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Wednesday 28 November 2001

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des débats
(Hansard)**

Mercredi 28 novembre 2001

**Standing committee on
general government**

Municipal Act, 2001

**Comité permanent des
affaires gouvernementales**

Loi de 2001 sur les municipalités

Chair: Steve Gilchrist
Clerk: Anne Stokes

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Wednesday 28 November 2001

Mercredi 28 novembre 2001

The committee met at 1007 in committee room 1.

MUNICIPAL ACT, 2001

LOI DE 2001 SUR LES MUNICIPALITÉS

Consideration of Bill 111, An Act to revise the Municipal Act and to amend or repeal other Acts in relation to municipalities / Projet de loi 111, Loi révisant la Loi sur les municipalités et modifiant ou abrogeant d'autres lois en ce qui concerne les municipalités.

The Chair (Mr Steve Gilchrist): Good morning. I'll call the committee to order for clause-by-clause consideration of Bill 111.

We will start with section 1. Are there any amendments to section 1?

Mr Morley Kells (Etobicoke-Lakeshore): I move that the definition of "economic development services" in subsection 1(1) of the bill be amended by inserting "collection and" before "dissemination."

The Chair: Do you wish to speak to it?

Mr Kells: Not particularly, unless somebody wants me to.

The Chair: Any comments? Seeing none, I'll put the question. All those in favour of the amendment? Opposed? It's carried.

Shall section 1, as amended, carry? Section 1, as amended, is carried.

Section 2, any comments or amendments?

Seeing none, I'll put the question. Shall section 2 carry? Section 2 is carried.

Section 3.

Mr Michael Prue (Beaches-East York): I move that section 3 of the bill be amended by adding the following subsections. I understand from the clerk that it may be ruled out of order, but I'll move it anyway"

"Notice of change in costs

"(2) The province of Ontario shall provide a minimum of six months notice of any proposed substantial change in policies or legislation that would result in an increase in the costs to municipalities of carrying out their responsibilities.

"Exception

"(3) Subsection (2) does not apply if the proposed change is to deal with an emergency situation.

"Funds from province

"(4) If a substantial change in policies or legislation will increase the costs to municipalities in carrying out

their responsibilities, the province shall provide the funds to the municipality to meet the increased costs in the amount determined by the Provincial Auditor and an auditor appointed by the Association of Municipalities of Ontario as being adequate for this purpose."

The Chair: You did receive sage counsel, as always, from the clerk. Under standing order 56, only a minister of the crown can direct provision of public funds, so I must rule this amendment out of order.

Which would then take us to amendment number 3 in your package.

1010

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

"Review

"(2) The Ministry of Municipal Affairs and Housing shall initiate a review of this act before the end of 2007 and thereafter within five years of the end of the previous review."

If I may, the rationale is rather obvious. Both municipal and business stakeholders have requested the provision of this type of review and the government is amenable to such provision.

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): I agree with the parliamentary assistant that the review is in order and that people have requested it. I just wonder about the 2007 date. I'd prefer to see that, say, moved back to about 2004. I think to wait five years to review an act as important as this is problematic. I don't know how it works procedurally, but I'd be prepared to amend it to 2004.

The Chair: Perhaps before Mr Kells responds, unfortunately, operating as we are in a time allocation motion, amendments from the floor are not in order, but I appreciate your comments.

Mr McMeekin: Oh, OK. It's better than nothing.

Mr Kells: I won't prolong it, but it's very basic. First of all, you had some concern leading up to this bill that we weren't consulting over a long enough period, and now you want to shorten the period after the bill comes into play.

Mr McMeekin: It would be three years.

Mr Kells: I think the timetable we suggested is fair.

The Chair: Further debate? Seeing none, I'll put the question on Mr Kells' amendment. All those in favour? Opposed? It is carried.

Shall section 3, as amended, carry? Section 3, as amended, is carried.

There is a new section 3.1, and that would be Mr McMeekin.

Mr McMeekin: Yes, I'd be pleased to move that, Mr Chairman. Is it normal for me to read it? I think you can all read.

The Chair: Yes. You don't, however, have to read the titles. For example, it says "Matters affecting municipalities." You would start at "3.1(1)."

Mr McMeekin: I used to own a bookstore, so I can read.

I move that the bill be amended by adding the following section:

"Matters affecting municipalities—general principles

"3.1(1) In developing policies or making changes to legislation or regulations that affect municipalities, the province of Ontario shall have regard to the following principles:

"1. Municipalities shall not be amalgamated or restructured without the consent of the municipalities affected.

"2. An amalgamation or restructuring shall be carried out in a manner that reflects the decisions of the municipalities affected.

"3. The province of Ontario shall consult with municipalities and other persons or bodies having an interest in municipal issues in relation to any proposed legislation or regulations.

"4. At least 12 months' notice must be given to municipalities of any potential policy or decision that will have the effect of increasing the responsibilities of municipalities or the costs to municipalities of carrying out their responsibilities."

The Chair: Do you wish to speak to your amendment?

Mr McMeekin: I do indeed, Mr Chairman. I just want to say by way of overview that nothing is more important to municipalities, particularly when we're talking about the need to bring in legislation that reflects a new era, a new partnership predicated on trust and respect, than actually giving some semblance of trust and respect throughout the legislation. Nothing is closer to—

Interruption.

Mr McMeekin: You see, there's a bandwagon coming on this side. Can you hear it?

Interjection: You missed it.

Mr McMeekin: Nothing is closer to the hearts of municipal leaders and the people they represent than the form, style and structure of their municipal governance. I would hazard to also add that nothing is closer to a constitutional issue than municipalities actually having the right to decide for themselves, speaking from some painful experience. I happen, as you may recall, to have had the privilege of serving as the mayor of the wonderful town of Flamborough, the only town in all of Ontario that actually lowered local taxes six years in a row without gutting services. We did that by building on our strengths and using a whole lot of volunteers and partnering with

others, including people in the private sector where that was appropriate, to do it together and achieve together what we couldn't achieve apart. I'm a big believer in that.

The people in my particular municipality and a number of others around the great old city of Hamilton—

Interjection.

Mr McMeekin: And now the great new city—voted in overwhelming numbers to not embrace amalgamation. We in fact asked the government not to get involved in that, not to send in a commissioner. We had in my municipality I think a 54% turnout at a plebiscite vote where people had to prove they were on the voters' list and produce ID. It wasn't one of these things where if you had Aunt Nellie coming in from Scotland she could vote as well just to show that she loved you. So we had a 94.6% rejection of that. There have been a number of subsequent difficulties with respect to the arbitrariness that was associated with that and, dare I suggest, some other amalgamations.

What I'm pleading for here and what we're pleading for in this resolution is that we breathe some real life into the rhetoric that's out there about treating municipal government as a bona fide government, a government capable and those elected to represent the people capable of making decisions, and that's part of the accountability that ought to be flowing with this legislation. Simply put, municipalities, if we are to live the spirit of the thrust of Bill 111, should not be amalgamated without their consent. I think in hindsight that is perhaps even the current government's position, having experienced some unpleasant results from forced amalgamations.

I could spend a lot of time going on, elaborating the 15 key areas where life is not as bright and as sunny as it was before amalgamation, but I won't do that.

The other issue that's of concern of course is the fear that downloading, be it revenue neutral or otherwise, or even uploading—I want to be fair—should be done very much in the context of this consultative partnership that we're all giving a fair bit of emphasis to, at least rhetorically, as we talk about this bill. So I guess my challenge to the government and to members here and to our colleagues in the Legislative Assembly is let's actually practise what we claim we're preaching, and hence the resolution before us this morning.

Mr Kells: My only comment is that I hear the honourable member. I would not like to refer to his being here as an unpleasant result, but that could be the case. As you know, and it'll be said probably many times throughout the day, we are working on a memorandum of understanding with AMO and I'm certain that this subject will be debated in detail at that time and will be reflected probably in the wording that will be in the MOU. So on that basis of course we can't support your amendment.

Mr Prue: I'm going to be supporting the motion, notwithstanding the memorandum of understanding, which of course should reflect that. If the memorandum of understanding does what it's supposed to do, it will

acknowledge the existence of the municipalities, it will acknowledge them as a full partner in the governance in this province, although at a different level. It would seem to me to be untoward not to provide the protection of the municipalities through a section of the act, so that by whim or caprice of a future Minister of Municipal Affairs or a cabinet a municipality does not find itself in the unfortunate position of so many municipalities over the last few years.

I will tell you, gentlemen, if you knock on doors even to this day in East York, you will get a frosty response as to what happened, how it happened and the results of what happened. If municipalities need to amalgamate, and some have chosen to, there have actually been some good cases where it worked, but that's usually when co-operation and cool heads and time and public support have come together to do it. When that isn't there, I think the municipalities should be protected. Mr McMeekin is exactly right: if it's going to be in the memorandum of understanding anyway, why shouldn't it be in the legislation?

1020

Ms Marilyn Mushinski (Scarborough Centre): I can't resist. I'd like to speak. I really would like to ask the Chair what he feels about this.

Last night I had the honour of being made an honorary patron of my community. The local councillor was the guest speaker, and the question of amalgamation actually did come up. I was quite surprised: this local councillor is known to have a slightly different coloured stripe from me, but he was actually espousing the virtues of amalgamation in terms of how we were able to amalgamate six fire departments into one, and how six municipalities were all competing with each other to get business internationally and amalgamation has been able to combine the forces to attract business, which of course helps the economic development of the greatest and largest city in Canada, which is, after all, the economic engine of the country.

Clearly, I don't share the sentiments of some around this table. The residents who were present last night are all from Scarborough, they know they're from Scarborough, they know what the Scarborough community has done for them and will do for them in the future, and they don't feel disenfranchised by amalgamation. So I couldn't disagree more with Mr Prue than what was substantiated to me last night at a community meeting. I will not be supporting this amendment.

Mr Mike Colle (Eglinton-Lawrence): It's interesting, if amalgamation has been so good, that this bill blocks further amalgamation in the 905 area or throughout the province where there are regional governments. If amalgamation is such a panacea and it's been so good and has a track record in Hamilton or Wentworth or Ottawa or Victoria county, then my question to the government, and maybe to the staff who prepared the bill, is why does this bill block further amalgamations in the 905 area and the other regional governments that exist? Could anybody answer that?

Mr Kells: It's not a matter of whether we can answer it; it's a matter of whether we want to answer it. We made our position known just before you arrived, and we are going to stand by that. We appreciate the thrust of your amendments, but we do believe that in the memorandum of understanding this will have a great deal of debate and possibly what you're talking about will be reflected in that memorandum. We're prepared, as a government, to stand behind whatever comes from those discussions. So we won't be supporting it, as I mentioned prior to your arrival.

Mr McMeekin: Just quickly in response, I would say for the record that if there's to be a memorandum of understanding, that's what the act is. It defines our understanding of the relationship between the province and its constituent municipalities. I would add to that, for the record, that AMO doesn't determine and ought not to be able to determine for a municipality what that municipality might choose to do, with all due respect to AMO—I have some good friends there. Picking up on my colleague opposite, I suppose if pushed hard enough I might even be able to find a Liberal somewhere in Hamilton-Wentworth who supported the amalgamation. But AMO ought not to be determining for any municipality, and I'm assured they don't want to do that.

In my municipality, you may recall there was a three-fold government promise that we would see streamlined, more efficient and effective government; we would see not just the same services but better services; and we'd see both of those with lower costs and lower taxes. The impact in my former municipality has been to distance citizens from their leaders. Taxes have shot up 13.8%, when we were all told by your independent expert consultant at the time that they would go down. We've seen a deterioration of the relationship between citizens and their government. Taxes have gone up over 30% in the rural areas. The cost of cutting grass under the town of Flamborough—small point, but significant—was \$908 a hectare; now it's \$2,800. We've had more break-ins in municipally owned properties in the last year than previously in municipally owned properties in the last quarter century. Why? Because one of the first things the new city did was set about the process of dismantling that historically and culturally effective reliance on volunteerism, the very heart of the community. We've now got major fights between full-time firefighters—the full-time union culture in Hamilton—and our historic part-time volunteers to the point now where part-time volunteers are being driven out of the ranks. It's just not fair.

