no announcements over the last 15 months in the whole infrastructure renewal program. We know when those announcements are going to come. They're going to come either right before the next election, probably another year away, or at some point in time.

What I am saying on behalf of the people of Ontario is, stop playing politics with it. If you and I know how important these projects are, and you and I know that the municipalities simply cannot afford through their local municipal tax base the tremendous infrastructure costs that are involved in renewing your water and sewer

systems, they need both federal and provincial support in that.

I still think that the funding formula of a third, a third, a third is the fairest all the way around. If they had implemented that I am sure the municipalities would be glad and would be doing the work. What's happened instead? In an area that is just as important as brown-fields, equally important because it deals with our environment and it deals with the safe drinking water conditions that we all want to enjoy in this province and the proper sewage disposal systems that we all want in our communities as well, just as important as this bill, what's lacking? It's exactly the same thing that's lacking in this bill. There is a great framework set out, but there are no resources put aside to actually put it into place.

That's a very tragic situation. We know of course one of the reasons is that the Premier wanted to make sure that SuperBuild—and let's clear something up about SuperBuild. There's nothing magical about SuperBuild. In SuperBuild, all the province has done is taken all the capital budgets out of the various ministries, lumped them all into one fund and called it SuperBuild. It's taken it out of the different ministries so that the minister in charge has absolutely no say over it; as the Minister of the Environment today admitted, she makes a recommendation to the SuperBuild fund. I asked her, "Who makes the decisions?" Well, I guess it's Mr Lindsay and the Premier at some point in time.

I think personally that's the wrong way to go. The ministers of the crown should have some responsibility for the capital works that are taking place within their sphere of influence. That's not happening, because that responsibility has been offloaded to an individual who makes \$320,000 a year as the president of SuperBuild, a close friend of the Premier's. And you might say, "So what? We all have close friends."

Mr Colle: Or his campaign manager.

Mr Gerretsen: He may have been his former campaign manager.

But I'm saying to the Minister of Citizenship, you should be in charge of your own ministry. You should not allow some of it—now, maybe you've got no money within your ministry at all that's gone over to SuperBuild. A minister's responsibility should not be offloaded for capital projects to an appointed individual so that he and the Premier can make decisions as to what projects are going to be funded and when those projects are going to be funded. It is absolutely—I won't say criminal, but it is totally unacceptable that for 15 months municipalities, through their very competent staff and through maybe some of the consultants they've hired to put in these applications, have not heard one word from the government as to whether or not their applications are going to be approved.

I say yes, this is a step in the right direction. I know that the government will be applauded by various groups as doing the right thing. All I'm saying to the people of Ontario is, just remember that all they've put into place here is the framework, but the framework means

absolutely nothing without the funding. When we look in the area of social services, it reminds me so much—remember this notion, this concept, years ago around people who were in psychiatric hospitals and various other health care facilities: “Let’s reintegrate them back into society”? Everybody thought it was a great idea, super.

But we also said that if you’re going to do that, or, as they’re doing now, if you’re going to close psychiatric beds in hospitals and psychiatric hospitals etc, make sure the resources are out there so that those people have the help that’s needed. It is no different from what we see happening with community care: people don’t have to stay in hospitals to recuperate; they could do that at home. More power to those kinds of situations, provided that the community resources, namely, the nursing help and the home care help, are available for people. When that is not available, as we’ve seen recently with home care, as we’ve seen with nursing care, then we say, “Forget about the framework. Don’t change anything until you’ve got the resources in place.”

We know where this government’s priorities really are. They truly believe—and I think the people of Ontario should understand this—that it is more important to give corporate Ontario a \$2.2-billion tax cut than to properly and adequately fund health care and education. On a day-to-day basis we hear in this House, “Well, we’re spending more than we used to; we’re spending more than five years ago.” As the former minister of children’s services said the other day, “There are 100,000 people added to the population of Ontario on a yearly basis.” Since we’ve been here in the Harris revolution there are 600,000 more people now than there were in 1995. Sure you’re going to spend more, because the needs are there.

I don’t want to divert away from this very important piece of legislation—

Hon Mr Jackson: Brownfields.

Mr Gerretsen:—on brownfields, yes. We will get back to brownfields. Let me just say this: brownfield legislation means nothing if there isn’t enough provincial funding to actually make it happen. I say to the Minister of Citizenship, with his enormous power in cabinet, let him go back to his cabinet colleagues and let him say to his colleagues, “Let’s stop the nonsense. Let’s sign that agreement with the federal government that every other province has signed. It is the exact, same agreement, no different in language. Let’s sign the agreement, and the funding will be available for this and many other projects as well.”

I say to the government, this is a minor step in the right direction. Yes, you may have put the framework into place, but without the adequate resources, you really haven’t accomplished anything.

With that, I’ll turn it over to my colleague from Ottawa Centre.

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Mr Richard Patten (Ottawa Centre): The member for Kingston and the Islands is a hard act to follow. He

has experience as a revered, even today, mayor of Kingston. When he speaks, he speaks from experience, and so I always listen very carefully.

Interjection: President of AMO.

Mr Patten: And a former president of AMO, I might add.

I would also like to point out that in the evening sessions there are not too many people, there are not too many school children or students or people walking in off the street who come to see us, but from time to time there are dedicated people who come here during the day—the morning, the afternoon and the evening. I see a few members of the Certified General Accountants in the gallery this evening, and I would like to acknowledge them for their dedication and persistence, and patience, I might add, in delivering their message. They realize it’s not an easy thing to influence this government, but they are still persistent and they still have a message that I believe is important to deliver, and they are doing that, and so I welcome you this evening.

When I first looked at this particular bill, Bill 56, and I looked at the intent, which was the issue of brown lands, as they are called, or euphemistically we have a different term, there’s a tremendous opportunity, it seemed to me, for all of us to do something. I thought the bill might have been shepherded through the House by the Minister of the Environment, but that was not the case and that’s not what we’re seeing here today. It’s being shepherded through, or at least introduced, by the Minister of Municipal Affairs and Housing.

First of all, I wonder about the title of the Minister of Municipal Affairs and Housing, because the government has removed itself from any significant role in housing, as we all know, in many of our communities. Many of our communities suffer from that particular problem. As we well know, they’ve downloaded the responsibilities on to municipalities. In my community, the city of Ottawa, we have less than 0.2% vacancy, which means you have no mobility at all. This doesn’t even take care of people who were removed from their house or people who pass away and one thing or another. That is not a particularly good thing.

