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**Official Report
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(Hansard)**

Wednesday 12 December 2001

**Journal
des débats
(Hansard)**

Mercredi 12 décembre 2001

**Standing committee on
regulations and private bills**

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

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LEGISLATIVE ASSEMBLY OF ONTARIO

**STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLS**

Wednesday 12 December 2001

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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

Mercredi 12 décembre 2001

The committee met at 1005 in committee room 1.

AJAX PICKERING
TRANSIT AUTHORITY ACT, 2001

Consideration of Bill Pr26, An Act respecting the Ajax Pickering Transit Authority.

The Vice-Chair (Mr Garfield Dunlop): I'd like to call the meeting to order. On our agenda we're first of all going to deal with Bill Pr26, An Act respecting the Ajax Pickering Transit Authority. The sponsor is Mr O'Toole. Is Mr O'Toole here?

Mr Morley Kells (Etobicoke-Lakeshore): No, but we can go without Mr O'Toole.

The Vice-Chair: OK. Is William LeMay here?

Mr William LeMay: I am. Thank you for the opportunity to appear this morning. We have been working with a number of government ministries in an attempt to sort through some of the practical implications relating to this bill, and some of the policy implications. While we've been receiving a great deal of support in that effort, there are a couple of things in the legislation that remain outstanding, and we'd like at this point to have the committee simply defer the matter over into the next session of the Legislature so that we can have an opportunity to sit down and deal with some of the government branches on some of the policy questions that remain outstanding.

The Vice-Chair: OK. Are there any questions anyone has to ask Mr LeMay this morning? Or maybe you're not prepared to answer any questions?

Mr LeMay: I'm prepared to answer questions if there are any.

The Vice-Chair: OK, but right now your preference is to defer it and we'll hold it over until the spring session?

Mr LeMay: That is my preference, yes.

Mr Kells: If I may, briefly, Mr Chair, the two cities of Ajax and Pickering have had discussions with the ministry in great detail, and although they haven't reached a conclusion, they've reached an agreement to defer, and so we'd be happy to leave this situation at that.

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): We'd be happy to concur with that.

The Vice-Chair: That's great. Thank you very much for attending here this morning, and we'll look forward to seeing you again in the spring.

Mr LeMay: Thank you very much for having us.

NIPISSING UNIVERSITY ACT, 2001

Consideration of Bill Pr25, An Act respecting Nipissing University.

The Vice-Chair: We'll go back now, ladies and gentlemen, to the following bills. The first one we'll deal with is Bill Pr25, An Act respecting Nipissing University. The sponsor is Norm Miller and the applicant, Nipissing University and Dr D.G. Marshall, president. Mr Miller, would you like to make any comments?

Mr Norm Miller (Parry Sound-Muskoka): Thank you very much. I'm the sponsor of this Bill Pr25, An Act respecting Nipissing University, and of course am very interested in it as well because we have a campus located in my riding in Bracebridge.

I'd like to introduce Dr David Marshall, president of Nipissing University, who is going to speak to the bill.

The Vice-Chair: Please feel free.

Dr David Marshall: Thank you very much, Mr Miller. Thank you, Mr Vice-Chair and committee, for hearing our amendment today.

I'll be very brief. The issue is fairly clear and I think the logic fairly clear as well. Nipissing University was established by a private member's bill in 1992 as Canada's newest university and the first new university established in Ontario in 25 years. We had had a previous 25 years' experience as a university offering university degree programming as an affiliate of Laurentian University. At the time, given that it was the first new university in 25 years, the government was quite logically cautious in the creation of a new institution and imposed a restriction in our act on our degree-granting powers, limiting Nipissing University to undergraduate degrees only, and the masters of education.

Almost 10 years later, I think Nipissing University has certainly proven itself and I think that caution can be put aside. Nipissing University has doubled in size, it has maintained a balanced budget, and it has expanded its accessibility to places like Muskoka and other places in northern Ontario. After 10 years it is now the number one ranked university in Ontario on the government's own

key performance indicators. At this time, I think it's appropriate for Nipissing University to have the same degree-granting authority and powers as all other universities in Ontario, and that's what we're asking in this amendment.