So there have been a lot of negative impacts. I suppose if you were to cast long enough and seriously enough in Hamilton, even in the suburban communities, you might find one person, like my good friend Marilyn has, who might support it. I'd be quite willing to adjourn this meeting and go door to door in Flamborough, Aldershot, Dundas—

Mr Prue: I think you should go door to door in Scarborough, because I don't believe—

Mr McMeekin: But you see, you're just another unpleasant result, Michael. Anyway, enough said.

The Chair: Further debate? Seeing none, I'll put the question on Mr McMeekin's motion. All those in favour? Opposed? The amendment is lost.

Sections 4 through 6: are there any amendments or debate? Seeing none, I'll put the question. Shall sections 4 through 6 carry? Sections 4 through 6 are carried.

Section 7, Mr Prue.

Mr Prue: I would move that section 7 of the bill be amended by adding the following subsection:

"City of Toronto

"(6) Despite subsection (5), the City of Toronto may exercise its powers under sections 222 and 223 to override a special act even if the special act specifically or by necessary implication precludes the exercise of those powers."

That's a little bit of legal jargon. What that means in a nutshell is that the city of Toronto would have the same express authority as every other municipality in this province to set its own ward boundaries.

Mr Kells: My only comment, and Mr Prue knows the history as well as I, is that it was not very long ago that the city of Toronto council, given direction by the province, had the debate about how to carve up what we would call a federal or provincial boundary into two. In many areas, mine included—being a Toronto member, I feel very strongly about this. We tried to get them to carve it up in my area geographically. That made sense to the population involved. Of course they carved it up to suit a political timetable and a political grouping of people on the Toronto council. Be that as it may, we now have a situation where that has been done. It's been done by the council of the day. We're of the opinion that it would be better for the people now, being cut up the way they've been cut up and now familiar with these new boundaries, that that's the way they should stay. That's why we can't support the amendment.

1030

Mr McMeekin: I hesitate to get into this other than to say that I find it ironic that the member who just spoke was intimating that if the Metro government had only listened to the people, it would have had the right boundaries. I suppose that echoes part of what I was saying with the earlier resolution about expressing a willingness to listen to the people through the—

Mr Kells: This time you agree with me.

Mr McMeekin: It's written in the Good Book that consistency is the hobgoblin of a feeble mind. So we can have debate about who's there. I just found it ironic that the very argument I was making, which you couldn't find it in your heart or your mind to embrace, is now being fed back to us based on your experience, which I treasure and honour. I wish they had listened to the people, as you were urging. I was simply urging the same on the amalgamation and downloading issue.

Mr Prue: I really feel I have to speak to this. The city, in its forced amalgamation, was allowed 56 and then 57 members, and carved it up on the old boundaries Metro had chosen, divided it up based on the Metro boundaries. The province then, in its wisdom, came along and

determined that there were too many members of the council—I think that was the whole argument, that there were too many members—and then chose the federal-provincial boundaries, and told the municipalities they had to carve those in half.

There was no choice. There was a lot of bitterness at the Toronto council at the time that the province had unilaterally reduced the number of members, for no reason at all other than that the mayor was often quite obstreperous to the Premier. We couldn't think of any other reason it was done. There was no member of council advocating it. There was no member of council who voted for it.

Then the province allowed the municipalities to cut them in half. There was a lot of debate. I will agree that the Etobicoke resolution was not a good one. I, in fact, voted for the other side. I think Councillor Holyday made a very good point as to where the boundary should be. The 427 was clearly a better boundary than the one they chose. But that was the aberration of the 44. The others were almost all upon mutual consent. They were very logical. They followed main roads where the communities were carved in half.

The City of Toronto Act specifically precludes the city of Toronto from getting into this argument in the future. It will be an arbitrary decision of this council. The boundaries will change every 10 years, as the federal-provincial boundaries change. Communities will be cut up after they've got used to being together. It makes absolutely no sense. If the province wants to say there are 44, then tell the city there are 44 and leave them to do it.

To force them to change every time the province or the federal government changes is illogical. It is illogical to them. They cannot and should not be forced to do something no other municipality does. No other municipalities told you, "We'll have 55,000 people per councillor." Not one. If you do that in North Bay, there'll be one person. If you do that in all of these other places—where Mr Miller comes from, how many? You'd have, for your entire constituency, maybe two councillors. That's what you'd have.

What you're doing to the people of Toronto is patently unfair. I am simply asking that they have the same rights as citizens as every other citizen in this province.

Ms Mushinski: Have you seen the size of Howard Hampton's riding?

Mr Prue: They'd have two. No, they'd only have one. I think he only has about 55,000 people.

Mr Colle: I would certainly urge support of this amendment, because I don't think Queen's Park always knows best. In this case the Municipal Act is talking about giving municipalities more autonomy and treating them more like the adults and governments they are. For Queen's Park to basically override or impose its will on the type of representation, the number of representations, is totally out of whack with what the people, I think, of Toronto have experienced.

If you look at Toronto, it is a city with a lot of older, established neighbourhoods that go back beyond, you

might say, some of the provincial practices and provincial inventions, and have to be respected. This does not respect the fact that there are established neighbourhoods and the boundaries have nothing to do with what are—it's not even the province—essentially federal boundaries. If you try to equate to these federal boundaries every time, without giving any kind of say to local people on how they feel they can be best represented—because that's what it's all about. I think the people who are paying taxes and are involved in community groups know what's best for their community.

This is, again, that heavy-handed approach that this government has taken in the past and continues to take in this bill, which in essence says, “We know best. We will tell you what the boundaries are going to be and when they'll be changed, and you don't really have a say in it.” Supposedly, the reason you created this megacity was to give Toronto more strength, more power, the ability to go on its own more, but in key situations, over and over again, they really don't have a say in basic boundaries or basic representation.

I'm sure you can criticize any municipality. There isn't one municipality in Ontario where there isn't some debate about boundaries. That's the nature of the beast; people debate boundaries. One area gets an advantage; one councillor gets an advantage. All that's really needed are some general parameters about representation. But when you get into micromanaging boundaries and what councils can do, whether it's a city like Toronto or whether it's Wawa, local ratepayers and local political practices are usually the ones I would defer to, given the fact that there are all kinds of rules.

This whole legislation is about rules and regulations. They still can't even go to the washroom in a municipality unless they get provincial approval. So it's not as if there is a lack of provincial guidelines; there are probably still way too many in this case. I think that this amendment basically talks about being straightforward with municipalities, saying, “You have responsibility. We respect your ratepayers, we respect your traditions, and we won't interfere and impose things on you any time we want to.”

This is one motion that is related to a number of other motions and aspects of this bill that I'll talk about later, where they're still even telling municipalities that the Minister of Finance has to approve every word on a tax bill. You can't have it both ways. I just think there's some kind of middle ground here where you have your rules and guidelines. I think the province is right in having those overriding guidelines but not to the point where there's this constant imposition. I don't see the rationale for that and how it makes for good local government.

Remember, you're never going to get perfect government. I guess the only place they had perfect government was in the Soviet Union, where it was totally centralized, a command system. Everything came from the Kremlin. If we ever did an analysis of that type of government, you'd see that it was basically a disaster for everybody.

That's when you try to impose things always from on high, because what happens is that you don't connect with local needs. Municipalities are about connecting with local needs. That is what I think this motion is trying to say and trying, at least in some small way, to mitigate.

We can't always say that Queen's Park is right. I really wonder when this government will admit that Queen's Park has been wrong. If you talk to some of the councillors or mayors who are not intimidated, they will tell you over and over again where Queen's Park has made mistakes you wouldn't believe. I predict that the biggest thing you'll see is the Ministry of Municipal Affairs reversing the forced amalgamation in Victoria county. It was a disaster for Victoria county.

1040

So rather than dictate boundaries using federal boundaries, basically, which certainly in my riding, I know, have very little to do—I think I've got a mix of four municipalities within my riding now. There are still four different bylaws, by the way—that hasn't changed—four different sets of building codes, four different sets of how they pick up garbage. In one section I've got a private contractor, and then I've got a public contractor. You can ride through one section of my riding and there are stop signs at every, you might say, four-way stop, and then in the other section of North York there aren't. So you're driving through, supposedly, one riding or one city, and it changes completely.

Amalgamation is supposed to cure all this. The boundaries haven't cured that, even that small consistency. They haven't done anything about it. So rather than interfering in what municipalities should do, maybe you should work with the municipalities and say, “Listen, why don't we have a standard? where at every four-way stop intersection there might be some standard.” It should be the provincial government's job to facilitate the little things that count. But most of the time has been spent on dictating what I think is a political agenda, which is very punitive in those cases, or for the good of Queen's Park. It's not good for local citizens who are trying to drive safely through a neighbourhood or who worry about who's going to fix the pothole, because now when the pothole has to be fixed, I've got to phone somebody in Etobicoke. They don't even know where the street is, because it hasn't caught up to this great plan they had for this megacity. We're getting poorer services, boundaries that don't match the neighbourhoods, and in essence we're getting less service for our tax dollars we pay provincially or locally because of all this bureaucratic creation called amalgamation, which has basically turned out to be an annuity plan and a pension plan for political consultants and lawyers and the likes of Professor Harry Kitchen out of Trent.

These guys have become rich. I'd like to see what they've banked over the last five years with this government. I hear Professor Kitchen is messing things up in Muskoka now. I warn people in Muskoka, watch out. See what he's done in Kawartha and Victoria county. I'd

actually rather have Morley Kells up there talking to people in Muskoka than that Professor Kitchen. I would trust Morley because he's been there on the ground. The government hires these consultants who supposedly have a university degree in municipal government, but just look at the mess he created in Victoria county. I'm going to trust Professor Kitchen up in Muskoka?

To my colleague Mr Miller, I'd say, "Watch out. If you see that guy coming, I'd run for the hills." Because municipal services, and that's what we're talking about here, are about providing good local hands-on government, where people feel they can knock on a door and yell at the councillor. They know the work foremen. They have a sense that someone is actually listening to them and that when they pay their tax dollars, they're getting someone to answer the phone and they don't get into some kind of computer rollout here on what policies are. They want to talk to real people.

That's why I support this motion. It's about trying to get municipalities back into the hands of the people and out of the hands of the likes of Harry Kitchen or whatever his name is, who probably has never fixed a pothole and probably doesn't even know what a pothole looks like.

Mr Kells: If I may, I'll try to keep my comments somewhat shorter than the comments that I've been listening to. I would like to mention, when Mr Prue made some comments about Toronto being a unique place, that I think that's exactly what we're trying to understand here, and that's why our rejection of this amendment really reflects the fact that Toronto is unique, as many delegations have come before us to tell us.

I have to take a little umbrage at the comparison of anything this government is doing or has done to the Communist system in Russia in the past. I think that's a bit of a stretch by anybody's judgment. I'd like to have it on the record that we reject any kind of comparison. Queen's Park can be, I assume, dictatorial: from 1985 to 1995 there were a number of dictatorial actions taken. I'd only have to comment on Rae days or something of that nature.

Anyway, I don't want to get into any kind of argument about that because it's off-topic. I think the honourable member just got a little bit off-topic when he started to drift around the province. As to his reference to micro-managing, here's a point where we're not micromanaging; we want to just leave it the way it is. But finally, if it's any solace to the member who moved the amendment, down the road the city of Toronto can debate geographical boundary changes. When they come to an agreement, they can bring it to the minister of the day, and if it makes such eminent common sense, it's possible a reg could be passed to recognize the debate done.

The point the provincial government is making is, you do the debate and then we'll talk with you after that, after you have a plan. If it's such a burning point, take the time to have the debate at the city of Toronto, then bring the map up and the minister of the day will be happy to take a look at it.

The Chair: Further debate? Seeing none, I'll put the question on Mr Prue's motion. All those in favour? All those opposed? The amendment is lost.

Shall section 7 carry? Section 7 is carried.

Are there any amendments to or debate on sections 8 through 10? Seeing none, I'll put the question. Shall sections 8 through 10 carry? Sections 8 through 10 are carried.

Section 11: the first amendment would be yours, Mr Prue.

Mr Prue: I move that subsection 11(1) of the bill be amended by adding the following paragraphs:

"11. Affordable housing.

"12. Health, safety, protection and well-being of people and the protection of property.

"13. Natural environment.

"14. Nuisance, including noise, odour, vibration, illumination and dust.

"15. Municipal land use planning."

Numbers 12, 13 and 14 were in the original draft document the government proposed, and then it had them removed. After having heard the debate, I'm not sure why they were removed. There were some cogent arguments made by some of the municipalities that they should stay in there.