Tonight we’re talking about Bill 56, brownfields. I thought, what a great opportunity. When we think of brownfields, of course, we think these are wastelands within an urban environment that may have had a particular company or industry that has long gone, and over a period of time a dilapidation of a particular facility. This is not the case in many areas.

But perhaps, as other members have identified, when we talk historically from the end of the Second World War and where we had towns and cities and the expansion and the development of suburban sprawl or urban sprawl, but meaning the development of suburbs—I’d like to know whoever taught those courses in urban planning in those days, and the architects who were around at those times, because today they must have to revisit the shrines of the source of their wisdom.

We have today in this particular city, the place in which this Legislature is positioned, thousands, perhaps

tens of thousands, of acres or hectares of land that can be recaptured, rejuvenated and contribute to the quality of urban life. So I say this as an eternal optimist: there is an opportunity here. I will say upfront, as I think many colleagues have said, at least on this side of the House, that the bill is somewhat deficient in substance. There's no question that all members of the House would agree with the objective, and that is to take contaminated sites in an urban area and convert those to useful lands, be they commercial, residential, parks, playgrounds, whatever. This is an opportunity for us.

It seems to me, when one begins to do an analysis of the volume of acreage that is out there that can help make that contribution, it is truly astounding. It is absolutely, truly astounding. My friend from Kingston knows this in his particular city. My friend from Sudbury knows this in his particular city. My friend from Thunder Bay knows this in her particular city. There is a marvellous opportunity, truly, if we would take this seriously and say this is a contribution to the quality of life and a contribution to where most Ontarians live, and that is in the urban areas.

So what does the bill attempt to do? It identifies some of the areas that should be addressed, but the substance of the bill, at least as I read it and have been advised through our researchers and my staff who have researched this, and myself as well, is lacking. I would like to think that if the government is truly committed to this they will at committee consider very carefully the recommendations and amendments that can make this a very good bill and therefore supportable by all sides of the House. This House has done this before.

Interjection.

Mr Patten: So we don't go to committee. We have no opportunity. That's it. OK, so we don't go to committee. All right.

Maybe the government can come through with the opportunity as well of additional legislation that can ameliorate as we move ahead in looking at some of these things. At the moment it looks like, and I receive worries—for example, I called the mayor's office in my city today and I asked, "What is your reaction to Bill 56?" They said, "As has been identified, first of all, there doesn't appear to be any resources other than, 'You can make an application to the SuperBuild fund.'" Some people call it the SuperBull fund because as of yet they have not seen the results of their applications. Some cities have been waiting for well over a year, and I believe an application in our city is having the same experience.

I asked, "What else?" "Not only that, but we're worried that there may be a diminution of some of the standards. In other words, it will make it easier for business to build here when indeed a qualitative environmental assessment has not been done." There are no resources from the province, really, and it's not going to happen unless there are. One of the very suppositions of why brownfields exist now is part of what needs to be addressed. The worries of the lawyers from developers or from companies that would like to look at land are,

"You'd better be careful here, because you could be saddled with tremendous costs."

So this reaction to what's good for the environment is important. But I fear that the government tends to see the environment as a barrier to business rather than a long-term contribution to the quality of life that will be good for everybody, no matter what. I worry about that. I know the orientation of many of the members of the government who come from the business community or one thing or another. They look at the environment and they see the environment ministry either as just a pain in the neck, and I'm being kind in using that expression, that this is a hassle, some of the procedures take too long etc. I have no quarrel with that, and perhaps some of those procedures do take too long, and I know there are ways in which we can ameliorate the process so that it is more efficient. However, at the end of the day, as I say to some of my colleagues on the other side, this place is not a business corporation. It's deemed to be inefficient by business leaders because we take the time. We should take the time. You know, we don't take enough time, because this place often allocates time and institutes closure on many bills; in fact, the most important bills of all. Closure is often invoked, and that's a shame, because every member of this House should be able to respond to what is being said.

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I spoke to one of the councillors in my riding today, Clive Doucet, and asked him, somebody who is there, "What do you think about this?" In my riding alone I have two areas. LeBreton Flats is owned by the federal government, so there's not much I can say about that. They will be moving to develop that particular area, but they have something in the neighbourhood of a \$13-million price tag on removing some of the contaminants on that land. Fair enough. I think the federal government will take care of this and that will happen. The Bayview city rail yards—old rail yards, not used too much any more—will be part of a new light rail system, but not necessarily for the full extent of the land that they have, which is quite extensive. So there's the opportunity to look at things, but they cannot develop anything until they quickly look at it. The point is, it's not that they don't want to look at it; their assumption is they can't afford to look at it.

If this bill can say, "Look, we are there with you, we are your partners"—because throughout the years when these factories operated, these particular institutions, let's face it, historically were far more polluting than they are today. Provincial taxes were paid, business taxes; there were local taxes etc; there were federal taxes. We are all in this together. So whether we make a contribution to Sudbury or we make a contribution to London or Thunder Bay, or we make a contribution to a tiny town called Tweed, or Sarnia or Windsor, it doesn't matter; we're helping the environment and we're increasing the quality of opportunity for people to live in an environment in which they are proud and happy and feel secure to raise their families.

It sounds very Pollyanna, I know, but is that not truly what we have learned about things? Think of this: we're learning in the newspaper these days that the Great Lakes are divesting themselves of trace metals. They are able and have the capacity, as a living organism, to reject pollutants in their own particular body. Isn't that amazing? So nature has a way of working its way through and trying to cleanse itself—trying to cleanse itself—whether it's a river, a stream or what have you.

One of my local councillors has major worries about this, that this is not going to be a particularly strong bill and we may not decontaminate some of these sites, that we may water down the procedures and not show respect for the environment. That's particularly important.