The only urgency of it, and the reason we're bringing it forward at this time—other than that it would be a wonderful 10th birthday present—is the fact that we do wish to consider some expansion in our faculty of education. They are exploring a partnership with other universities both in Ontario and Canada in the delivery of a PhD program in education, and this change in the act would allow this to occur.

The other changes are housekeeping. We reviewed our act, since we were bringing forth a proposal for an amendment, to see if there were other things that we wished to change, and there was just one other minor change we wanted to make with regard to the appointment of board members.

That's the issue today.

1010

The Vice-Chair: Are there any other interested parties who would like to make a comment today on this particular Pr bill? Does the parliamentary assistant have any?

Mr Kells: There are certainly no objections from the government. We would be pleased to have your wishes granted.

The Vice-Chair: Any of the committee members?

Mr Pat Hoy (Chatham-Kent Essex): I just had one question. You are, in the bill, talking about terms for the members of the board. Are you changing the number of members on the board?

Interjection.

Mr Hoy: It remains the same?

Dr Marshall: Yes, the number of members stays the same. The only change is that we've discovered that the odd board member leaves in the middle of their term, for a very good reason sometimes—they leave the country or whatever—and we didn't make provision for somebody coming in and replacing them in mid-term and then carrying on with their board term. So the change just allows that to occur.

Mr McMeekin: Dr Marshall, just out of my own curiosity, because we've had a number of groups come through these hallowed halls and talk to us about life on their campus, do you have any students on your board?

Dr Marshall: Yes.

Mr McMeekin: How many students would you have?

Dr Marshall: We have two students officially elected by our student union to our board, and six official observers chosen by the student union. So while only two of the 25 members of our board are officially elected and voting members, we have another six who are what we call ex officio or observers, and full participants in the—

Mr McMeekin: That's great. I congratulate you for that. On the senate as well?

Dr Marshall: Yes, we have four members of our senate on our board who are elected by senate.

Mr McMeekin: I'm an old elected student senator at McMaster—a phenomenal learning experience. The best education I had was sitting on the senate.

Dr Marshall: I can assure you that our students and our faculty that participate on the board and senate, and the board that participates on the senate, find it a wonderful experience, and it certainly represents the best of the collegial decision-making environment at university.

Mr McMeekin: Mr Chairman, I think it's time this university was brought into the 21st century along with all our other fine institutions, and we'll certainly support the changes.

The Vice-Chair: I would have thought your best education would have been right here. You thought it was back at McMaster.

Mr McMeekin: Sorry to disappoint you.

The Vice-Chair: Are there any other questions?

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): I just wanted to congratulate Nipissing University for their expansion and I'd like to wish them well.

The Vice-Chair: Any other questions? Are the members ready to vote? By the way, I'm assuming you must be planning a campus somewhere in the Orillia area too.

Dr Marshall: You'll have to attend my speeches at the Muskoka Development Commission to find the true secrets of our strategy.

Mr Wayne Wetzlauffer (Kitchener Centre): The Chair is not permitted editorial comments.

The Vice-Chair: Committee, shall sections 1 to 5 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Agreed.

Thank you very much for being here today.

CITY OF OTTAWA ACTS

The Vice-Chair: Our next order of business is Bill Pr21, An Act respecting the City of Ottawa. The sponsor is Mr Guzzo. The applicant is the city of Ottawa, and I'll let Mr Guzzo introduce everyone.

Mr Garry J. Guzzo (Ottawa West-Nepean): Thank you, Mr Chairman. Let me simply say that my practice has been in the past, and will continue to be, notwithstanding the fact that I've been asked to sub in today, to take a neutral position with regard to my personal feelings on any of these matters. I take it as my responsibility to bring these forward when the council has spoken, and I will be abstaining in any votes with regard to them for that reason.

I'd like to introduce, if I might, Ms Anne Peck, who is the legal counsel with the corporation of the city of Ottawa, and Susan Jones, the director of bylaw services with the city. On my immediate right is Edythe Dronshek, special counsel with the city. If I could just tell you, it might be the last time that Ms Dronshek is before us, as she's leaving the city after some—I'm not

going to tell them how many years of fantastic service. I can tell you that Mr Vice, who is going to address this committee, and I were called to the bar the same year; 1969 was a bumper crop in Ontario for lawyers, I guess. The former Liberal Premier was in that class, as was the former leader of our party, Mr Grossman. However, some of the others went on and actually practised a considerable amount of law. I'd just tell you that she groomed Mr Vice in those early years, and you have to take some responsibility for that. There are a number of us who as councillors were helped in those early years, and certainly in practice over the years, by this lady. She's been an exemplary employee and is going to be very, very difficult to replace. I gather that is going to be Ms Peck's responsibility, and we wish her well.