The "health, safety, protection and well-being of people and the protection of property" would tie in very well with the later sections relating to the government's ability to control such things as spraying. There was considerable argument from the city of Mississauga, from Caledon, from AMO and from other sources that the municipality should have that control over pesticide use, such as that which was granted in the Hudson, Quebec, case.

As to the "natural environment," it logically follows that the municipality should have some control over its natural environment.

"Nuisance, including noise, odour, vibration, illumination and dust"—this has to go a long way around such things as buildings and building control; illumination of signage, especially in urban areas; odour or noise from factory pollution. All municipalities have bylaws that affect that. It's nothing going into the provincial legislation.

1050

Those three were in earlier recommendations. For the life of me, I have not heard an explanation why they should have been removed.

To go outside that little box, number 11, "Affordable housing," municipalities are in many respects getting into the affordable housing game. In fact, the province, in its wisdom, has seen fit to download a great many of the affordable housing units, some 29,000 in the city of Toronto, and in St Catharines, London, Windsor, Ottawa. The municipalities now have that jurisdiction and that control over affordable housing. They're going to have to start spending the money on it as well. If that is the decision, to give them the affordable housing, it should be in there too. Many municipalities are also starting to

build affordable housing as part of the mandates of the municipalities. In the absence of any other program, they're trying to do whatever they can.

The last one, 15, "Municipal land use planning," seems to me to be quite natural as well. Municipalities, by and large, especially the more mature and larger ones, have whole planning departments, planners, official plans. It's only logical that municipal land use planning also be part of their mandate. It's something they do. It is of course subject to the Ontario Municipal Board, which is a provincial agency at arm's length. If municipalities are going to be required to do this type of work, then it should be clearly set out that this is within their mandate.

I am asking that these five be included, two of them because it's obvious the municipalities are doing it, and three of them because they were in the earlier draft document, made eminent sense, and there has been no cogent argument whatsoever as to why they were removed.

Mr Kells: I appreciate the thrust of the amendment. We would like to point out that the current Municipal Act doesn't deal with every service or program that involves municipalities. Rather, the entire array of their responsibilities is spread out over some 90 pieces of legislation administered by 15 ministries. We've now narrowed it down to the 10 spheres. I don't think I'll bother reading them, because we'll probably be touching on them again before the day is out.

In addition to the provisions affecting these matters in the current act, there is already a considerable amount of pertinent provincial legislation in place. Because of the concern about duplication between the province and the municipalities and the potential for over-regulation for business and ratepayers, it was decided not to carry forward these powers in the form of spheres. Rather, they are set out as specific provisions but in a considerably more modernized fashion. I asked my learned friend beside me what that meant. It means more modern language as opposed to the archaic language of the old act.

Maybe even more important, it's my understanding that AMO supports what we have done here in the act. The municipalities themselves had concerns with the limits on these sections, so we removed them as spheres.

We are really responding to what we heard in consultation, and as a result of that, we won't be supporting the amendment.

Mr Colle: I'm a bit puzzled. It astonishes me that AMO would not support this—or maybe what their rationale is. Some of these things—I'm not sure if the parliamentary assistant was saying they can make bylaws pertaining to these areas through other pieces of legislation, under the Planning Act etc. I'm not sure. I can't see how you can prohibit municipalities from making bylaws dealing with, for instance, noise abatement. This is one of the most constant thorns that local councillors and ratepayer groups get. Maybe the staff could answer that.

Mr Kells: Well, I could answer that it's a sphere. It's already in there.

Mr Colle: Can they do it under other sections?

Mr Peter-John Sidebottom: Sections 128 and 129.

Mr Colle: So they can already do it in this act in another section?

Mr Sidebottom: Right.

Mr Kells: No, in the new act.

Mr Sidebottom: In the new one.

Mr Colle: Yes. But I'm saying in the act before us.

Mr Sidebottom: Yes.

Mr Colle: Yes. I just thought by not putting them here, that would preclude them, and that's why it just doesn't make sense. So they can essentially make bylaws for all these areas under other sections of this act.

Mr Sidebottom: That's correct.

Mr Colle: Yes. That answers my questions.

Mr McMeekin: I have just a couple of points. I will support this because I think these somehow have to be worked in, and maybe that's part of the ongoing consultation that needs to happen in terms of the specifics.

I just note, as one who goes to and stays for the duration of the ROMA conference, the OSUM conference, the AMO conference and listens intently to municipal leaders and has all kinds of time for AMO and those who work for AMO and its madam president, who happens to be a good friend and speaks her mind quite candidly, that if the measure of inclusion in this act had any resemblance even close to what AMO wanted, I can think of at least 50 things that should be included that AMO would proclaim are missing. And if you want, I have a list in my office of missing parts that I'd be quite pleased to read into the record, various things that AMO has called on.

We've also had a chance to review some of the material that various organizations have presented in the consultation process, although that's not been generally available even though we've asked for it. It's always fascinating when we hear conversations about consultation but can't readily access the consultation material. But that's by way of segue.

I want to ask a specific point, though. I had raised the issue, Mr Chairman, you may recall, and I think you were somewhat sympathetic at the time, or at least appeared to be somewhat sympathetic, to getting an answer with respect to the whole issue the city of Burlington raises around pesticides and the potential—I think the mayor of Caledon, Her Worship, was here and spoke about that as well, as I recall, about pesticides and control of pesticides and the municipality's fight to exercise control over that. There was some reference to staff getting some information back as to which would take precedence. Would the Municipal Act be subservient to the Pesticides Act and were there enough controls within the new proposed Municipal Act to allow municipalities that had some concerns about certain chemicals being sprayed to control their use and abuse?

That's the kind of issue, Michael, that I think really gets covered off in section 12, if it's included, and sadly the kind of issue that gets missed in the absence of that sort of reference.

So I raise that. I don't know if there has been any more information on that. There was the Quebec Supreme Court decision, you may recall, that municipalities do have the right to control, and I was wanting to be at least as progressive as la belle province and wondering whether we were putting those same kinds of provisions in place.

Mr Kells: It would probably be a good idea to be as progressive as Quebec, but Quebec doesn't have a Pesticides Act, so they're not quite as progressive as Ontario in that regard and that's why the Supreme Court decision is unique in that regard.

If you recall, when Her Worship the mayor was here, her concern, as I understood it, is that we got it down to, if you will, the micro-area, which was not necessarily pesticide use by municipalities; it was pesticide use by the public because of the instructions that were on the product. Now we're starting to move into packaging, a different kind of question.

We've tried, as I say, to handle this the best way we can. I appreciate what you're bringing forward. It's certainly something that, as we continue to discuss this whole new act with AMO, and for that matter with any municipality, if it can be described or enunciated as a serious problem—I'm not saying—if there's concern, there's concern—we could probably take some kind of steps later on.

1100

Mr McMeekin: I appreciate your reference to Her Worship, but you may recall His Worship Mayor MacIsaac was in and raised the concern in a much more general way around the municipality's ability to monitor, regulate and control—

Mr Kells: This actually came up too in our smart growth consultations, so these sort of debates have a life of their own as governments are consulting in different ways with the public.

I guess a general answer is it hasn't been impressed upon us that strongly that would indicate that we're going to change our act, but we certainly are aware of the debate and I think it will be monitored in the months ahead.

Mr McMeekin: I'll accept that.

The Chair: Further debate? Seeing none, I'll put the question on Mr Prue's amendment. All those in favour? Opposed? The amendment is lost.

Mr McMeekin: We've got to have one breakthrough today.

Mr Kells: I move that subsection 11(2) of the bill be struck out and the following substituted:

“Spheres of jurisdiction, lower and upper-tiers

“(2) A lower-tier municipality and an upper-tier municipality may pass bylaws respecting matters within the spheres of jurisdiction described in the table to this section, subject to the following provisions:

“1. If a sphere or part of a sphere of jurisdiction is not assigned to an upper-tier municipality by the table, the upper-tier municipality does not have the power to pass bylaws under that sphere or part.

“2. If a sphere or part of a sphere of jurisdiction is assigned to an upper-tier municipality exclusively by the table, its lower-tier municipalities do not have the power to pass bylaws under that sphere or part.

“3. If a sphere or part of a sphere of jurisdiction is assigned to an upper-tier municipality non-exclusively by the table, both the upper-tier municipality and its lower-tier municipalities have the power to pass bylaws under that sphere or part.

“4. An upper-tier municipality does not have the power to pass a bylaw that applies within one of its lower-tier municipalities under a sphere or part of a sphere of jurisdiction to the extent that this act (other than this section) or any other act confers power to pass the bylaw on the lower-tier municipality.

“5. A lower-tier municipality does not have the power to pass a bylaw under a sphere or part of a sphere of jurisdiction to the extent that this act (other than this section) or any other act confers power to pass the bylaw on its upper-tier municipality.”

The Chair: Do you wish to speak to this?

Mr Kells: Well, it's a technical clarification.

Mr Prue: Can you tell me—I notice that number 3 is the change.

Mr Kells: If I may, this section of the act maintains a status quo on existing division of powers between tiers. This change streamlines the language of this section as set out in Bill 111 and clarifies that the lower tiers have exclusive authority in spheres which have not been assigned to the upper tiers. So if you haven't given it away, we haven't given it away, it still belongs to the lower tier.

Mr Colle: I think this is very problematic. It's very difficult to do. I can empathize with the government's attempt to try and clear this up, because right now we have an example of this taking place in King township where there's a huge legal battle between the lower tier, King township, and the upper tier, York region, over a sewer. The present legislation basically has been over-ridden by the upper tier. I think it's being challenged in the courts by the lower tier. So the lower tier is spending all kinds of money trying to get this clarified.

I don't know whether this will end that type of dispute in the future. I'm not sure whether anybody is cognizant enough about the present situation in the region of York to see whether this would resolve those disputes from taking place.

This is in regard to the York-Durham trunk sewer that is being opposed by King township. In the past, historically the local township has had jurisdiction over this with their local planning authorities, etc, but it has been overruled by the region. The region is now forcing the hook-up to the York-Durham sewer against the will of the lower tier, and the lower tier is going to court, etc. Would this in any way resolve that type of dispute?

Mr Kells: I don't want to get this government's amendment too far dragged into a particular—

Mr Colle: I'm just saying whether it tries to clarify things like this. That's what I'm getting at, because I can

see this replicating in other areas, whether you've thought about that kind of dispute in terms of looking at it. Now might be a chance to essentially clarify that, because I think it's a good case in point that in real life, hopefully, this legislation is taken into consideration. I'm just using that as an example that now is a chance—you're looking at it—to maybe ensure that gets cleared up by legislation before this happens again in other jurisdictions.

Mr Kells: It's our best attempt and we do feel that section 1 does speak to some of your concerns. As I said, I don't want to get into that argument—

Mr Colle: Yes, none of the specifics, but I also—

Mr Kells: I do appreciate your comment that we've tried. I guess it's not for the politicians to question the people who have to write this material, but I would say that we're trying to do entirely the right thing and if it doesn't do the trick, then I'm sure it certainly will be brought back to us in any number of ways.

Mr Colle: It's very challenging.

Mr McMeekin: This appears to make some sense. Those that are exclusively upper-tier powers ought not to be impinged by and the lower tier impinged by—in fact arguably it might clarify some of the concerns that my colleague Mr Colle is talking about. There's an old expression that tolerance begins not at the point of similarity, but at the point of difference. You may recall, as I do, that the mayor of Burlington raised some specific concerns about economic development historically—by the way, they do it very well in the city of Burlington—being assigned to the upper tier. So we are going to do this—

Mr Kells: Their assessment base is good too.

Mr McMeekin: That's true, and that always helps, as one who's been there. That having been said, I think as we move forward with this we'd want to be careful about what we then designate as exclusive, Mr Kells. I would want some assurance, for example, that we weren't in essence feeding the hand that might end up biting some of the very good things that have existed. I don't mind the region of Halton or other regions, upper tiers, having involvement in and joint jurisdiction with respect to economic development, but I wouldn't want to rob those who are doing it well of their ability to continue to do that. If you're prepared to give us that assurance, I'd be prepared to support this government motion.

Mr Kells: I'll do the best I can. Bear in mind, as I said, I speak not necessarily for the minister all the time but at least with him.