I only have a minute or two to finish my particular part of all this, but I would like to say that the Environmental Commissioner, the Provincial Auditor, as recently as a year ago identified the limitations of the ability of the ministry to deal with contaminated sites—and I'll just refer to page 126: "The ministry generally directs its cleanup efforts to contaminated sites that are of significant public concern." It goes on, saying that it has a responsibility, it has a particular environment cleanup fund. The particular fund that he refers to is active, but it's very small in relation to the job that needs to be done. There are over 45 cleanup projects, totalling \$5 million. Given the task ahead, \$5 million—big deal; this is not significant. Even since it was established six years ago, in 1995, it is only in the neighbourhood of \$160 million. This sounds like a lot of money if you're trying to operate a household budget. But in the grand scheme of things over a six-year period of time in terms of provincial budgets, where we are talking billions of dollars, this is not significant or in proportion to the values of what should happen in terms of our contribution to the environment. Our environment, at the end of the day, is our life support system, especially when we see the greatest affliction our youngsters have: asthma. Why? Because of air pollution.

Cancer is on the increase in our province, in our country, in North America. Why? Exposure to environmental air contaminants, diet, what have you. My point is that the government, it would seem to me, would do well to be vigilant and make the contribution they should make in the long-term interests of everyone. I fear that perhaps they do not.

There is a woman, an environmental lawyer, who was quoted in the National Post. I must tell you I don't often read that particular newspaper because I found it, at least in the past, to be so biased toward the Alliance Party and the Reform Party that there was not much point in reading it. However, maybe it is changing and is a bit more objective these days. She says, "If the bill passes, it could help a little, but it won't actually do the job." I suppose that's a good basis on which I can end this, as someone who is independent of government, probably related in some way with contracts to government. I don't know. All I know is that she says that this bill will not do the job. That's our biggest worry, that it won't do

the job. If it won't, I hope that the government will look at future legislative proposals that will get at it and do the job.

Mrs Lyn McLeod (Thunder Bay-Atikokan): I'm pleased to be able to continue our party's leadoff hour on Bill 56, An Act to encourage the revitalization of contaminated land and to make other amendments relating to environmental matters. I just want to assure you, Mr Speaker, that I do have the bill and I am planning to address my comments to the substance of the bill, in case you had any questions in your mind. As you know, I come from northwestern Ontario, and I've appreciated the comments of my colleagues from Kingston and the Islands and Ottawa Centre because in each instance they've been able to make reference to places in their home communities that have brownfield sites where they see valuable land, contaminated land, that could be reclaimed if appropriate environmental measures are taken, and used for development purposes.

My colleague from Thunder Bay-Superior North and I were discussing this a little bit earlier. We suspect that this bill doesn't have immediate application to our home ridings, in the sense that we don't tend to have abandoned industrial sites. What we tend to have in our area—Mr Speaker, as a northerner, you would have some understanding of this as well—are forestry sites and mining sites. You will know that there has been legislation in place for many years that requires the reclamation of a mining site before it can be abandoned. We no longer have abandoned mine sites; we have very strict regulations about the environmental reclamation that must go on before a mine can be abandoned.

The same thing is true in forestry. It is part of any forestry agreement. Before you can harvest, you must put in place the measures for reforestation. The two things go hand in hand. We, of course, coming from a community largely dependent upon forestry, take very seriously the notion of sustainable development, which means that as you use a resource today, you ensure that resource is there for generations to use in the future. It is one of the principle tenets of good environmental management of a resource. From our perspective in northern Ontario, the urban southern part of the province may be coming somewhat late to this idea that you don't simply abandon sites that have once been productive sites for industrial purposes but you take measures to reclaim them.

Having said that, I do want to speak to the legislation. I think there are some important issues that are not dealt with in this piece of legislation, issues that reflect on this legislation itself and our opportunity to reclaim significant lands through taking new environmental cleanup measures, but also measures—things that are absent in this bill—that reflect on the general tenor of this government's approach. My colleagues have discussed a number of those, and I want to follow up.

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Let me begin by saying what I think is right about this bill. I think the intent of this bill is right. Why would anybody object to wanting to reclaim land that can be

used for constructive purposes? Why would we want to see old industrial sites simply lying there with probably, in most cases, significant environmental hazards? So the intent of the legislation is good.

But as my colleague from Hamilton Mountain said earlier, the problem with what this government so often does is that they put forward something where everybody would agree with the goal—usually we agree with the title—but there is nothing to go with it to make it meaningful. So it becomes feel-good, “Yes, we support the direction” kind of legislation, but what’s really going to make it work?

I’m reminded of a bill that we dealt with in committee yesterday, in the social and justice committee, Bill 30, this government’s sort of front piece on its measures to deal with organized crime, to allow the seizure of the assets of those who are involved in organized crime. A good piece of legislation—in fact, we’re going to support that piece of legislation—but we have enormous concerns that there will not be resources put into that legislation to investigate, let alone to prosecute these who are involved in organized crime. And without those kinds of resources, that piece of legislation becomes meaningless.

As my colleagues have said this evening, the same thing holds true for Bill 56, and then some. Without the resources, the good intent of this legislation will never be realized. Well, what’s actually substantive in the bill? It’s a very thick bill, so you look through it and say, “What’s substantive?” Perhaps you would say what’s substantive is that the Ministry of the Environment is given clear direction that they will do site-risk assessments. Good idea? Absolutely. Who else would do site-risk assessment? Who would set the standards, other than the Ministry of the Environment? So we agree with that—except there are no time frames, there are no deadlines, there are no standards actually set out in the bill that have to be met. As my colleagues have said, people keep talking about this being a framework. It is a framework; it’s nothing more than a framework.

When you add to that the fact that this new responsibility is being given to the Ministry of the Environment, and given the scope of brownfield sites in existence, as my colleague from Ottawa Centre has said, given the sheer amount of work that could be entailed in reclaiming the brownfield sites that exist across this province, it’s going to be a significant additional responsibility for the Ministry of the Environment to take on just the assessment of what needs to be done to clean up each individual site. I ask you, how can the Ministry of the Environment possibly take that on without additional resources? This is the same Ministry of the Environment that had its budget cut by 50%. I know we’ve said that over and over again, but over and over again there have been issues of real concern about the environment that have come to this Legislature and we know the Ministry of the Environment is not able to respond, however good their intent is, because they simply do not have the human resources to be able to investigate concerns, to be

able to prosecute concerns, and in this case to take on the new responsibility, what could be an onerous responsibility of doing site assessments on each of the brownfield sites.