There are two bills here, and one of them, I gather, is not contentious. That's the one with regard to the taxi services. I would suggest that we deal with it first.

CITY OF OTTAWA ACT (TAXICABS), 2001

Consideration of Bill Pr24, An Act respecting the City of Ottawa.

The Vice-Chair: That's fine. We'll deal with Bill Pr24 first.

Mr Guzzo: Thank you, sir. I would ask Ms Dronshek to address you.

Ms Edythe Dronshek: Thank you very much for the kind words. I'm overcome.

The city of Ottawa was amalgamated in 1999. As a result of that, the regional municipality of Ottawa-Carleton and the 11 area municipalities that comprised it were dissolved.

The taxi industry is currently regulated pursuant to six taxi bylaws that have effect in the larger old municipalities: Cumberland, Gloucester, Kanata, Nepean, Ottawa and Vanier. The enabling authority for the amalgamation allows the existing bylaws to remain in place in the old geographic area to which they applied, and they may be amended from time to time. It is only when they are harmonized that these bylaws are gone and replaced with a new one for the city of Ottawa.

The city council has a plan in mind for the licensing and regulation of taxicabs in the new city. They are concerned with respect to the harmonizing bylaw. This bylaw would apply to the entire city. One of council's desires is to leave the unregulated service that is currently provided in the rural areas of Goulbourn, Osgoode and Rideau without municipal regulation.

Motion 1, which has been agreed to by the city, is the way in which we would like to address the rural areas. It is allowing the city to pass a licensing bylaw to regulate owners and drivers of taxicabs used for hire and to define the area or areas to which the bylaw applies. The intended areas would be the ones where there are currently licensing regulations in place in the city of Ottawa. It is intended to leave the rural areas unregulated. This addresses the concern that if the bylaw applies city-wide, the issuance of owners' licences to existing rural

operators would result over time in their use primarily in the urban areas, reducing service in the rural areas.

The taxi service that exists has developed without municipal regulation in the rural areas. The number of businesses that are operating as taxicab or parcel delivery services is relatively small in comparison to the fleets that are in the suburban and urban area. These rural businesses operate on a lower demand and revenue base than exists elsewhere. They're generally small fleets of one to three cars. The drivers often do other jobs, so they do a few morning runs with taxis, and then they may do school bus runs. Predominantly, their customer base is going to the airport or the weekend bar traffic. A consistent, all-day demand does not seem to exist, based on the information gathered in the major consultation process that the city went through when it was strategizing its taxi plan.

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Throughout the consultations, no major issues of poor service or the need or desire for a regulated service in the rural areas were expressed. In addition, no concerns were expressed with respect to the occasional licensed taxi driver picking up a customer in the rural area.

The rural operators did feel that if they are to be regulated and face business fees similar to the suburban and urban areas, they would have to have access to the larger city in order to gain their revenue. However, if the owners and drivers are able to stay within their rural areas, they will be able to continue doing exactly what they are now with the status quo. The city is desirous of leaving these areas unregulated and to have the bylaw only apply to the urban and suburban areas. This allows the urban industry to continue in a regulated field and the rural area to continue unregulated, as it is now. The request for the ability to exempt these certain areas ensures that the service that is presently being provided in the rural areas will continue to be provided to the rural community. This is why the city is requesting the legislative authority.

The Vice-Chair: Would any of the members like to make any comments or have any questions? Raminder first; then I'll go to the parliamentary assistant after.

Mr Gill: Just a question. Can anybody in the rural area right now pick up passengers from downtown?

Ms Dronshek: No, they can't.

Mr Gill: So it's not changing anything. They can't pick up now—

Ms Dronshek: No, it's not changing anything.

The Vice-Chair: Parliamentary assistant, do you have any comments?

Mr Kells: Yes, I do, and I have a couple of motions, if I may.