The issue here is that we did not want to get into the existing division of power. It was a conscious policy decision and that's why this section in the table reflects the status quo. Any municipality that raised a concern during the hearings on this, staff have confirmed that their provisions were accurately reflected in the act. So we feel that we've tried to handle the concerns as put forth by people like the mayor of Burlington. If down the road an example would be brought to us, it would have to be looked at, especially if the issue was in front of the

court. If we find that the act is inadequate, and we probably are going to need illustrations of that—it's far from me to sort of look ahead and see whether that's going to be the case or not.

So I appreciate your comment that you might see it in your heart to support it, and we'd appreciate if you would, but this is our best attempt, anyway.

1110

Mr McMeekin: Can I ask very specifically, then, because I notice looking at the paragraph 10, economic development, the regions aren't by definition included, there's the county reference and the mayor also raised that concern about language. Assuming that we were to pass this resolution, can you simply give me the assurance that that specific example that was raised would not be prejudicial to the good people in the city of Burlington, many of whom I represent provincially?

Mr Kells: I think we're dealing with some hair-splitting here and because this is the record, I'm not prepared to do that.

Mr McMeekin: You've said you want to affirm historically what's working and the status quo. I'm asking—

Mr Kells: Yes, and we feel that is the case.

Mr McMeekin: OK.

Mr Kells: If somebody can prove it isn't the case down the road, then that's what politics is about, and the legal argument.

Mr Sidebottom: The spheres are supplemented by—

The Chair: Just introduce yourself, sorry, for Hansard.

Mr Sidebottom: Peter-John Sidebottom, manager, municipal affairs. The sphere provisions are supplemented by additional powers, and if you look at sections 111, it talks in particular about Durham and Halton and Oxford and, in section 112, Peel as well, where it actually gives additional powers to lower-tier municipalities in those specific instances. Again, the sphere is attempting to capture the general provision and, where necessary, additional provisions specific to those municipalities have been added, so 111 and 112 maybe.

The Chair: Further debate? Seeing none, I'll put the question on the government motion.

All those in favour? It is carried.

Mr Kells: I move that the table to section 11 of the bill be amended by:

“(a) striking out ‘All upper-tier municipalities’ in column 3 of item 7”—

Interjection.

Mr Kells: Are we reading the right one? I'm doing the best I can.

The Chair: I beg your pardon.

Mr Kells: —“(Structures, including fences and signs) and substituting ‘Oxford’;

“(b) striking out ‘Oxford’ in column 3 of item 8 (Parking, except on highways) and substituting ‘All upper-tier municipalities’; and

“(c) inserting ‘collection and’ before ‘dissemination’ in column 2 of item 10 (Economic Development Services).”

This is, as far as we’re concerned, a housekeeping amendment.

The Chair: Further debate? Seeing none, I’ll put the question.

All those in favour of the amendment? It’s carried.

Mr McMeekin?

Mr McMeekin: I think this speaks to the issue I was raising with Burlington, so again it’s a housekeeping matter.

Mr Kells: This one’s going to be swept out.

Mr McMeekin: That’s fine. I apologize for not being as up to speed on the act as those who have actually written it, although I’m rapidly closing the intelligence gap here, the information gap. With that explanation it’s sufficient. I think it’s been covered off.

The Chair: OK. So you’re withdrawing the amendment?

Mr McMeekin: Yes, I’ll withdraw it. Amendment 10 is withdrawn. Number 11, Mr Prue.

Mr Prue: I believe that since my motion did not carry, I don’t know what sense this would have. I can introduce it but—

Interjection: For the record.

Mr Prue: Well, for the record then I’ll introduce it, the motion that section 11 be—but I don’t know the purpose. What purpose would it serve? If you could address that, Mr Chair.

Mr Kells: Proceed with the honourable thing and withdraw it.

Mr Prue: I don’t know that I want to withdraw it, because I still think my idea is right. But I know—

Mr Kells: Well, do the honourable thing and leave it and we’ll vote it down.

Mr Prue: The table would be then without substance. Do I need to read the whole thing into the record? I know what’s going to happen to it.

The Chair: Yes, you would have to normally. Your other option is to withdraw it.

Mr Prue: I’ll save some time; I’ll withdraw it.

The Chair: Amendment number 11 is withdrawn.

Shall section 11, as amended, carry? Section 11, as amended, is carried.

Any amendments or debate to sections 12 or 13? Seeing none, I’ll put the question. Shall sections 12 and 13 carry? Sections 12 and 13 are carried.

Section 14, Mr Prue.

Mr Prue: I move that section 14 of the bill be amended by adding the following subsection:

“Affordable rental housing

“(2) Despite any other act, a municipality may, by bylaw, prohibit the demolition of affordable rental housing or the conversion of affordable rental housing to condominium or other uses.”

The Chair: Do you wish to speak to your amendment?

Mr Prue: Quite frankly, the city of Toronto had that under former legislation and then it was taken away, and we have seen what has happened in the city as a result of that. There are three or four condominium conversions where the people are being removed from their apartments and luxury condominiums are being put in. With the dearth of affordable housing in the city of Toronto and, I would suggest, in other places around the province, municipalities should be given the option, if they wish, of protecting affordable rental housing, and that’s what this motion is about.

Mr Colle: I support this wholeheartedly. In my own part of Toronto, there are a number of older buildings that are providing excellent affordable housing, for a lot of seniors especially, that are now facing the demolition derby because of the fact that the municipality no longer has the power to stop these demolitions and conversions. The city did intervene in many cases, but it sort of acted as a preventive measure that stopped people from even considering doing this. We’re losing literally hundreds of affordable rental housing stock and we’re going to lose hundreds more, if not thousands, if this isn’t halted.

What’s very frustrating is that I know in my own riding there was Rosewell Court which was providing nice, affordable housing. There was high intensification. They were stacked townhouses basically right near Lawrence and Avenue Road. The developer has come in and is going to put condominiums up there and basically everybody’s going to be gone. Not only are the residents who live in Rosewell Court very upset—and most of them have been there 20, 30 years—because they have no place to go, but also the adjoining neighbourhood. This borders—I’m sure Mr Kells would know about it; Lawrence Park Collegiate is right around the corner there—Lytton Park, which is a very established neighbourhood in Toronto. It’s a great success story in terms of how the city of Toronto has worked very well with affordable housing, you might say, rental housing plus established neighbourhoods.

But the Lytton Park neighbourhood association and the Rosewell Court tenants’ association got together to try and stop the demolition. The city of Toronto supported their attempts, but the city of Toronto could not stop the demolition. It ended up going to the Ontario Municipal Board. I think Lytton Park and the tenants’ association spent about 150,000 bucks. They must have signed a petition with over 10,000 names. There wasn’t anybody in the community in favour of the demolition of Rosewell Court except the proponent, who was the landlord, the developer. Despite the city of Toronto being opposed, despite the tenants, the ratepayers, despite spending all this money, they had to go to the Ontario Municipal Board which, as usual, ruled in favour of the developer and allowed for the demolition to proceed.

You can see that not only do you lose affordable housing, but you essentially take away this basic power from local municipalities or local residents in terms of determining the shape of their neighbourhoods and what they feel their neighbourhood should look like. This is

compounded by the fact the same thing is happening on the other side of Lytton Park near Yonge Street, where I think the same developer is going to be bulldozing another set of apartment buildings on Cheritan.

This is an attempt to essentially give that power back to the municipalities, especially a municipality like Toronto where the vacancy rate is 0.6 or 0.9, or whatever it is; it's incredibly difficult finding a place to live. There are 60,000 people on the waiting list for some kind of affordable housing, and they're not building any rental housing. So in cases like this, the city should be given some kind of autonomy to say no to this kind of demolition, especially in light of the fact that in some municipalities such as Sarnia, for instance, this wouldn't be an issue, because in Sarnia the vacancy rate is about 7.5% and there isn't the same pressure there is in Toronto. That's why this amendment is very good, in that it gives the option to the local municipality in some cases to use their powers to support ratepayers or people who are trying to find affordable housing of passing such bylaws and enforcing them.

1120

I think what existed before was quite an effective piece of legislation and effective powers that local municipalities had, and if you take that away it's another example of not giving local ratepayers and people who are scrambling for affordable housing any kind of say over their ability to be housed and ability to live in a neighbourhood that is safe and very workable.

This amendment in particular really speaks volumes in terms of giving the municipality the ability to control a local planning issue which affects a lot of people, residents, ratepayers and tenants alike. This hits the nail right on the head. I know it goes against the government's rental housing policy, which promotes demolition and conversion, but I think overriding that should be the ability of the municipality to decide what they feel is best for their municipality, their taxpayers and the needs of municipality. It doesn't have to be implied and it doesn't have to be prescribed in every municipality. Let them pass bylaws that vary. You're not going to get this bylaw adhered to in municipalities where housing isn't a problem like it is in Toronto and Ottawa and other parts of this province. I certainly hope the members will support this amendment to section 14.

Mr Norm Miller (Parry Sound-Muskoka): I would just like to point out for the record, to do with the Toronto situation and the low vacancy rate for affordable housing and rental accommodation, that certainly a big part of the problem is that the property tax is four times what it is for condominiums or single residences. That's probably the biggest impediment to making affordable housing viable in the city of Toronto. I'd just like that to be pointed out. I think it's something like \$250 a month of anyone's rent that's property tax. The city of Toronto has a four times higher rate for apartments and rental housing than for condos or single houses, so obviously they're encouraging condos and single houses with their tax policy.

Mr McMeekin: I'm just wondering. I appreciate the point that my good friend Mr Miller is making about the disparity and look forward to the government taking some action with respect to this historic and unjust anomaly—

Ms Mushinski: It's not historic; it's within the powers of the municipalities.

Mr McMeekin: We've had 11 different bills. Again, it's ancient history, but reminiscing about my days as mayor, I can recall advising the government on assessment issues and seeing a bill and some 10 different amendments trying to get it right. Maybe this is one area where we need amendment number 12. If Mr Miller wants to sponsor a private member's bill with respect to that, I would be inclined to be pretty excited about looking at that, Norm, and perhaps even supporting you on it, because I think it is a historic anomaly and an unfairness that needs to be corrected. Governments of all three stripes have lacked the courage to go there, but if Mr Miller wants to go there, I'd certainly stand with him.

Mr Prue: The whole issue of whether tenants are paying abnormally high taxation through their rent is a separate issue. The motion here is not dealing with how much they pay in tax. The motion here is protecting the affordable accommodation, it's keeping people in their homes, and it's allowing the municipality the option, should they choose to take it, of protecting rental units in the face of redevelopment. What it does is simply stop the developer from buying an apartment building, kicking out all the tenants and redeveloping it into a condo, and these people have nowhere to go. As was said, in the city of Toronto there's a waiting list of 60,000 people. It's seven years for a one-bedroom apartment, nine years for a two-bedroom apartment, and three-plus is 14 years. If you have nowhere to go and you're poor and you have a family and need an apartment and you're on the waiting list, that's how long you have to wait. As these other apartments are taken down, these affordable units, it compounds and exacerbates the problem that the cities have.

The word "may" was specifically put in here. Mr Colle was right. Not every municipality is going to need to do this. Surely the only ones I can think of off the top of my head are likely to be Ottawa, Toronto and maybe Kitchener. I don't have the whole list, but there were a number of them that were around the 1% vacancy rate. Sudbury was at 7% and Sarnia was at 6%. I don't think they would need this kind of authority. All this motion does is give that authority to the municipality to do it in times when the vacancy rate is such that the loss of the rental accommodation will cause other huge problems. Some 26% of the people in homeless shelters in Toronto today are people who had an apartment last month. Let's not forget that. That costs the government money too. When you kick people out of their place, whether they can't pay their rent or whether their apartment is shut down, you cause enormous social upheaval. This is to make sure that that is a factor in the planning process.

If the government in its wisdom—and I know I can't move an amendment here because of the motion—

wanted to say that a municipality can only exercise that when the vacancy rate was under 2%, I would think that was a perfectly reasonable thing for a future amendment. But when a municipality is faced with this kind of situation, they need this kind of authority. It was exercised very well in Toronto before the City of Toronto Act took that authority away, and we are starting to see condominium conversion pick up very quickly and we're starting to see people in our homeless shelters as a result.