There is something that the minister, in presenting Bill 56, held up as something substantive, and that’s the limitation on liability for a new landowner. It means that a new landowner can take over a piece of land and have no liability as long as they follow the Ministry of the Environment prescribed cleanup procedures, they meet the site assessment guidelines. And the same thing is true, I hasten to add, that if municipalities take over for tax purposes abandoned lands, they have no liability to actually carry out the cleanup on those lands. So there’s a sense that maybe there are going to be new owners, that these lands are going to be taken into new ownership, and you want to restrict the liability of those who are the new owners. Fair enough, maybe, but I guess the question comes then, who is actually going to take responsibility to make sure the cleanup is done?

The Ministry of the Environment is to set the standards for cleanup of each of these sites. They’re supposed to do that with depleted resources. But there is in fact in this bill no requirement that there actually be the cleanup of any brownfields site in the province of Ontario. So again, without resources the bill becomes public relations, feel-good and nothing more than that.

I suppose that if the site that’s being considered has high economic value, it might be worth the cost to a private developer to buy the land and undertake the cleanup of the site within the ministry guidelines. I was concerned when my colleague from Kingston and the Islands said that in his experience in his home community there was not a single situation in which the private developer felt it would be worth his cost to take on a brownfield site, and there’s nothing in this bill, other than the limitation on the new owner’s liability, that would make the prospect of reclaiming a brownfield site any more profitable to a private developer.

I look at the fact that Toronto has 4,500 hectares of brownfields. That’s equivalent to 30 High Parks. That’s a lot of potential land to be developed. I suspect the private sector is going to look at that land and say, “Is there a way we can use this land, where land for development is so scarce? Is there a way we can profitably take this land, reclaim it and use it for development?”

I realize I’m getting to the point where I’ve been here a long time and I’m starting to get a little bit cynical. You frown, Mr Speaker, because you’ve been here as long as I have. I’m sure you don’t share my cynicism. I just have a little niggling concern that what I see in this act is a way of encouraging the private sector to buy the lands that have potential significant economic value, and to set the bar for reclamation low enough that the private developer can make a pretty reasonable profit by developing the lands.

I’m particularly concerned when my colleague from Kingston and the Islands says he’s not seen a site that was profitable for the private developer to come in and

reclaim, and that the only way there's going to be reclamation is if the Ministry of the Environment and this government try to set the bar low enough that the private developer can come in, meet that low standard, develop the land and make a fairly sizable profit.

I hope that is just being overly cynical, but it's a little niggling doubt I have. It flows from the fact that we have before us a government that has clearly made corporate well-being its priority. We know that because their response to the concerns of September 11 was to accelerate the corporate tax cut, a tax cut that of course does nothing to help companies that have been hard hit and aren't realizing profits at the moment. It doesn't create jobs. It puts wealthy corporations in the position of being 25% lower than their competitors in the United States. It seems to be a somewhat unnecessary, undue gift to large corporations. That gives me just that little bit of doubt about whether this bill could be used as a way of providing that greater measure of profit to some of those large private corporations that might have the resources to undertake land reclamation.

If I set my cynicism aside, let's assume that the people who are really going to want to develop these hectares and hectares of land available for development are the municipalities. The municipalities certainly are a focus for the government in terms of their expectations; at least in the bill they focus on municipalities as being the ones that are going to do a lot of the land reclamation.

As my colleagues have said, how are municipalities going to do that? We hope they will. There are a lot of public uses for the land that can be reclaimed: parks, waterfront development, schools for the new developments that presumably will be in place if there are some private sector developments, maybe social housing, although as my colleague from Ottawa Centre said, isn't it ironic that this bill is being carried forward by the Minister of Municipal Affairs and Housing when this government has absolutely no responsibility for social housing any longer? This concept of reclaiming brownfield sites for social housing development might have been really exciting if there had been any provincial commitment to social housing left.

The province will say, "We've given it to the municipalities. The municipalities are in the best place to do it. They can buy these lands. They can reclaim the lands. They can build the social housing." The municipalities are going to say, "And what are we going to do that with?" The government has an answer for them, an answer built right into the bill. They say, "Municipality, you can exempt education taxes for a period of time to allow yourself some dollars to be able to do the reclamation of these brownfield sites." I'm not sure what the Minister of Education or the Minister of Finance is going to say to that. Any municipality that decides to suspend their education tax—those education tax dollars, as surely the government knows, come right into the government's coffers. They're using that municipal education tax to pay a fair shot of the education costs.

The government likes to say its paying 100% of education costs. We know that's not factually true. We

know the municipal education tax still contributes a great deal to the cost of education. So is the government going to come and substitute for that municipality that chooses that option? Are they going to put the education tax dollars in or are we just going to see more education cuts? Maybe the municipality says, "We probably can't do that even though the act technically says we can. It also says we can suspend municipal taxes." What municipality can afford to suspend any of its municipal tax base? These are the same municipalities that have services downloaded to them by this government in a never-ending way.

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I have less than two minutes. I can't begin to talk about the outstanding costs this government has downloaded to municipalities and hasn't even come up with its share of the costs, let alone the municipal share of the costs. That is true of ambulances, where we have no cost agreement for the sharing of provincial and municipal costs. It's true of public health, where we see the government planning to cut mandatory programs and refusing to accept any responsibility for even 50% of the funding of mandatory public health programs.

We know it's true in social housing. We know that this government, when it took the report of David Crombie—Who Does What, how you divide the costs reasonably between the province and the municipalities—totally ignored the report. They brought in their own scheme, supposedly revenue-neutral, and left out of it any cost component for social housing. They just said, "The municipalities can deal with that."

The municipalities are finding, and I hope the government is understanding this, that they have had an undue financial burden downloaded to them, which makes it really ironic that the other options offered by the government to the municipalities are grants and loans. From what sort of municipal money tree are municipalities supposed to get the money to make grants and loans? Isn't it wonderful that this bill limits them to grants and loans that only cover the cost of the reclamation? I don't know where they are going to get even a fraction of the dollars they could offer as a grant or loan. To whom exactly are they offering this grant or loan? Are they now to be the ones that subsidize private sector development in their communities? Is this to be the local municipal development option?

Development fees: suspend the development fees. As the clock ticks down, development fees are supposed to be used to provide the services for the new residential development that's supposedly going to happen on these reclaimed lands. There is nothing here that works.

The Deputy Speaker: Questions and comments?