First I'd like to point out that there has been a great deal of discussion between the city of Ottawa and the staff of our ministry. The two motions that I have to give come from agreement between the two parties. So if I may—

The Vice-Chair: On any amendments, we'll do that in clause-by-clause, if we could.

Mr Kells: Sure.

The Vice-Chair: Are there any other questions or comments on this?

Mr McMeekin: I just wanted to ask: the unregulated rural or suburban communities wouldn't be, by agreement, allowed to pick up in the city of Ottawa, but, as one would expect, if they were called on by a local resident to go into the city of Ottawa, they could do that.

Ms Dronshek: They could drop off. Yes, they can.

Mr McMeekin: So this is designed to be a win-win for—

Ms Dronshek: For the rural operators.

Mr McMeekin: It's to balance off the competing goods here.

Ms Dronshek: Yes, it is.

Mr McMeekin: You had some consultation with the industry?

Ms Dronshek: We had a major consultation. We hired consultants, who produced an entire study, which is a piece of the attachment in the compendium.

Mr McMeekin: I used to sit, back in my 20s, on the Hamilton taxi licensing committee, and I know just how fragile it was then. The city council, of course, supports this?

Ms Dronshek: Oh, 100%.

Mr McMeekin: Fair ball.

Ms Dronshek: The taxi industry supports it as well.

Mr McMeekin: Great.

The Vice-Chair: Just to make a bit of clarification, I'm going to ask the parliamentary assistant to describe the amendment he'll be making.

Mr Kells: I do believe the honourable member has touched upon the issue. What's transpired is that the city was asking to set up subclasses. In discussion with them, we and they agreed that this is unnecessary, as it's been done by other municipalities, and it doesn't need private legislation to do what they wish to do. They want the specific provision involving the rural areas, and we think that's in order and certainly will pass the amendment to support that. Secondly, they're asking that we vote down the bylaw involving the old municipalities, because they don't have bylaws that affect this anyway. So at their request we're going to be asking to vote down a section of the bill.

The Vice-Chair: Section 2?

Mr Kells: Section 2. We'll do that as we go.

The Vice-Chair: Other comments?

Mr McMeekin: Just a quick query. Given what you've just heard, are those who are making the presentation comfortable with that?

Ms Dronshek: Yes. That's exactly what we agreed on.

Mr Kells: You're not suggesting that we didn't have an agreement, are you? You have to get a little more faith in staff.

Mr McMeekin: You know, Morley, we're so frequently in sync that I seldom differ from anything your government wants to do.

Mr Kells: I think you differ simply because it's a reflex action.

Mr McMeekin: No, it's not.

Mr Kells: I know the action.

Mr McMeekin: Once again, I'll be supportive.

The Vice-Chair: Thank you. It's good to hear that. Are there any other interested parties here today who would like to make a comment on this? Are the members ready to vote?

On section 1, I understand, Mr Kells, that you have an amendment.

Mr Kells: I move that section 1 of the bill be struck out and the following substituted:

"Bylaws re taxicabs

"1. In a bylaw passed to license, regulate and govern owners and drivers of taxicabs used for hire, city council may define the area or areas of the city to which the bylaw applies."

The Vice-Chair: Are there any questions on that amendment?

All in favour of the amendment? That's carried.

Shall section 1, as amended, carry? Carried.

Section 2 is the section you'd like to see turned down?

Mr Kells: Yes, the applicant recommends that we vote against this section.

The Vice-Chair: Shall section 2 carry? No.

Shall section 3 carry? That's carried.

Shall section 4 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill, as amended, carry? Carried.

Shall I report the bill, as amended, to the House? Thank you very much.

Thanks for being here today for that bill.

CITY OF OTTAWA ACT (CONSOLIDATION OF SPECIAL ACTS), 2001

Consideration of Bill Pr21, An Act respecting the City of Ottawa.

The Vice-Chair: Mr Guzzo, do you have any comments on this one?

Mr Guzzo: This is a housekeeping matter which is occasioned as a result of the amalgamation of the constituent municipalities in the regional municipality of Ottawa-Carleton prior to January 1, 2001. It represents a number of facets and I'll have Ms Dronshek, if you would, go through them in detail.