Mr Colle: Just to respond to Mr Miller, I guess what Mr Miller is advocating and saying is that single-family homeowners in Toronto should have their property tax increased by \$500 million and that a 30% tax increase would be OK with him. The people in Toronto are the same people who sat in this room, I remember, when the Minister of Municipal Affairs—I think it was Mr Al Leach—said, “If you weaken the rent controls of this province and bring in vacancy decontrol, developers will be building rental housing all over the place.” He said, sitting right here, “Let me pass decontrol and the builders will build.” Mr Leach was wrong. They haven't built any affordable housing and in fact we've lost more units than we've gained because of demolition and conversions. You had an opportunity maybe to increase housing stock with what people in Toronto call the landlord protection act your government passed, but you basically forced people out on to the street. With vacancy decontrol, you've got rents that used to be \$700 or \$800 and are now \$1,200, \$1,300 or \$1,400. That's what your government has done.

To come and offer some simplistic solution to providing rental housing by increasing the property tax by \$500 million on people in Toronto who already pay \$5,000, \$6,000, \$10,000, \$12,000 or \$15,000 a year on a home, I think isn't going to wash, because the people in Toronto know that unless the provincial government stops its downloading and gives the municipalities the power to provide services without the downloading, you can't make up that \$500 million overnight.

1130

Your government had the opportunity to do something with property tax assessment on multi-residential as opposed to single residential. You didn't do it. You might ask your minister why he didn't do it. Do you know why he didn't do it? Because he knew the downloading was going to come and he wanted to shift the blame to local property taxpayers in Toronto and their councillors when he could have done something. He refused to rectify the property tax inequities because they were more interested in downloading all these services and costs on to the backs of property taxpayers, who've had enough.

When you talk about doing something about rental housing and making the supply better and lowering the prices, here's an amendment that would do it. If you want to do something concrete, here's the amendment that would at least move in that direction.

I challenge your government to get rid of the downloading so perhaps there can be some equity in the way we tax people in res or single res or multi-res or commer-

cial, but your government is the same government that straitjackets municipalities all across this province in terms of what they can tax on commercial, on res, on multi-res. Your government has imposed on municipalities the most complicated property tax system in the world, with about 10 pieces of legislation that nobody can understand.

So if you want to talk about rectifying the tax policies, let's open up your 10 pieces of legislation that created this mess and maybe we can get back to some simple, basic powers to municipalities where they can at least, in some cases, stand up for people who can't find affordable housing.

Support this resolution if you want to do something about the lack of affordable housing and don't increase my property taxes in Toronto by \$500 million with the stroke of a pen without stopping the downloading.

Ms Mushinski: Diatribe.

Mr Colle: Diatribe? Some \$500 million to support that.

Mr Kells: I don't particularly want to get into the argument the honourable member just put forth, although I do think it's far-reaching in consideration of this amendment. But I would like to point out that under the Tenant Protection Act, we know it removes legislative impediments to condominium conversions and to demolition or renovation of rental buildings, but municipalities may still adopt or continue to have policies in their official plans to address these issues. In addition, municipalities in Ontario are permitted to use their existing powers under the Planning Act to protect the supply of rental housing.

Now, if we may get to some more facts, there is a court case pending about the scope of municipal powers under the Planning Act to control and regulate demolitions and conversions. This revolves around the city of Toronto's official plan, amendment 2, which is awaiting a divisional court decision. Finally, in view of the fact that these matters are before the court, it would be inappropriate to proceed with this proposed amendment. It should be noted that this amendment is identical to the provisions of a private bill that the city of Toronto has submitted to the Legislature and is currently before our regulations and private bills committee.

That's a roundabout way of saying we're not supporting your amendment at the present time.

Mr Prue: And not the private bill either.

Mr Kells: Well, I haven't gone that far.

The Chair: Further debate?

Mr McMeekin: Briefly, while I think there are some concerns, I think Mr Miller was raising a point that needs some attention. It is an area that governments of all three stripes have in the past hesitated to venture into, Mr Chairman, as you probably know.

I can remember some advice from one of my parents about never letting excellence become the enemy of the good. By and large, I'm not big on government intervening in the economic affairs of a situation, but that having been said, I think there's sometimes a greater

good that needs to be identified. In those rare instances—and I think Mr Prue to his credit identified that this would be very selective, and went out of his way. In fairness, recognizing the very difficult situations that are present in certain municipalities and not wanting excellence to become the enemy of the good, this is something I would urge members of the committee, who normally wouldn't want to intrude in the economic system for a whole slew of good, sound reasons, but understanding that while we should only have the government we need, we must insist on all the government we require—in this case there are a lot of people who are really down and out who are having difficulties, who are in a system where there isn't a fair fight. So municipalities selectively should be given that power. I would urge members of the committee to support this amendment.

Mr Garfield Dunlop (Simcoe North): May I make a quick comment? Mr McMeekin mentioned earlier an example in Hamilton-Aldershot-Flamborough, where he used to cut grass for \$900 a year and now it's \$2,800. Why is it \$2,800?

Mr McMeekin: I'll tell you why.

Mr Dunlop: Is it the inefficiencies in the Hamilton system?

Mr McMeekin: Let me tell you why, because—

Mr Dunlop: Well, there are inefficiencies.

Mr McMeekin: Can I answer the question?

Mr Dunlop: Yes, you can, but it better be good.

Mr McMeekin: Because there was an essential trampling on what the former town of Flamborough did well. We used to have volunteers cut the grass for the price of the gas. That doesn't happen any more, Mr Dunlop. What happens now—I don't want to sound anti-union—is you've got a union culture in the city of Hamilton—

Mr Dunlop: You don't need to say any more.

Mr McMeekin: You understand the frustration from the former mayor who used to count on that—from a government that talks about accountability and efficiency—and why we'd want to see that system maintained, why we don't want to lose volunteer professional firefighters when we can fight fires in the former municipality for 34% of the cost. Now the local union—the Minister of Labour's aware of this—is saying, "No, we don't want to see that happen any more." The total cost of fighting fires in the previous town of Flamborough right now is \$1.5 million. If we eradicate all the part-time professionals there, it would be \$1.4 million for each of the five stations. How is that efficient, effective, accountable local government, Mr Chairman? You and I both know it isn't.

Mr Dunlop: But all you've pointed out to me is that you had one municipality that was running very efficiently and one that was running absolutely—

Mr McMeekin: And what was our reward for that? To be amalgamated without our consent and against the wishes of 96% of our people. Thank you very much.

Mr Dunlop: And the choice that municipality has today is to make the whole operation efficient, as though Flamborough wasn't one—

Mr Prue: No, you can't because you said—

The Chair: Order.

Mr McMeekin: You're burning your store windows for heat, that's what you're doing.

The Chair: Order.

Mr Dunlop: I'm sorry I touched that spot.

The Chair: Mr Dunlop, order. One at a time.

Mr McMeekin: Well, when you mess up, fess up, that's all I'm asking. You just admitted it.

The Chair: Mr McMeekin, one at a time and through the chair.

Mr McMeekin: Through the chair, when you mess up, fess up. That's all I'm asking. We all make mistakes.

Mr Dunlop: All I'm saying is that you just pointed out the inefficiencies in it.

Mr Colle: That's right.

Mr McMeekin: In your amalgamated new city of Hamilton, absolutely.

Mr Dunlop: It's been pointed out for a number of years and that's what's wrong with the city of Toronto right now.

Interjections.

The Chair: Order. Thank you. Now, back to the matter at hand. Seeing no further debate, I'll put the question on Mr Prue's amendment. All those in favour? Opposed? The amendment is lost.

Shall section 14 carry? Section 14 is carried.

Any amendments or debate on section 15? Seeing none, shall section 15 carry? It is carried.

Section 16: the first amendment is a Liberal one? No? Number 13?

Mr Kells: We're not singing from the same—

Mr McMeekin: Same song sheet? We're not even in the same hymnbook.

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Interjections.

The Chair: You should have something for subsection 16(1).

Mr Kells: That's what I'm trying to say.

The Chair: No, there's a Liberal amendment that comes first.

Mr Kells: OK. I guess we had one. I haven't seen the Liberal one. OK, Liberal first.

Mr McMeekin: That's been clarified, Mr Chairman.

The Chair: That one is withdrawn. Mr Kells, it would be your turn.

Mr Kells: I can't withdraw mine. I move that the English version of subsection 16(1) of the bill be amended by striking out "systems of the type authorized by that sphere of its upper-tier or lower-tier municipality, as the case may be" at the end and substituting "systems of its upper-tier or lower-tier municipality, as the case may be, of the type authorized by that sphere."

This is a technical clarification. We're doing it because the city of Brampton expressed concern about the wording.

The Chair: Any debate? Seeing none, I'll put the question. All those in favour of the amendment? Opposed? It is carried.

Mr Kells: I move that the English version of subsection 16(2) of the bill be amended by striking out "systems of the type authorized by that sphere of a person other than the municipality" and substituting "systems of a person other than the municipality of the type authorized by that sphere."

This is a clarification of the language and the modification has just been made for clarification purposes. No change in intent or whatever.

The Chair: Any debate? Seeing none, all those in favour of the amendment? Opposed? It is carried.

Mr Prue: I move that section 16 of the bill be amended by adding the following subsection:

"Heritage properties

"(5) Despite subsection (2), a municipality may pass bylaws to prevent the demolition of properties designated under the Ontario Heritage Act or located in a heritage conservation district under that act and may regulate the alteration of such properties."

In a nutshell, what we're saying is that there are many properties in this province which are under threat of demolition. A new owner comes along, buys the property; the municipality under the current legislation can only designate it. If it is designated, the municipality has the authority to forestall the demolition for six months, after which the property is lost forever. What is being suggested here is that municipalities have the authority within the act to prevent the demolition of those properties and save them for future generations.

Mr Colle: I would like to support this because it is another way of safeguarding heritage properties. As Mr Prue said, essentially when that six months is up, they can probably demolish it. This makes it a bit more secure in terms of keeping these heritage properties. I guess all of us are shocked about what happened in Markham last week when the developer said it was an accident that his crew went out there and bulldozed a beautiful heritage home and said it was just a goof-up by his contractor. That threat is always there and anything we can do to enhance that protection—and this motion does—should be supported, and I hope the government supports this. It just makes it a bit more waterproof in terms of protecting its heritage properties, so I certainly hope you support this.

Mr Kells: Actually the proposed amendment would override the provisions of the Ontario Heritage Act in this regard and our government can't support it because of that. Finally, permitting municipalities to prohibit the demolition of such properties would have a significant impact on the rights of their owners and it would be entirely inappropriate to proceed with such an amendment without providing these owners with an opportunity to provide comments. So we can't support the amendment.

Mr Prue: Again, it says "may" pass bylaws. This is not saying they "shall" or that they shall prohibit in every

case an owner from taking down a designated property. There are designated properties, and I guess the advent of time may—they may be designated, but there may be other properties of similar structure or nature or proximity that to save one and not all of them—but the reality is that there are many structures in this province which are under threat, and the municipality can only delay the destruction. To many people in the heritage community and to people at all levels of government, some of these are invaluable. Some of them are absolutely invaluable to future generations. Does history begin in 1950? Does history begin in 1970? If someone were to one day buy this building and tear it down, would the people of the province—maybe they might be overjoyed, I don't know.

It would seem to me to be a huge shame to let an opportunity go by, with the passage of this act, to reinforce the commitment of the people of this province to protect the heritage that goes back hundreds of years, through many cultures and many peoples; and what has been built here and put in built form, to simply allow someone, because they have sufficient money, to come and remove it for all time from the public. This is asking only that the municipality may pass bylaws to prevent the demolition of properties, which have to be designated or located in the conservation district, and may regulate the alteration of said properties. It's something that I think any Ontarian would want to do, notwithstanding that we recognize that private people may start to own many of these properties, because they are being put up for sale as municipalities across this province can no longer afford to maintain them.

I speak specifically about 205 Yonge Street in Toronto. It is the former home of Heritage Toronto, which has now been removed. It is going up for private sale. When it is sold, there is nothing to stop whoever buys that magnificent building, which people come from all over the world to see, from simply tearing it down six months later. That would be a shame, and it would be a blight. Whatever they built there would not be the same as what is there now. Cities need to be able to do that and need to be able to protect it.

Go to a city like Kingston, which has protected its heritage. My hat is off to the people of Kingston. You see all those old buildings. But what if one day that becomes the hot spot and somebody comes in and starts buying up those buildings and tearing them down? What have we lost as a culture? I think cities need to be able to protect that.

Ms Mushinski: I have a question of Mr Kells regarding the Ontario Heritage Act. Does the Ontario Heritage Act, per se, protect historically designated buildings?