Mr Michael Gravelle (Thunder Bay-Superior North): I want to congratulate the three members of our caucus, the member for Kingston and the Islands, the member for Ottawa Centre and my colleague from Thunder Bay-Atikokan, for their very thoughtful remarks regarding a bill that could have been a good bill, a piece of legislation, Bill 56, that I think does need to come

forward. It's an opportunity, and that's probably why many municipalities and organizations are generally supportive of it, but there's a really big problem and the problem is that there's no provincial funding in place, a lack of resources, something we see ever so frequently with this government. What appears to be on the surface every now and then, something that we think may be positive, is really held back by the fact that this can't go forward in any significant way unless there are provincial resources in place.

I think it was the member for Kingston and the Islands who was talking about SuperBuild, and specifically he was talking about OSTAR, the Ontario small town and rural development fund. To the member for Thunder Bay-Superior North, I can certainly tell you, and you would know this yourself, coming from a large riding, that there are many municipalities that applied for funding under this program 15 or 16 months ago, certainly at least a year ago, and are waiting for support through the program and nothing at all has come forward. That has been a huge frustration for municipalities.

It connects very much to the Walkerton disaster in the sense of water regulations being tightened, something we don't disagree with, but for the municipalities to have the ability to do this, they need to have support. It's another example of the frustration that's faced by municipalities, especially those that might want very much to take advantage of what's in Bill 56 but can't do so unless they receive the provincial funding support that is very much needed.

Without the resources, the legislation becomes nothing other than a bit of a shell and that isn't good enough. I hope the government is listening and fixes this.

Mr Bartolucci: I'd like to thank my colleagues from Kingston and the Islands, Ottawa-Centre and Thunder Bay-Atikokan for what I think was an excellent presentation, a presentation that certainly outlined realistically, thoroughly and honestly some of the problems we have with this bill.

Certainly the biggest problem, as has been outlined by the three main speakers and certainly by my colleague from Thunder Bay-Atikokan, is the lack of provincial funding. That is such a big problem across all Ontario when it comes to the government and its speed to implement legislation. I think the member from Thunder Bay-Atikokan outlined it so well when she said the intent of the bill is good, but intent isn't enough. You have to provide the tools that will ensure the reclamation of that land is successful, that in fact we will get private sector partners to want to help in this. I think the member from Ottawa Centre said it very, very well when he said in his presentation that we are all in this together—the three levels of government and the private sector—but it has to be driven by a government that is committed to the people in Ontario.

This legislation, although its intent is good, does not have the commitment necessary to be successful, because you've chosen again to download those financial responsibilities on someone or some group other than the

provincial government. It's certainly not fair, it's a recipe for disaster and we hope you would reconsider that somehow in this legislation or through regulation.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): I'm very happy as well to add my voice of support to the members from the Liberal caucus this evening who have had the opportunity to speak on the proposed legislation. I share their concern about the bill. It is very noble in its intent. It addresses an issue that has been a concern of some long standing in many communities across Ontario. Certainly I know this particular matter is a very serious concern in a number of communities in my riding.

While the Ontario Liberal caucus is happy that it's an item the government has chosen to pay some attention to, I have to say that we on this side of the House are profoundly disappointed with the conspicuous lack of resources that go with this bill. I think we all know that if legislation is to be effective in the province of Ontario, then included with that must be the financial resources to ensure the legislation can be monitored, adhered to and carried out. Sadly, those resources are not available with the brownfields bill.

I congratulate my members. This is an opportunity in the Legislative Assembly when we bring forward these very worthy points for the government to consider, that the government understand and respect the points that are made by members of the opposition and recognize that they do have an opportunity on behalf of the people to act in a responsible way, to recognize that if the bill is going to do what they claim they intend it to do, it is certainly going to need some amendment but most definitely an infusion of financial resources, which at this point in time we've not seen to be the intent of the government.

I commend my members. I think they've done a splendid job this evening outlining what the government must consider to make this bill successful.

The Deputy Speaker: Questions? Comments? Then response.

Mr Patten: On behalf of the member from Kingston and the Islands, the member from Thunder Bay-Atikokan, myself and my other colleagues who have made comments here, rather than reiterate things, I would say to the government to consider why there is a hesitancy on behalf of many people who have knowledge of and interest in the environment, and I would refer the government to the passage of Bill 76, Bill 57 and Bill 107.

Bill 76, changes to the Environmental Assessment Act, ties the hands of the Environmental Assessment Board to adequately review major environmental projects. No requirement that major new landfill sites be referred to the board for a full environmental review. Can you imagine that?

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Bill 57, changes to the Environmental Assessment Act, gives the minister sweeping powers to exempt any person, activity or thing from the Environmental Assessment Act. And it gives the minister sweeping powers to

off-load responsibility for enforcing certain environmental standards on to municipalities without resources.

Bill 107 downloads to municipalities the responsibilities for 230 water and sewage plants. The government refused to accept, at committee, a Liberal amendment to the bill that would've prohibited municipalities from privatizing these particular plants.

I place this particular case before those on the government side to consider these things. In a nutshell: good words, no resources; lots of identifications about what the problems may be, no substance behind them for true accountability. There is little evidence of initiatives in any stringent manner to assure the people of Ontario that our environment in our cities will be protected.

Mr Christopherson: I appreciate the opportunity to join in this most important debate. Certainly for communities like mine in Hamilton, and a lot of the other established—particularly those that have a history of industrial use—communities, this is a major crossroads for us. At the outset, the first thing I have to do is take great umbrage with the earlier comment of the Minister of Municipal Affairs that previous governments had done nothing about this. First of all, there was nothing said over here that would give him cause to say that, but I gather he was taking certain poetic licence there.

The fact of the matter is that in the early 1990s, under the NDP government, there was an investment made in a piece of property in Hamilton without which our city would not now enjoy what many of us, most of us, consider to be the jewel in the crown of all the natural beauties that we have in Hamilton. I must say that, with the addition of the other former suburban municipalities attached, there's very little to be had in the province of Ontario that we don't have in Hamilton in one form or another. One of those right now is one of the most beautiful, still evolving and still growing, waterfronts to be enjoyed anywhere.

To go back a bit, we had a piece of property on our harbourfront that was called the Lax property, named after the people who owned it. It had been used as an industrial setting. The land was extremely contaminated, to the point where it had to be capped, fenced off and people kept away. There were a number of people who were arguing that the city would be better rid of the whole thing, to sell it back to industry and allow it to be developed, or redeveloped, as industry. But, of course, they were still left with this dilemma of the contaminants.