Ms Dronshek: As we indicated, the new City of Ottawa Act, 1999, that created the new city of Ottawa contained a provision that allowed every power and duty that was in existence in the old municipalities under any private act to continue to remain in place for the geographic area of the former municipality. As a result of this, the new city has different powers and duties in different parts of the city, depending upon the special acts that have been passed with respect to the various old municipalities prior to amalgamation.

The old municipalities, specifically Ottawa, Nepean and Gloucester, have obtained many special acts throughout the years with respect to certain matters that address their unique concerns. The value of these enhanced powers is recognized and it is considered expedient and in the best interests of the new city to have the same powers obtained in the private acts of the old municipalities apply city-wide prior to harmonizing the affected bylaws of the old municipalities. The purpose of this bill is to extend to the whole new city these certain powers and duties that existed in previous special acts of the old municipalities.

Part II relates to garbage removal, grass and weeds. It was in existence and is based on two acts, one obtained by the city of Ottawa and one by the city of Nepean. Its purpose is to enable the council to require owners of land to maintain the highways abutting their land, other than the parts of the highways used for motor vehicle traffic, by removing garbage and debris and by cutting and removing the grass and weeds. Most city boulevards are well-maintained by the adjacent property owner or occupant as part of their regular maintenance of their own properties, thereby ensuring that the overall property is visually pleasing. However, these private acts were obtained to address the situations where the owners or occupiers do not maintain the boulevard, particularly the outside boulevard between the roadway and the sidewalk adjacent to their private property, and the boulevard becomes unsightly.

The proposed draft bill recognizes that there are two different standards for a rural-suburban entity and the rural requirements and that they should remain distinct, and provides the council with the ability to designate areas and highways, or parts thereof, where the boulevard maintenance rules will apply, as well as to vary the regulations according to the designated area or highway. This addresses the difference between the urban and the rural areas. The council is asking for this authority to apply city-wide so that it has the ability to carry on these programs within the whole city but has the ability to recognize the distinctions between the rural areas and the rural requirements.

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Part III is based on the City of Ottawa Act, 1996. It is to enable police officers, municipal law enforcement officers and other persons authorized by bylaw to move and store objects and vehicles abandoned on city property contrary to a city bylaw. It does not apply to motor vehicles with valid number plates issued under the Highway Traffic Act or a law of another jurisdiction. This power is designed for objects or vehicles not pertaining to street vending and is complementary to the removal power for street vending in the designated space program and the removal zones that are now presently contained in the new City of Ottawa Act. It may be used in areas outside the removal zone established for the designated space program and applies to city property including highways. The city believes there is value in having this authority apply city-wide.

Part IV deals with the heritage properties. It is based on the City of Ottawa Act, 1999, being the private act, and is modeled on a recent recasting of the standard heritage provisions as found in the City of Toronto Act, 2001.

This legislation is not unusual or unique and exists in 11 other large cities by virtue of a private act. Its purpose is to enable city council to exercise greater control over the issuance of demolition permits for buildings on properties designated under the Ontario Heritage Act or located in an area defined as a heritage conservation area. The part gives city council the power to prohibit the demolition or removal of such properties until at least 180 days have elapsed from the date of the refusal to issue a demolition permit and the owner has obtained a building permit to erect a new building on the site of the building to be demolished or removed. The new building will be compatible and sensitive to the heritage district and the land will not be left in a vacant lot or a parking lot.

This legislation has been consistently supported by Heritage Canada and Heritage Ottawa. There have been no objections to it, as far as we know, even when we did it in 1999. There are different rules in the other areas of the city because only old Ottawa had this legislation. So city council in the other areas may refuse the application or demolition under the Heritage Act for a period of 180 days. Then, if council refuses the demolition application, the demolition may occur subject to the legislation, following a delay of 180 days.

The city of Ottawa has always been proud of its built heritage. This is reflected in the number and variety of properties and heritage conservation districts in old Ottawa that are designated. As a consequence of amalgamation, there is an additional heritage conservation district in the old village of Rockcliffe Park which includes 700 properties as well as 75 individually designated heritage properties.

The city of Ottawa believes that there is value in having the authority to apply city-wide. Since 1999, the old city of Ottawa has used this authority once, and the project did not go ahead for financial reasons and the building is still standing. But the legislation seems to be of great value in that there seems to be an ability to reach agreements and preserve these buildings.