Mr Kells: I'm not an expert on the Ontario Heritage Act, but I assume that's why it's there. The only thing I can point out is that in the last 15 years there have been three governments in this province and I don't think the heritage act has been changed dramatically. So I assume there's approval and support, and has been, from all three parties in relation to the intent and the terms of the Ontario Heritage Act. Whether it's "may" or whatever, if

you do it, it's not "may" any more, and that's why we can't let this amendment override the act.

Ms Mushinski: I take it that under the old Municipal Act, where municipalities have passed bylaws to prevent demolition of properties, it's really only for a period of time.

Mr Kells: I'll take your word on it.

Mr Prue: Quite definitely six months.

Mr McMeekin: I can add something to this, as one who, like so many others in this room, values history and heritage and wants to see the best of what we have preserved. Picking up on the comments of my colleague opposite, I don't think there is ever a wrong time to do the right thing.

One of the frustrations of those who dabble in the heritage act and of local groups is that, notwithstanding their best efforts to designate and affirm, sometimes there are situations—and Mr Prue has alluded to some of those—where a proposal comes along to do something different, and both the heritage fellows—sorry; the people who are engaged in that concern—and the municipality feel frustrated.

To the extent that the heritage acts provide some protection, this would simply be something, I would argue, that would be profoundly in sync with that. I think we should think in sync when we can. To the extent that it doesn't deal with that, I would say respectfully that this would be a way of providing some protection to communities and those who have the foresight to want to preserve what's good.

1150

I know in my own community, often what happens is that we get a request for a demolition permit, which has to be dealt with under the red tape provisions within a certain amount of time or else it simply kicks in automatically—no right of appeal. The municipality will frustrate the efforts to demolish for a certain period of time, but that runs out unless they can find an alternate way of providing and maintaining that particular property; often they can, but so often what's profoundly missing is the timeline to make those alternate arrangements. If we were to put this bylaw in place, it would then be incumbent on the municipality, if it were to exercise that bylaw, in the spirit of being accountable to their ratepayers, to ensure that that alternate solution was found and acted upon.

I think this is an important and perhaps even a profound amendment to the act. I frankly missed it, being so hung up on amalgamation and downloading and some of those other macro issues, but I really applaud Mr Prue for bringing this forward. I hope this will be one of those areas where we can rise above whatever partisan perspective we have and embrace this together for the sake of our heritage in and throughout Ontario.

Ms Mushinski: I just have a very quick question of Mr Donaldson, who is an expert in the Ontario Heritage Act and what the foundation does. I wonder if we could just bring him forward for a quick question.

The Chair: Certainly. Come forward, please.

Ms Mushinski: Mr Donaldson, the Ontario Heritage Act, as has been articulated by Mr McMeekin—can you hear me? Perhaps, for the sake of the members of the committee, you can tell us who you are.

Mr Brian Donaldson: My name is Brian Donaldson. I'm with the Ministry of Municipal Affairs and Housing.

Ms Mushinski: Can you tell me what the Ontario Heritage Act does in terms of protecting historically significant properties and buildings.

Mr Donaldson: I just wanted to mention that it is administered by another ministry—it's not ours—but in answer to your question, as the member said, if a property is designated, either as an individual property or located in a historic area, there is only a period of 180 days. After that, the property can be dealt with.

The example of Kingston was mentioned. The Ontario Heritage Foundation, when it gives significant funds, as it did in the case of St George's Anglican Cathedral, enters into an agreement with the owners and takes an easement. So in the case of that building and a number of other buildings, nothing can be changed without approval. There are different levels of designation, and the Ontario Heritage Foundation does have significant control over a number of these buildings. That was the only point I was mentioning.

Ms Mushinski: Where perhaps a municipality considers a designated property to be of significant historical value, do they have the opportunity to collaborate with the Ontario Heritage Foundation to see if they can do something to assist them with preserving such a significant property?

Mr Donaldson: Yes, there have historically been local grants from the LACACs, but the major funding tends to come from the province.

Ms Mushinski: So LACAC itself can also assist in protecting designated properties.

Mr Donaldson: They do the local designations. There's a process under the Ontario Heritage Act that provides for that.

Mr Prue: I also have a question for Mr Donaldson. The municipalities cannot stop demolitions after 180 days, and the only time they can get an easement is when they already own a portion of the property. If it's their property and they're selling it, of course they could retain a portion. But how would they get an easement on a private building? I'm thinking about the Concourse building in Toronto, which is going to be largely demolished, with Group of Seven murals inside and probably the best example of art deco in the whole city other than maybe the Harris filtration plant. It's going to be demolished, and many people are very angry about that.

Mr Donaldson: I'm not a lawyer, but I'm a member of St George's Anglican Cathedral and I know in that case the Ontario Heritage Foundation owns an easement against the building, which precludes any change without their approval.

Mr Prue: But how does a municipality get an easement on a private building?

Mr Donaldson: Basically by providing funding.

Mr Prue: So they have to go to the developer and say, "We're going to give you X million dollars so we can have an easement so you can't do what you want."

Ms Mushinski: That's not what he said.

Mr Prue: Well, that's what I'm trying to understand.

Mr Donaldson: It's a matter of agreement between either the municipality or the Ontario Heritage Foundation and the individual owner of the property.

Mr Prue: If the owner says, "No, I'm not going to give you an easement," what then?

Mr Donaldson: Then you don't get an easement.

Mr Prue: Then there's no protection.

Mr Donaldson: Then the normal procedures of the Ontario Heritage Act apply.

Mr Prue: So there's no protection of the building, then, if there's no easement.

Ms Mushinski: You want to take away the rights of the individual owner.

Mr Prue: No, I never said that. I'm just trying to ask a question, with all respect.

Mr Colle: He has the floor.

Ms Mushinski: You interrupted.

Mr Prue: I never interrupted anybody in this room once.

Mr Donaldson: To answer your question, unless the municipality either purchases the property or enters into an agreement in some way that would restrict the property owner's ability to make changes, the normal procedure is that the Ontario Heritage Act or the Planning Act would apply in that case.

Mr Prue: Which is to allow the demolition after 180 days. Thank you. That's what I thought.

Mr Colle: I guess the question is, therefore, would this amendment in essence give added protection by giving municipalities the power to designate and prevent demolition? Would it not enhance the protective power?

Mr Donaldson: I wouldn't begin to speak to that question.

Interjection: How come?

Mr Donaldson: That's a parliamentary assistant question.

Mr Colle: He's a wise bureaucrat.

Mr Kells: If I may, we would like to point out that the concerns that have been enunciated might be better handled under amendments or some kind of changes to the Ontario Heritage Act. We feel that's the place. I don't know if we're talking about a private member's bill for somebody, someday, or—

Mr McMeekin: Would you not be able to do that?

Mr Kells: Well, you people are always moving new bills. I'm just telling you where it would best be handled.

I would like to point out, just before we hit 12 o'clock, the honourable member to my left mentioned Harry Kitchen in somewhat derogatory terms. It's not necessary for me to come to the defence of Mr Kitchen. I think his background and record speak for themselves. I would like to point out, though, that in the 1980s Mr Kitchen was hired by the Liberal government to look into the amalgamation of the Niagara area.

Mr McMeekin: Just watch out for him in Muskoka.

The Chair: Any further debate on Mr Prue's amendment?

Mr McMeekin: Just on Dr Kitchen, who is a fine fellow, by the way, his father, Amos, was the last reeve of the historic town of Beverly. I can tell you, there were some wonderful conversations between Dr Kitchen and his dad about issues.

Mr Kells: You didn't come to his defence, then.

Mr Colle: Well, the people in Victoria county don't like him too much.

The Chair: Is there any further debate on the amendment? Seeing none, I'll put the question.

All those in favour of Mr Prue's amendment? Opposed? The amendment is lost.

Shall section 16, as amended, carry? It is carried.

Recognizing that it is now noon, this committee will stand recessed until 3:30.

The committee recessed from 1159 to 1544.

The Chair: I call the committee back to order, as we continue our clause-by-clause consideration of Bill 111.

Mr Colle: On a point of order, Mr Chair: I just want to move that I'm withdrawing the Liberal motion with regard to section 239. I'd like to move that it be struck. We're not going to proceed with that. I don't know what the number of it is. It deals with section 239.

The Chair: Strictly speaking, it's not a motion. It's advice to the committee you're providing, but we certainly will note that amendment number 58 will be considered withdrawn at such point as we—

Ms Mushinski: What section?

The Chair: It affects subsection 239(1).

The Chair: We left off at section 17 of the bill. Mr Prue?

Mr Prue: Did we not finish that?

The Chair: No. We had finished section 16.

Mr Prue: I don't seem to see it here. I don't want to impede—that was section 17?

The Chair: You have an amendment to section 17 and it happens to be amendment number 17 as well.

Mr Prue: Oh, yes. Maybe this is it here underneath. There it is, hidden from me.

I move that section 17 of the bill be amended by adding the following subsection:

"Exception

"(3) Subsection (1) does not prevent a municipality from holding shares in a public utility company or electrical utility company."

I think it speaks for itself. Many municipalities that are divesting themselves of their electric and power utilities would like to maintain at least some control over them. The way they would do that is by obtaining and holding shares. This says that a municipality can be a shareholder in such companies.

Mr Kells: The proposed section 17 does not prevent a municipality from exercising a corporation's powers obtained under other legislation. The proposed motion is redundant. Municipalities currently obtain this and other powers with respect to municipal electric utility com-

panies under the Electricity Act, and for public utilities under this bill, Bill 111, subsection 481(9), which would amend the public act if passed. I'm not sure what that means, but I read it. Furthermore, if the motion were to be adopted, the motion could be interpreted to permit or validate actions not authorized under existing legislation or under section 203 of the proposed act.

Having said all that, we can't support your amendment. You don't want me to read that again, do you?

Mr Prue: This one's not a big one. You've already destroyed me on all the good ones. Go ahead.

The Chair: Further debate? Seeing none, I'll put the question on Mr Prue's amendment. All those in favour? Opposed? That amendment is lost.

Shall section 17 carry? Section 17 is carried.

Sections 18 through 23: any amendments or debate? Seeing none, I'll put the question. Shall sections 18 through 23 carry? Sections 18 through 23 are carried.

Section 24?

Mr Kells: I move that section 24 of the bill be amended by striking out the definitions of "lower-tier highway" and "upper-tier highway."

The Chair: Any debate?

Mr Kells: It's a housekeeping amendment.

Interjection.

Mr Kells: OK. This change is proposed because the sections to which the definitions are to apply can be interpreted clearly without the need to define lower-tier and upper-tier highway. I think that's as close to housekeeping as I can get.

The Chair: Further debate? Seeing none, I'll put the question. All those in favour of Mr Kells's amendment? Opposed? It's carried.

Shall section 24, as amended, carry? Section 24, as amended, is carried.

Sections 25 through 39: any amendments or debate? Seeing none, I'll put the question. Shall sections 25 through 39 carry? Sections 25 through 39 are carried.

Section 40?

Mr Prue: I'd like to move the following motion. I move that section 40 of the bill be amended by adding the following subsection:

"Restriction

"(1.2) A municipality only has the power to designate, operate and maintain a highway as a toll highway if,

"(a) the highway is a new highway;

"(b) the highway is a reconstructed highway; or

"(c) the highway has been transferred to the municipality by the province of Ontario."

My rationale for this is that the Canadian Automobile Association and some other automobile groups were very cautious, and I think rightly so, that municipalities will attempt to toll-up existing roads that have already been paid for. There needs to be some framework in which the municipalities could work. It seems to me that if a new highway is built, that speaks for itself. It can be done in any number of ways and it has to be paid for, either through public or private, and that it could be tolled. If a highway is reconstructed to the point that it's going to

cost millions or billions of dollars—and I point out the Gardiner as an example. If it is eventually torn down and buried, there may be some kind of rationale for that.

Last but not least is if a highway has been transferred to the municipality by the province of Ontario. That has happened several times over the last few years, with municipalities oftentimes not wishing to take the highway because of the huge costs involved in bringing it up to standard. That may help to sway the province from passing over highways to municipalities that don't want them. That would be the rationale, and I would ask for support.