Fortunately, there were two New Democrats—just happened to be New Democrats—on council: Brian Hinkley and Alderman Charlton, younger brother of a former minister in this place, Brian Charlton. They were the ones who both first argued that it shouldn't be sold off for industrial use, that there was a real opportunity for the city to take back the waterfront and give it back to the people of Hamilton, because there really wasn't a whole lot of reason to go down there at that time. There wasn't much to see, there was certainly nothing to do, and it was not a people-friendly environment by any stretch.

So first they argued that it ought to be kept and then, second, they were the ones who also determined and

brought to the attention of environment officials in the area that there was stuff and goop oozing up through the ground when you walked around. Talk about brown-fields—literally nothing was growing there. This was back in the early 1980s. So we're talking about two decades ago, long before the things we've talked about in our discussion of Bill 56 were even thought of by most people.

Fortunately, two good things happened. The first was that the city council ultimately had the wisdom to declare the lands would be used for recreational purposes and would indeed be redeveloped and given back to the people of Hamilton so they could have their waterfront back. Keep in mind that Hamiltonians had not had or felt their waterfront was a part of their neighbourhood or community since before the turn of the century.

Second, very much contrary to what the Minister of Municipal Affairs has to say, there was an NDP government at Queen's Park that believed in investing in communities for the future. The city of Hamilton, in their capital budget, had set aside enough money to develop the old Lax property into a park. In fact they had excellent plans, but they were all on the drawing board. They had plans, and they had the money. The one thing they didn't have was the multiple millions of dollars it would take to clean up that land, because obviously you couldn't do anything with it until you cleaned it up.

Our government stepped in with almost \$10 million of provincial money. That's a lot of money; in the context of the Hamilton budget, an enormous amount of money, money that would never be found to do that cleanup. But being a senior level of government and having access to more streams of revenue, it fit within the vision and the budget we had as a provincial government for investing and reinvesting in communities. Let me say that it's a bloody good thing we did, because this government would never have been there and that land would still be sitting there polluted, unused and wasting away.

As it is, it is very much the spark of renewal in the old and the new city of Hamilton. I mentioned earlier that I was speaking with Herb Wodehouse and Joyce Evans, both Hamiltonians who work in Hamilton. I mentioned that Herb has his office at Main and Ferguson, not that far from my constituency office, and he lives in Westdale. Joyce lives in Dundas and works in Ancaster. We agreed that if we were going to rejuvenate the downtown of Hamilton—like many other downtowns that members in this place have, ours is in decline and needs some attention. Goodness' knows, lots of attempts have been made, but we haven't yet found the key. When we were talking downstairs, as Hamiltonians, we agreed that with the success of the waterfront, the future success of downtown Hamilton was very much connected with our ability to ultimately link that waterfront and what it means and what it presents, economically, socially, and I would even go so far as to say spiritually—it's a beautiful place to be, and I urge any member of this House, if you're in Hamilton, to take a quick drive down. Quite frankly, you won't believe it's Hamilton, if you still have the old image of Hamilton.

What we said was that you need to take all that life and hope and economic stimulation—because I'm going to talk about the port of Hamilton in a few minutes, which ties very much to this—and we have to have that link with downtown Hamilton, so that when you think of downtown Hamilton, you think of the waterfront, and when you're standing at the waterfront and think of the waterfront, you think of downtown Hamilton. We need to make that linkage happen. I'm going to speak later on about a number of exciting projects that are doing that, but we could do so much more if only Bill 56 came with some money.

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Mr Johnson: Always after money.

Mr Christopherson: I hear the member from Perth-Middlesex say, "Ah, sure, money." You still don't get it. I just said to you that a \$10-million investment that was made in the early 1990s is now paying off in spades in the new millennium. That's not a corporate tax cut, so he probably doesn't want to hear about that, because there are not going to be a lot of corporations lining up saying, "Thank you, thank you. Here's your political contribution for giving us the money from the Ontario treasury vis-à-vis corporate tax cuts." No, instead what we have is thousands of citizens who got their waterfront back.

If you want to talk about value, capital value, talk to the homeowners in the north end of my riding, in the north end of ward 2, about how much the waterfront has enhanced their quality of life and the value of their property. It has given a whole new meaning to the north end.

As a result of our investing that money—the absolute truth: Mayor Morrow on one phone, the Chair of Management Board on the other, and I acted as intermediary between the two as we cut the deal that got the \$10 million. We sealed it in that phone call. That \$10 million allowed that property to be cleaned up. First it was called Harbourfront Park; now Bay Front Park. Absolutely beautiful. I want to say again, kudos to our local municipal planners, who had an exceptional vision of what it could be. With the proper political support—and yes, dollars—it's now a reality. For the record, we also brought in between \$3 million and \$4 million for the development of Pier 4 Park, which is completely dedicated to kids. Thousands of children from all across Hamilton have a better quality of life a stone's throw away because that development took place. Between the two, and they're pretty much side by side, Bay Front Park and Pier 4 Park, we are getting our waterfront back.

Go to municipalities like Ottawa—beautiful. They have the advantage of being the capital city and what I believe is called the capital commission fund, something close to that, that adds federal money due to the fact it's the capital city. I don't have any problem with that. They have a beautiful waterfront. Sault Ste Marie did some wonderful things with their waterfront. We are very proud as Hamiltonians that we got our waterfront back, but it could not have happened without the senior level of government, in this case Queen's Park, playing a partnership role.

What's interesting about this, in the context of Bill 56, talking about brownfields redevelopment, is that, believe me, that's about as good an example as you're going to get, next to the second example we have in Hamilton, which is LIUNA Station. I'll talk about that in a moment.

But the port of Hamilton, side by side with the west harbour area, where we now have recreation. People use it; we have families down there and picnics and festivals. There are fundraising marathons. Anything you can think of that you would want to do in a beautiful, open space, in an urban setting, happens at Bay Front Park. Boy, we've had great fights about this in Hamilton, but at the end of the day I think we're creating a unique way to approach the coexistence of a park, a people's area of the waterfront, next to one of the most successful ports in all of Canada.