Part V deals with licensing matters and is based on various provisions obtained in Ottawa, Nepean and Gloucester.

Section 18 is the licence committee. It allows a committee of council to suspend or revoke business licences or to impose conditions as a requirement of obtaining, continuing to hold or renewing a business licence. Although the general licensing power was amended in the Municipal Act in 1996, it does not provide a committee of council with the ability to make a final decision. The city of Ottawa believes that there is value in having licensing issues administered by a committee of council that is well versed in licensing matters and trained in its quasi-judicial capacity. It is desirous of establishing a

committee of council that is authorized to suspend or revoke any such licence and to impose conditions as a requirement of obtaining, continuing to hold or renewing a licence, including special conditions, and having its decision be final. The committee of council format will retain the political accountability or responsibility.

Under section 19 there is the suspension of licences. City council may authorize the chief licence inspector or another municipal official to suspend business licences in emergency situations for a limited time and subject to the conditions that the bylaw may provide. The emergency situations and the criteria to establish a situation as an emergency are set out in the bylaw. No suspension is effective after the expiration of two weeks from the date of suspension or after the time of the next meeting of the licence committee, whichever is first. The city believes there is value in having this authority apply city-wide.

Section 20 relates to bylaws requiring surrender of drivers' licences and vehicle permits. This allows the city to pass bylaws requiring that drivers whose motor vehicles are regulated under a business class licensing bylaw surrender their driver's licence and vehicle permit for reasonable inspection, which were issued under the Highway Traffic Act or similar law of another jurisdiction. Its purpose is to identify the owner or driver of the vehicle that is regulated under a bylaw where the driver or owner is not the holder of a licence issued under the bylaw. It does not authorize the retention of the licence or permit.

Section 21 deals with limitations on licences. It empowers the city to pass bylaws limiting the number of licences issued to itinerant sellers or owners or operators of refreshment vehicles or to any class of them. Old Ottawa has special legislation with respect to the limitation on the issuance of these licences in conjunction with the designated space program. The designated space program is implemented in the downtown core of old Ottawa and effectively limits the number of vendors operating in the core by establishing only a limited number of vending spaces on the streets and sidewalks. The same limits do not apply outside the program area. This authority was required to ensure that the problems of proliferation, congestion and establishment of territorialism are not relocated to the suburban areas. It is used to limit the class of licences for vending on the streets and does not affect vending on private property with the consent of the private property owner. As there is now general authority in the designated space program in the new City of Ottawa Act by virtue of sections in that act, council is desirous of having the authority to limit the issuance of itinerant seller and refreshment vehicle permits to the whole new city in conjunction with this designated space program.

Part VI relates to private roads and is based on a provision in the City of Ottawa Act that it obtained in 1978. This part allows city council to pass bylaws respecting private roads, for doing the numbering of buildings and lots or units along private roadways and affixing numbers to the buildings, for naming and

renaming private roadways, and for requiring the owner of a private roadway or condominium corporation to enter into agreements with the city respecting these matters, including the maintenance. The city considers that there is a need to extend city-wide this approach of old Ottawa with respect to the naming and renaming of private roadways, for affixing numbers to buildings and for keeping a record of civic addresses on private roadways to ensure efficient delivery of emergency, medical and protective services.

Part VII is the property standards fees for inspections and is based on the acts obtained by Nepean and Ottawa. It allows council to pass bylaws prescribing fees, including administrative costs, for the inspection and monitoring of certain properties where owners have failed to comply with a final order in respect of maintenance and property standards prescribed under the property standards bylaw. The city is given a lien on the inspected property for the amount of the fees payable.

Council's objective is to control recurring problems of property standards violations and to have a more immediate impact on extensive enforcement activities. It seeks the necessary authorization to have the cost of inspections levied against a property owner who fails to comply with a final order in respect of property standards violations, and if the amount is not paid, to be collected in like manner as municipal taxes. The intent is to require property owners who have received a final and binding order with respect to maintenance, repair or clearing of property, after the appeals have been dealt with or the time for filing appeals has expired, to pay the fees prescribed by council for each and every subsequent inspection required to confirm that the terms of the order have been complied with. The property owners do not request such an inspection. It is an enforcement incentive to encourage compliance with the property standards order.