1550

Mr Kells: The amendment as suggested would provide direction on the conditions and circumstances under which a toll highway would be permitted. We believe this is premature and unnecessary in the legislation, since this type of direction would be provided through the normal regulations as described in section 40(3). The government doesn't necessary disagree with your sentiment, but we prefer to deal with it in regulations, as MTO and SuperBuild are working on policies in this field. So we'll have to decline to support your amendment, although we understand where it came from, and the logic. We have our own agenda that we have to follow through on, involving SuperBuild and MTO.

Mr Colle: I just want to make a comment to highlight the need and maybe reinforce this up front, because there was a motion put forward and debated at the city of Toronto council. One of the councillors has been an exponent of tolling the Don Valley parking lot—Parkway. It's a real threat. I hope somehow at some point in time there is a policy set forward in terms of what you can and can't toll because, no doubt municipalities are going to be looking for revenue sources or whatever and we could see some existing roads tolled when they've already been paid for. That's why I would support the stricter definition of what's allowed and what isn't.

The Chair: Further debate? Seeing none, I'll put the question. All those in favour of Mr Prue's amendment? Opposed? The amendment is lost.

Mr McMeekin?

Mr McMeekin: I'll just put the amendment. I move that subsection 40(3) of the bill be amended by striking out clause (g). I don't anticipate it'll pass because it's designed to limit the power of the minister, but I will put that as per the auto club request the other day.

The Chair: Any debate? Seeing none, I'll put the question. All those in favour of Mr McMeekin's amendment? Opposed? It is lost.

Shall section 40 carry? Section 40 is carried.

Sections 41 through 50: any amendment or debate? Seeing none, I'll put the question. Shall sections 41 through 50 carry? Sections 41 through 50 are carried.

Section 51?

Mr Kells: Section 51(1): I move that this subsection of the bill be amended by striking out "requiring a wheeled vehicle used for farming purposes to obtain a licence or permit before using it upon any highway of the

municipality” at the end and substituting “to require that a licence or permit be obtained in respect of a wheeled vehicle used for farming purposes before the vehicle may be used upon any highway of the municipality.”

Mr McMeekin: What’s the difference?

Mr Kells: It’s a clarification of the language. I haven’t got the old language in front of me, but it’s a clarification. This modification clarifies the language of the section. The modification does not represent any change of policy. You could call it housekeeping or you can call it what you will.

Mr McMeekin: It’s like you put the verb before the noun and the noun before the verb, but other than that—

Mr Kells: Yes. It’s a tidying-up process.

The Chair: Seeing no further debate, I’ll put the question on Mr Kells’s amendment.

All those in favour? Opposed? It is carried.

Shall section 51, as amended, carry? Section 51, as amended, is carried.

Sections 52 through 67: any amendment or debate? Seeing none, I’ll put the question. Shall sections 52 to 67 carry? They are carried.

Section 68.

Mr Kells: I move that subsection 68(1) of the bill be amended by striking out “on January 1, 2003” and substituting “on the day this act receives royal assent.”

The reason for this is the change rectifies an inadvertent error. It was intended that this section would come into force on royal assent. During editing, this was mistakenly changed to January 1, 2003.

The Chair: Any debate? Seeing none, I’ll put the question. All those in favour? Opposed? The amendment is carried.

Shall section 68, as amended, carry? Section 68, as amended, is carried.

Sections 69 through 76: any amendment or debate? Seeing none, shall sections 69 through 76 carry? Sections 69 through 76 are carried.

Section 77.

Mr Kells: I move that clause 77(1)(b) of the bill be amended by striking out “\$20,000” and substituting “\$25,000.”

This a housekeeping amendment to where we got the wrong amount. The penalty in the current act for the same offence is \$25,000 and we want to return to the original amount.

The Chair: Any debate? Seeing none, I’ll put the question. All those in favour of the amendment? Opposed? It’s carried.

Shall section 77, as amended, carry? It is carried.

Sections 78 through 91: any amendments or debate? Seeing none, shall sections 78 through 91 carry? Sections 78 through 91 are carried.

Section 92.

Mr Kells: I move that clause 92(1)(b) of the bill be amended by striking out “\$20,000” and substituting “\$25,000,” for the same reason as the previous amendment.

The Chair: Any debate? Seeing none, all those in favour of the amendment? Opposed? It is carried.

Shall section 92, as amended, carry? Section 92, as amended, is carried.

Sections 93 through 99: any amendment or debate? Seeing none, shall sections 93 through 99 carry? Sections 93 through 99 are carried.

Section 100.

Mr Prue: I move that section 100 of the bill be amended by adding the following section:

“Front yard parking

“(2) A local municipality may allow, regulate or prohibit front yard parking on land not owned or occupied by the municipality under such conditions as may be specified in the bylaw.”

I’m not sure how widespread this is in all areas of Ontario, but in the city of Toronto alone, there are 40,000 front yard parking pads which are regulated by the city and which allow people to park on land which is privately owned and in part upon which the city has easements. The city of Toronto has requested this in order to make sure that it does not lose control over the regulation of front yard parking pads and perhaps their proliferation. There is a considerable debate going on within the city of Toronto at this point whether or not to grandfather out and cease and desist using front yard parking pads, but there is also a considerable body of support which wants to continue their use within the city of Toronto. This would allow and make it clear that front yard parking was possible and that the city and all cities would have the authority to allow, regulate or prohibit its use.

Mr Kells: If I may, if I recall, and I do, Mayor Hazel McCallion of Mississauga was here a little while ago and told us in no uncertain terms that municipalities have the ability to look after their own affairs. I think that same rationale applies to the city of Toronto. As you’ve mentioned, the former city of Toronto and, I guess, now the present city of Toronto had obtained special legislation some years ago to deal with this matter. So even though they might be debating it, it’s in their backyard. They have that legislation and it’s there’s to deal with as they may.

So we can’t support your amendment, particularly from the city of Toronto point of view. From the rest of Ontario, although the government does not support an amendment to Bill 111, it believes that this issue should be considered in greater detail in consultation with municipalities with a particular interest in this matter. So we will open down the line to a municipality that feels it has what was the Toronto problem and we’d be happy to discuss that. But to amend the bill when the city of Toronto already has the power, and they’re the main user of this legislation, we’re quite content to leave it the way it is.

1600

The Chair: Further debate? Seeing none, I’ll put the question on Mr Prue’s amendment. All those in favour? Opposed? It is lost.

Shall section 100 carry? Section 100 is carried.

Sections 101 through 109: any amendment or debate? Seeing none, shall sections 101 to 109 carry? They are carried.

Section 110.

Mr Kells: I move that section 110 of the bill be amended by (a) striking out clause (8)(c) and substituting the following:

“(c) the secretary of any school board if the area of jurisdiction of the board includes the land exempted by the bylaw”;

(b) striking out clause (13)(c) and substituting the following:

“(c) the secretary of any school board if the area of jurisdiction of the board includes the land exempted by the resolution”;

(c) adding the following subsection:

“(8.1) If a municipality designated as a service manager under the Social Housing Reform Act, 2000 has entered into an agreement under this section with respect to housing capital facilities, any other municipality that has not entered in an agreement under this section with respect to the capital facilities and that contains all or part of the land on which the capital facilities are or will be located may exercise the power under subsections (3), (6) and (7) with respect to land and the capital facilities but,

“(a) a tax exemption under subsection (6) applies to taxation for its own purposes; and

“(b) clauses (8)(b) and (c) do not apply.”

The Chair: Thank you, Mr Kells. Before you say anything more, it is now past 4 o'clock. You were in the middle of your motion, but pursuant to the order of the House, I must now interrupt all debate and put all further questions, without any subsequent debate. The amendment before us is the one marked number 26 to section 110. All those in favour? Opposed? That amendment is carried.

Shall section 110, as amended, carry? Section 110, as amended, is carried.

Section 111 has an amendment marked as number 27 in your packet. All those in favour of the amendment? Opposed? It is carried.

Shall section 111, as amended, carry? It is carried.

Sections 112 to 118.

Mr McMeekin: On a point of order or procedure, Mr Chairman: Can we have it recorded that on all motions herein that are not subject to debate, we will officially abstain, please?

The Chair: You say the words. They are recorded in Hansard forever, so duly noted.

Sections 112 through 118: shall they carry? Sections 112 through 118 are carried.

Section 119 has a government amendment marked as number 28. All those in favour? Opposed? It is carried.

Shall section 119, as amended, carry?

Mr McMeekin: Abstain.

The Chair: It is carried.

Having been on the record once, we don't record abstentions in committee.

Mr McMeekin: So I can take it for granted that other than the good Liberal amendments here, they'll be recorded as—

The Chair: I'm sorry, I can't countenance any debate.

Shall sections 120 and 121 carry? Sections 120 and 121 are carried.

Section 122 has an NDP amendment marked as number 29. All those in favour? Opposed? It is lost.

Shall section 122 carry? Section 122 is carried.

Shall sections 123 to 129 carry? Sections 123 to 129 are carried.

Section 130 has, first off, an amendment marked number 30 from the NDP. All those in favour? Opposed? That amendment is lost.

Number 31 is an amendment to the same section from the Liberals. All those in favour? Opposed? That is lost.

Shall section 130 carry? It is carried.

Shall sections 131 and 132 carry? They are carried.

Section 133 has an amendment marked number 32 from the government. All those in favour? Opposed? That amendment is carried.

Shall section 133, as amended, carry? It is carried.

Shall section 134 carry? It is carried.

Section 135 has an amendment marked number 33 from the NDP. All those in favour? Opposed? That is lost.

Shall section 135 carry? It is carried.

Shall sections 136 through 143 carry? Sections 136 to 143 are carried.

Section 144 has an amendment from the government marked number 34. All those in favour? Opposed? It is carried.

Shall section 144, as amended, carry? It is carried.

Shall sections 145 to 148 carry? Sections 145 to 148 are carried.

There is an amendment to section 149, marked in your packet as number 35, from the government. All those in favour? Opposed? It is carried.

Shall section 149, as amended, carry? It is carried.

There is a new section—

Mr Colle: Wasn't there a Liberal motion?

The Chair: No, that's a new section now, 149.1.

Mr Colle: Recorded vote on that.

The Chair: Mr Colle has requested a recorded vote on the amendment. There actually are a number of amendments to this new section. They are noted as 36 to 42, but I would draw your attention to the fact that there is no number 40.

First off will be the Liberal motion, number 36. All those in favour? Mr Colle has asked for a recorded vote.

Interjection.

The Chair: I beg your pardon; that's right. We defer recorded votes to the end of this proceeding.

Interjection.

The Chair: At the end of all the votes that we're taking this afternoon here. So you've asked for recorded votes on all five of these motions?

Interjection.

The Chair: All the motions affecting this section, though?

Mr Colle: Yes.

The Chair: So those would be amendments 36 through 42—I beg your pardon: pages 36 to 42. It's all one motion. That amendment will be stood down and we will return to that, which takes us to section 150. The next amendment is marked—

Ms Mushinski: I'm very confused right now.

The Chair: We will not vote on that until the end of all the voice votes.

Ms Mushinski: OK, so we're separating that out because he's asked for a recorded vote?

The Chair: Recorded votes are kept to the end, which means that next in our packet is section 150. You have an amendment marked page 43 from the NDP. All those in favour? Opposed? It is lost.

The next amendment is number 44 from the government. All those in favour? Opposed? It is carried.

The next amendment is number 45 from the NDP. All those in favour? Opposed? It is lost.

The next is from the government on page 46. All those in favour? Opposed? It is carried.

The next is from the NDP on page 47. All those in favour? Opposed? It is lost.

The next is from the Liberals on page 48. All those in favour? Opposed? It is lost.

The next is from the NDP on page 49. All those in favour? Opposed? It is lost.

Shall section 150, as amended, carry? Section 150, as amended, is carried.

Shall sections 151 to 156 carry? Sections 151 to 156 are carried.

Section 157 has an amendment from the government marked in your package as number 50. All those in favour? Opposed? It is carried.

Shall section 157, as amended, carry? It is carried.

Shall sections 158 to 166 carry? Sections 158 to 166 are carried.

Section 167 has an amendment from the NDP marked number 51. All those in favour? Opposed? It is lost.

Shall section 167 carry? It is carried.

Shall sections 168 to 173 carry? They are carried.

Section 174 has an amendment from the NDP marked number 52. All those in favour?

Interjection.

1610

The Chair: Indeed. We can ignore page 52. It's not a formal motion.

Shall section 174 carry? It is carried.

Shall sections 175 to 178 carry? They are carried.