Many Hamiltonians aren't aware of the success of the port of Hamilton. Let me just read a couple of things into the record. Number one, it's considered one of the top 10 ports in all of Canada based on tonnage. About 12 million tonnes of cargo and 700 ships go through our port in a year. The stats from 1997 show that 25% of all bulk tonnage and 60% of all general cargo came through the port of Hamilton. That's in all of the Canadian Great Lakes, the entire Great Lakes system. We have seven and a half kilometres of piers and 15 warehouses comprising 1 million square feet. It's the largest port system for inbound cargo in all of Canada. And the Harbour-West sailing school, rated one of Canada's finest, puts between 2,000 and 3,000 sailing students per year through its courses. In addition, we still have Stelco and other heavy industries right on the port sites, and coexisting with them are Bay Front Park and Pier 4 Park.

We've still got a long way to go. We're beginning to get natural wildlife back. Many species of fish and other water life are returning because of the remedial action plans we've had for Hamilton harbour itself. This government has not been there to the extent we would have liked. They had other priorities for their money—our money—and unfortunately it wasn't Hamilton's waterfront and nobody else's waterfront, other than maybe Toronto's because of the political pressure and the attention. Of course the whole Olympics proposal brought that to the forefront.

Were it not for our being there almost 10 years ago, everything I've talked about tonight in terms of bragging with great pride about Hamilton's waterfront wouldn't be possible because it wouldn't exist. The hope that we have for our downtown and the hope that people in the north end of Hamilton and all across Hamilton have for the downtown and other areas associated with and adjacent to the downtown wouldn't be there. All that hope wouldn't be there. That's the kind of difference that playing an honest and true partnership role can make.

So I take great exception to the minister saying that no government before them did anything about brownfields. I would argue that while we may not have brought in Bill 56, we at least had the courage to put our money where our mouth was, unlike the government that takes a nice

tiny little baby step—that's what it is—but doesn't commit the kind of money needed to make a real difference.

Let me say at this point that we need to juxtapose what's happening in Ontario—and by the way, the feds can't get off scot-free here either. They've got an obligation as the most senior partner to play a role. Why do we know that is the formula that works? Because when we look to our neighbours to the south, the United States has been in this kind of business for almost two decades. They've got legitimate partnerships, meaningful partnerships, between their municipalities, the state and the federal government.

I think sometimes those of us around my age, give or take, have had a tendency in the past to be a little bit smug that, on matters of environment or the minimum wage, we're light-years ahead in these kinds of important issues to society. The reality is that they're well ahead of us in the United States in terms of brownfield redevelopment, and for the record they're well ahead of us on the issue of minimum wage. The minimum wage in the United States has been raised twice since this government came into power, and in Ontario it hasn't been raised once. With all the billions of dollars that have been made from the economic boom, not one penny went to those who make minimum wage. So we need to learn from the American example that real partnerships can make a real difference.

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It's not just the fact that people in Hamilton and other communities have a nice place to go on a sunny day and enjoy the beauty of Hamilton Harbour, the beauty of Bay Front Park and the beauty of being able to turn around and see the panoramic view of the escarpment behind them. There is also an economic element—a huge economic element—to brownfield redevelopment.

If ever there was a government that should be putting big money into this, I would think it should be this government. They're the ones who keep saying they know best about the economy and they're the ones who care about business and they know how to manage things. Here's this great opportunity where you don't even have to pay the whole bill. Go into partnership with the feds and the municipalities and make a significant difference. Give municipalities the tools to be partners in generating the economic wealth of this province. None of that is going to happen with Bill 56.

I've talked about what we did 10 years ago working with Hamilton in terms of bringing back the waterfront and developing a brownfield site, but Hamilton has gone further than that. I'm raising Hamilton because, (1) I'm proud of what we've done, and (2) this government needs to be reminded that they are nowhere near away out in front with Bill 56. Communities like mine are way ahead of you. In Hamilton we have the environmental remediation and site enhancement program, ERASE, and the community improvement plan, CIP. Together, they are targeting the redevelopment of up to 3,400 acres of

former prime industrial land, some of the best former industrial land in all of North America.

You bring out Bill 56. Seventy-three pages of words—no money. Open the envelope—no cheque. For our project alone, Hamilton has put up half a million dollars. That is in the face of all the downloading my friend the former mayor of Kingston talked about a little while ago and that all of us here have talked about, the horrendous cost of downloading services to municipalities without giving them the dollars. In spite of that, to their credit, Hamilton city council found half a million dollars to put into our downtown and brownfield redevelopment. Where's your money? Where is the federal money? Hamilton can't do it alone. I think what we've done already is tremendous. In fact, that's why the praises of Hamilton were sung at a conference on brownfields last week. A number of them are being held across the province; this one was held in Hamilton. Virtually every speaker praised the initiatives of the city of Hamilton.

Just think what we could do in Hamilton and what could be done in Thunder Bay, in Sudbury, in Windsor and in all the other communities if there was an actual partnership with the provincial government and the federal government. We would make a real difference. Instead, our municipalities are being abandoned by this government while they stand up and try to take all the credit for coming out with words. Good words, right direction—not that radical; it doesn't take us that far—but no money. They should be the ones, of anybody, who understand that it takes money to make money. In this case, this is good reinvestment.

Again, I'd like to advise the House that the ERASE plan I mentioned in the city of Hamilton is broken down into five subcomponents: the redevelopment grant program aspect; the study grant program; the planning and development fees program; the redevelopment opportunities marketing and database program; and the municipal property acquisition, investment and partnership program. That's what we're doing in Hamilton. In addition, and that's why I very deliberately linked the waterfront, brownfields, the old Lax property and downtown, because in conjunction with the ERASE program, we've also got the downtown revitalization program, made up of four key components: the commercial property improvement loan program; the Hamilton downtown convert/renovate-to-residential loan program; the Gore and core heritage 2000 programs; and the community heritage trust fund.

That's taking the issue of brownfields redevelopment—and remember, brownfields are defined not just as vacant, contaminated land, but also underutilized land. Ours is a community that takes this seriously. We only wish that you had taken it as seriously when you had this opportunity.