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Operationally, the fees apply only when an inspection confirms that an owner has not complied with an order that has become final. There is no requirement to pay the fee if no deficiencies are identified and no order is issued; however, any additional inspections, once the time for compliance with the order has expired and the order has not been complied with, would be at the owner's expense since this becomes the trigger point for the enforcement process and has passed the technical advice and consultative stages as part of any civic responsibility to the community. Council considers that there is a need to extend city-wide this cost recovery approach and to charge for all re-inspections after the final order.

Part VIII is an amendment to the City of Ottawa Act, 1996, and is really a housekeeping amendment to keep the existing bylaw in place. The provision that is being amended applied to highways that were under the regional road system. In order to maintain the status quo, it is necessary to provide that the existing bylaw continues to apply to all roads of the old regional muni-

city within the geographic area of the old city of Ottawa. The draft bill repeals and replaces section 5 of the City of Ottawa Act, 1996, to provide that a bylaw passed under the 1996 act applies to any highway located within the municipal area of the old city of Ottawa and it continues to apply to all former regional roads within the geographic area of the city of Ottawa as well as the old Ottawa streets. This is the application the city is seeking.

The Vice-Chair: Thank you very much. Do any other members of the city have any comments? Do any other interested parties have any comments?

Mr Peter Vice: Good morning, Vice-Chair. My name is Vice. I'm a partner with the law firm of Vice and Hunter in Ottawa and I'm on my own hook. Before I get started, I want to echo my friend Mr Guzzo's comments with regard to Ms Dronshek. I've practised law with Edythe and started with her at the city of Ottawa legal department. I moved out into private practice. She's been a great asset to the Ottawa legal community and to us in the private bar. I want to welcome Miss Peck, who comes from the private bar to the public end. I know that she will try to do every bit as good a job and will hopefully emulate the work done by Ms Dronshek.

Mr Vice-Chair and members of the committee, anything I say here today is not a condemnation in any way of the heritage planners in the city of Ottawa. I deal with them every day and they're fine, upstanding people and carry out their duties in a very honourable way. But I figured I would have been derelict in my duties if I hadn't come here and at least spoken to this bill. Particularly, the only part of the bill that I want to speak to is Part IV, the heritage part of it, and where the special legislation will now apply to all of the city of Ottawa and not just to the old city. It will now apply to the amalgamated city.

My specialty is municipal planning law. I think I can say I speak for most of the lawyers who are in the private bar who have dealt with heritage matters in the city of Ottawa and other places within eastern Ontario.

Firstly, under the present legislation, as you know, you can apply for a demolition permit or a permit to alter your building. The city has 90 days to deal with it. They can get an extension of 180 days. At the end of 270 days, they have to deal with you or you can either demolish or alter the building in accordance with the plans.

The concern in Ottawa is—and Ms Boyer and Mr Guzzo would understand this—that there are more heritage district designations in Ottawa than in any other place in Ontario. If you know Ottawa, you can go from the Queensway north to Parliament Hill, and all of that area, including all the parking lots in that area, is designated within heritage conservation districts. I'll get back to a parking lot example later in my presentation.

I was well aware, as Ms Dronshek has pointed out to you, that there are a number of other municipalities that have it, and I'll comment on that later. But basically, this legislation provides that you must be issued a building permit prior to the municipality issuing a demolition permit. When you apply for a zoning change or a site

plan approval, you know the rules. There are no rules laid out when one applies for the building permit—there's nothing. In fact, if you even look at the act, they say you have to provide the reasonable information as required.

So you're in a heritage district and you have the example of one of those parking lots. If you've been in Ottawa lately, you'll know there are a lot of them, and they're also designated. So you have the person who has a parking lot and wants to develop his land or wants to respond to an RFP, because that's the way most of the buildings in central Ottawa get built. The federal government generally has an RFP with regard to providing a building they need for their purposes.

I'm acting for a client who is just outside of a heritage district. I can answer that RFP, and if I'm zoned all I need is site plan approval—that's been delegated to staff—and I can usually have a building permit within 60 days. If I'm within an area that's designated as a heritage district, I can tell you—and I've been through it—it's going to take nine months to a year to get that permit, because there are no rules of the game. You apply, you deal with staff first, then you have to go through the local advisory committee. Everything is subjective. There's nothing objective that you can look at.