Section 179 has an NDP amendment marked as number 53 in your packet. All those in favour? Opposed? It fails.

Shall section 179 carry? It is carried.

Shall sections 180 through 193 carry? They are carried.

Section 194 has an amendment from the government, page 54. All those in favour? Opposed? It is carried.

Shall section 194, as amended, carry? It is carried.

Section 195 has an amendment from the NDP marked page 55. All those in favour? Opposed? It is lost.

Shall section 195 carry? It is carried.

Shall sections 196 through 210 carry? They are carried.

Section 211 has an amendment from the government marked page 56. All those in favour? Opposed? It is carried.

Shall section 211, as amended, carry? It is carried.

Shall sections 212 through 222 carry? They are carried.

There is an amendment on section 223 from the Liberals. All those in favour?

Mr McMeekin: Can we pull that for a recorded vote as well?

The Chair: We'll defer the vote on page 57, the amendment to section 223.

Shall sections 224 through 238 carry? They are carried.

Section 239—

Mr Colle: There was a Liberal withdrawal on 239.

The Chair: That was the one that we withdrew, yes.

Ms Mushinski: Is that 58?

The Chair: Pages 58 through 67.

Shall sections 239 through 252 carry? They are carried.

Section 253 has an amendment from the government marked page 68. All those in favour? Opposed? It is carried.

Shall section 253, as amended, carry? It is carried.

Shall sections 254 to 262 carry? They are carried.

Section 263 has an NDP amendment. All those in favour? Opposed? It is lost.

Shall section 263 carry? It is carried.

Shall sections 264 to 267 carry? They are carried.

Section 268 has a Liberal amendment marked as number 70.

Mr McMeekin: Recorded vote on that as well.

The Chair: That will be deferred.

Shall sections 269 to 274 carry? They are carried.

We have a sequencing change. We will call first pages 73 and 74, a government amendment.

Interjection.

The Chair: I beg your pardon. I flipped one too many. Page 71, an NDP amendment to section 275: all those in favour? Opposed? It is lost.

Then we will call the government motion, which is marked as pages 73 and 74. All those in favour? Opposed? It is carried.

Then there is the Liberal motion, page 72. All those in favour? Opposed? It is lost.

Shall section 275, as amended, carry? It is carried.

Shall sections 276 to 281 carry? They are carried.

I beg your pardon; a failure to highlight. Section 276 has a government amendment marked page 75. All those in favour? Opposed? It is carried.

So I will now ask, shall section 276, as amended, carry? It is carried.

Shall sections 277 to 281 carry? They are carried.

Section 282 has a government amendment marked in your packet as number 76. All those in favour? Opposed? It is carried.

Shall section 282, as amended, carry? It is carried.

Section 283 has an NDP amendment marked as number 77.

Mr Prue: Recorded vote.

The Chair: It will be deferred.

Shall sections 284 to 288 carry? They are carried.

Section 289 has a government amendment marked number 78. All in favour? Opposed? It is carried.

Shall section 289, as amended, carry? It is carried.

Section 290 has a government amendment marked number 79. All those in favour? Opposed? It is carried.

Shall section 290, as amended, carry? It is carried.

Shall sections 291 to 302 carry? They are carried.

Section 303 is not a motion, so shall sections 303 to 309 carry? They are carried.

Section 310 has an amendment from the government marked page 81 in your packet. All those in favour? Opposed? It is carried.

Shall section 310 as amended carry? It is carried.

Ms Mushinski: What was that number?

The Chair: It was 81.

Section 311 has a government amendment marked number 82 in your packet. All those in favour? Opposed? It is carried.

Shall section 311 as amended carry? It is carried.

Section 312. There's a government amendment marked number 83 in your packet. All those in favour? Opposed? It is carried.

It also has a government amendment marked number 84 in your packet. All those in favour? Opposed? It is carried.

Shall section 312 as amended carry? It is carried.

Shall sections 313 and 314 carry? They are carried.

Section 315 has a government amendment marked page 85. All those in favour? Opposed? It is carried.

Shall section 315 as amended carry? It is carried.

Section 316. Shall it carry? It is carried.

Section 317 has a Liberal amendment marked as number 86 in your packet. All those in favour? Opposed? It is lost.

Shall section 317 carry? It is carried.

Shall sections 318 through 322 carry? They are carried.

Section 323 has a government amendment marked page 87 in your packet. All those in favour? Opposed? It is carried.

Shall section 323 as amended carry? It is carried.

Section 324 has a government amendment marked number 88 in your packet. All those in favour? Opposed? It is carried.

Shall section 324 as amended carry? It is carried.

Section 325 has a government amendment marked number 89 in your package. All those in favour? Opposed? It is carried.

Shall section 325 as amended carry? Carried.

Shall sections 326 and 327 carry? They are carried.

There is a new section 327.1 proposed on page 90 by the NDP. All those in favour? Opposed? It is lost.

Shall sections 328 through 342 carry? They are carried.

Section 343 has a government—

Mr Colle: It's a Liberal—

The Chair: It's not quite on the floor yet, Mr Colle, but I appreciate your enthusiasm.

Section 343 has a Liberal amendment marked number 91 in your packet.

Mr Colle: Defer.

The Chair: Mr Colle has requested a deferral.

Ms Mushinski: Was it deferred or—

The Chair: Deferral.

Interjections.

The Chair: You asked for a recorded vote, which has the effect of deferring.

Section 344 is not a motion. Shall section 344 carry? It is carried.

Section 345 has a government amendment marked number 93 in your packet. All those in favour? Opposed? It is carried.

Shall section 345 as amended carry? It is carried.

Shall section 346 carry? It is carried.

Section 347 has a government amendment marked number 94 in your packet. All those in favour? Opposed? It is carried.

Shall section 347 as amended carry? It's carried.

Shall sections 348 to 351 carry? They are carried.

Section 352 has a government amendment marked number 95 in your packet. All those in favour? Opposed? It is carried.

Shall section 352 as amended carry? It is carried.

Shall sections 353 to 355 carry? They are carried.

Section 356 has a government amendment, number 96 in your packet. All those in favour? Opposed? It's carried.

Shall section 356 as amended carry? It's carried.

Section 357 has a government amendment marked number 97. All those in favour? Opposed? It is carried.

Shall section 357 as amended carry? It is carried.

Section 358 has a government amendment marked number 98. All those in favour? Opposed? It is carried.

Shall section 358 as amended carry? It is carried.

Section 359 has a government amendment marked number 99. All those in favour? Opposed? It is carried.

Shall section 359 as amended carry? It is carried.

Shall sections 360 to 371 carry? They are carried.

Section 372 has a government amendment marked number 100 in your package. All those in favour? Opposed? It is carried.

Shall section 372 as amended carry? It is carried.

Shall sections 373 to 399 carry? They are carried.

Section 400 has a government amendment marked number 101 in your packet. All those in favour? Carried.

Shall section 400 as amended carry? It is carried.

1620

Shall sections 401 through 426 carry? Sections 401 through 426 are carried.

Ms Mushinski: You withdrew 102?

The Chair: No, it's not a motion.

Section 427 has an NDP amendment, marked in your packet as number 103. All those in favour? Opposed? It is lost.

Shall section 427 carry? Carried.

Shall sections 428 through 439 carry? Sections 428 through 439 are carried.

Section 440 has a government amendment marked number 104 in your package. All those in favour? Opposed? It is carried.

Shall section 440, as amended, carry? It is carried.

Shall sections 441 to 451 carry? They are carried.

There is a new section 451.1 proposed by the Liberals. Mr McMeekin has requested a recorded vote, so we will defer consideration of item number 105.

Shall sections 452 to 464 carry? Sections 452 to 464 are carried.

Section 465 has a government amendment marked number 106 in your package. All those in favour? Opposed? It is carried.

Shall section 465, as amended, carry? It is carried.

Shall sections 466 to 471 carry? They are carried.

There is a new section 471.1 proposed by the government, pages 107 and 108. All those in favour? Opposed? It is carried.

Shall sections 472 to 475 carry? They are carried.

Section 476 has a government amendment marked number 109 in your package. All those in favour? Opposed? It is carried.

There's a government amendment marked number 110 in your package. All those in favour? Opposed? It is carried.

There's another government amendment, marked number 111. All those in favour? Opposed? It is carried.

There's another government amendment, marked number 112. All those in favour? Opposed? It is carried.

There's another government amendment, marked number 113. All those in favour? Opposed? It is carried.

Shall section 476, as amended, carry? It is carried.

Section 477 has a government amendment marked number 114. All those in favour? Opposed? It is carried.

Section 477 has another amendment, on pages—

Mr Kells: Wait—477(1.1). That one?

The Chair: We did (1.1). We're now on 477(3.1) (3.2) and (3.3), found on pages 115 and 116. All those in favour?

Mr Kells: Hold it. May I go back? We just want to make sure that was in order. I have a warning note—

The Chair: The clerk has not advised me otherwise.

Mr Kells: The question is, I have a little note here that says "may require unanimous consent to be in order." I'm just bringing it up.

The Chair: It's a moot point, because we voted on it and we've moved on to page 115.

Interjections.

The Chair: Order. The clerk has the normal responsibility of advising if things do not meet the test, and there is no such indication from the clerk.

Mr Kells: I didn't mean to be difficult. OK. Roll away.

The Chair: We're now at the amendment on pages 115 and 116, a government amendment. All those in favour? Opposed? It is carried.

The government amendment marked on page 117: all those in favour? Opposed? It is carried.

Shall section 477, as amended, carry? It is carried.

Shall sections 478 to 481 carry? They are carried.

Section 482 has a government amendment marked number 118. All those in favour? Opposed? It is carried.

Shall section 482, as amended, carry? It is carried.

Shall sections 483 to 485 carry? They are carried.

Shall the title of the bill carry?

Shall Bill 111—well, we'll leave that one till we hold the final votes.

We now are back to the recorded votes, starting with page 36. It was a Liberal motion, an amendment to section 149.1. Mr Colle has asked for a recorded vote. All those in favour?

Ayes

Colle, McMeekin, Prue.

Nays

Dunlop, Kells, Miller, Mushinski.

The Chair: That amendment is lost.

The next recorded vote was to subsection 223(4), a Liberal motion. All those in favour?

Ayes

Colle, McMeekin, Prue.

Nays

Dunlop, Kells, Miller, Mushinski.

The Chair: That amendment is lost, which means we will now put the question. Shall section 223 carry? It is carried.

The next recorded vote was the amendment marked number 70, an amendment to subsection 268(6) from the Liberals. All those in favour?

Ayes

Colle, McMeekin, Prue.

Nays

Dunlop, Kells, Miller, Mushinski.

The Chair: That amendment is lost.

Shall section 268 carry? It is carried.

The next amendment is number 77, an amendment to section 283 from the NDP. All those in favour?

Ayes

Colle, McMeekin, Prue.

Nays

Dunlop, Kells, Miller, Mushinski.

The Chair: That amendment is lost.

Shall section 283 carry? It is carried.

The next amendment is number 91, an amendment to section 343 from the Liberals. All those in favour?

Ayes

Colle, McMeekin, Prue.

Nays

Dunlop, Kells, Miller, Mushinski.

The Chair: That amendment is lost.

Shall section 343 carry? It is carried.

The next amendment was the one marked 105, an amendment for a proposed new section 451.1 from the Liberals. All those in favour?

Ayes

Colle, McMeekin, Prue.

Nays

Dunlop, Kells, Miller, Mushinski.

The Chair: That is lost.

That now takes us back to the final two questions.

Shall Bill 111, as amended, carry? It is carried.

Shall I report the bill, as amended, to the House?

Interjections: Carried.

Mr Colle: Can we have a recorded vote? Is that possible?

The Chair: Well, you're a little slow, but—

Interjection: You're fast.

The Chair: If you want a recorded vote on reporting to the House, I'm happy to indulge. All those in favour?

Ayes

Dunlop, Kells, Miller, Mushinski.

Nays

Colle, McMeekin, Prue.

The Chair: I shall report the bill, as amended, to the House.

With that, we have satisfied the requirements of the order of the House. The committee now stands adjourned until 3:30 on December 3.

The committee adjourned at 1628.

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Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot L)

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Ministry of Municipal Affairs and Housing

Mr Brian Donaldson, senior policy adviser, local government policy branch,
Ministry of Municipal Affairs and Housing

Clerk pro tem / Greffier par intérim

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