I talked about the economics. The tax arrears on brownfields in Hamilton are approximately three and a half times the annual taxes collected. That's as the property is valued now, not its redevelopment value. There is significant money and revenue to be had to pay

for needed infrastructure, to pay for the downloaded programs that you've put on to municipalities like environmental protection, public health, transportation and housing. They all have to be paid for somewhere. You obviously don't want to pay for them, and yet for a fraction of the cost of those programs, you could help the city of Hamilton find the money. It makes a lot of sense. It makes a lot more sense than another—yet another—billion-dollar corporate tax cut.

I just want to put this on the record too: in the project areas, meaning where the ERASE program is targeting, the amount of money that's in tax arrears right now—that's money that's already owed, based on the value of these vacant or underutilized lands—is over \$13 million. When I think about the fiscal pressures on my city council, I think about what they could do with \$13 million.

I mentioned that the conference last week was held at another brownfield site. They held it at what is now called LIUNA Station. It used to be the old CN station. It was abandoned about 10 years ago. It's a stone's throw from the waterfront, it's juxtaposed nicely between the waterfront and the downtown of Hamilton—a beautiful building; an absolutely extraordinarily beautiful building, and we came so close to losing it.

It's interesting: who saved it? I'm sure the government members would never guess who saved it. They certainly wouldn't expect it because it goes against everything they've ever said and done in this place. It was a union that saved it—LIUNA. The Labourers' International Union of North America stepped in, bought the property, redeveloped it, and now they've given us one of the most beautiful conference-banquet centres, office centres in all of Ontario. I say that with an absolutely clear conscience. If anyone has a chance, see it. I've mentioned that the waterfront is not that far away. You just walk into the main area—it's absolutely stunning. There are a lot of craftspeople in this union. They put their time, their effort, their skills, their heart and soul, their blood into the place and it shows. I haven't met anybody who has been there that hasn't walked away feeling the same way.

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Bear in mind that the same properties I'm talking about not that long ago had a waterfront that no one ever went to and a train station that was fast becoming derelict. In less than 10 years, with an honest partnership between Queen's Park, a committed city council and community groups like LIUNA, I'm able to describe to you two outstanding pieces of beauty: one natural, one human-made.

Of those 3,400 acres I talked about, so much is land that is directly between the waterfront, LIUNA Station and downtown. All we need to do is keep going. The city is ready to do it.

To their credit, LIUNA is also in the midst of another project. On Queen Street North, at a former wire manufacturing plant, they're also building an \$18-million nursing home.

We know that if you truly want to reinvigorate an area economically, one of the things you've got to do is bring

people there. The easiest way to bring people there is to have them live there, and you have a mix of housing so you have people with different backgrounds, different cultures, different incomes, and then you start to support small business in the area. It's not that big a stretch to think of a ribbon, an economy, that takes you from downtown all the way down through to the waterfront.

We all know in this place, and the reason I keep bringing the downtown of Hamilton into this, is that every study that's ever been done worldwide has shown that if you lose the downtown of your community, if it begins to deteriorate and rot, you lose that sense of community; you no longer have a city of community.

Conversely, where you have a downtown that's thriving, that draws people in, where there are different activities and different people from different age groups doing different things, when you have that kind of vitality in a common area know as your downtown, that attitude and that economy spread to the balance of the community.

In a community like ours, with so many different pieces—former Mayor Morrow spoke at the Canadian Club the other day and said, rightfully, that Hamiltonians need to be aware that the majority of our land in Hamilton is now farmland. That is a huge advantage for all of us in Hamilton.

My time is rapidly running out for this evening, but I do want to make sure that I put on the record part of an editorial that was written as a result of the conference that was held in Hamilton. By the way, if I get the opportunity to finish this leadoff, I will read quotes into the record that show that every presenter who spoke at this conference, which was held at LIUNA Station, spoke to the absolute, total need for the provincial and federal governments to be in partnership with municipalities if we're going to redevelop brownfields.

What did the Hamilton Spectator say editorially? This editorial was written by Gord McNulty. They said in part, The headline is, "Brownfield Work Requires Federal, Provincial Funding." That's their heading.

"If ever a community had something to gain by transforming derelict industrial sites from eyesores into showcases for inner-city renewal, it is Hamilton. Our city, struggling to overcome an image problem, has every reason to be a national leader in redeveloping abandoned factories, warehouses, gas stations and other vacant lands that are ripe for a new lease on life....

"Better late than never, Canada's provincial and federal governments are taking notice. However, they haven't yet made brownfield remediation a true priority. It is high time that they show more initiative.

"Hamilton is far ahead of the senior governments in taking action. The city has designated two areas of brownfield lands in old Hamilton, including the sprawling north-end Bayfront industrial area with up to 200 sites that could be transformed. It has a \$500,000 capital fund for pilot projects, likely in partnership with private developers. This is an excellent start but the costs of

brownfield redevelopment are too great for Hamilton and other cities to manage alone.

“For its part, the province is long on good wishes but short on funding. It has approved Hamilton’s tax-incentive brownfield strategy and is proceeding with legislation that would remove legal and regulatory barriers to cleanup. Ottawa is on the same track, but moving more slowly. It is considering incentives such as income tax breaks, mortgage assistance and depreciation write-offs for developers....

“Municipalities require more than handshakes from the provincial and federal governments. By becoming directly involved to help communities like Hamilton regain a thriving inner-city local economy, they will ultimately create a wealthier province and country.

“Hamilton has unlimited potential to rebuild its appearance, image and prosperity through brownfield renewal.”

By and large, this is an editorial board that is supportive of this government’s agenda, and they have said virtually the same thing that we all, on this side of the House, have been saying to you, and that is, “Nice words,

nice little steps in the right direction, but without money it won’t work.”

Let me say to the government, especially to those who are rolling their eyes, and I will assume that to mean, “There they go again, asking for money,” this is an investment. You always act like, if money is spent in the interests of the public, somehow it’s wasted money. This is an investment. It brings returns. It brings back a stronger economy. It brings in taxes. It builds communities. It allows municipalities to not just survive, which is all that many of them are able to do under the downloading you’ve done, but actually thrive and plan for the future and be able to pay for that future. It’s a total win, win, win. Now the question is, in terms of dollars, when, when, when? When will you put money with your words and make a real difference?

Speaker, I see you anxiously looking at the clock, so I will cede the floor to you.

The Deputy Speaker: Thank you. It being 9:30 of the clock, this House stands adjourned until 1:30 of the clock tomorrow afternoon.

The House adjourned at 2128.

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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