The city of Ottawa heritage planners are excellent to deal with, but they've also got their job to do. There was one example just approved in Ottawa, and I talked to the lawyer who was on it. After \$600,000 worth of plans, he got his plans approved. That was fine. What would have happened to him if he had spent that \$600,000 and the heritage planners didn't like it or council didn't like it? You go on to the municipal board. I've probably had more experience before the municipal board than any lawyer in the Ottawa area. But there's nothing you can deal with at the municipal board. It's not like if there's a zoning change, where you can look to the official plan or look to other zones in the area, or nothing as there is in the site plan legislation, section 41 of the act. That is my concern: with this legislation you're taking away property rights. I heard Ms Dronshek say that 11 other municipalities in the province have exactly the same legislation. A student in my office found nine in an Internet search yesterday.

Mr Kells: The number is 15.

Mr Vice: Is it 15 now, Mr Kells?

Mr Kells: Things are moving quickly.

Mr Vice: If that is the case, then I ask this committee, and I put it to this committee, why haven't we done something with the Heritage Act? This private legislation, in my submission to you, is completely ridiculous, as it takes away property rights. If the Heritage Act isn't sufficient, why don't we have a discussion and why isn't the Heritage Act amended so the same rules will apply to everyone in Ontario? I'm not going to sit here and argue that the present act is perfect, but my view is that the same rules should apply to everyone in Ontario. Eleven or 15 wrongs don't make a right, Mr Kells and members of the committee.

You are simply taking away from individuals their property rights that back in 1984 maybe somebody should have entrenched in the constitution. That wasn't done, but people do have rights. I'm quite surprised. I heard my friend Ms Dronshek say there were no objections in 1999 to the bill that applied to the old city of Ottawa. We who practise in the field only became aware of that bill after it was in place, or, I can tell you, there would have been more than me down here objecting to it.

I'm open to any questions, Mr Chairman and members of the committee, but I think the legislation today goes too far. I think it went too far in 1999, and I think it goes too far in the other 14 municipalities. You have to have that balance. What is there now might not be sufficient, but you've just gone completely the other way.

1050

The Vice-Chair: OK, committee members, is there anyone who has any questions for Mr Vice? We have a couple here. We'll start with Madame Boyer—

Interjection.

The Vice-Chair: OK. Mr McMeekin. We'll get all the questions in.

Mr McMeekin: This heritage thing is something I've given a lot of thought to. We had some real discussion, Mr Kells will recall, when the Municipal Act was up. There was actually a proposed amendment that, as it turns out, was defeated, which would have given cities the authority to refuse to grant any demolition permit ever in a heritage area. It wasn't our amendment, but I believe the assumption behind it was that areas are designated heritage for a reason. Somebody somewhere, duly elected presumably in consultation with communities, had made a decision that something should in fact be protected.

I hear from some of my Native friends who have a lot of concerns about property rights. They wish there had been property rights when some of us arrived. They wouldn't have a lot of the difficulties they have now.

If I'm hearing you correctly, I think you're suggesting that this seems to be a further attempt to thwart the possibility that people who, for whatever reason or combination of reasons, want to do something and that some of those you have represented in the past aren't particularly pleased about that. And that's a good. That's not bad. I would define that as one of the competing goods. The other competing good is to protect the heritage areas and, I suspect, to try to elongate the process in order to buy some time to make some alternate arrangements—I don't know. How do you reconcile those competing goods?

Mr Vice: I'm certainly not here to speak against heritage, and I don't think any municipal planning law lawyer in Ottawa will. I think you'll hear a lot of us speaking against the number of areas that have been designated in Ottawa and the problems that has caused. As I mentioned, it goes from the Queensway to Parliament Hill. There's not one area in there that has not been designated. So nobody is against heritage at all, and

nobody is against the ability one must have to do projects that are complementary to the heritage areas. It's just that in this case, if you knew the ground rules—that's the concern—and if it didn't take the time it takes in order to do it—

Mr McMeekin: That begs my supplementary, if I can. There's the "buyer beware" principle when one makes investments. I'm assuming, I think correctly, that people who would buy property in a designated heritage area understand there are going to be some obstacles to some of the things they want to do. I used to live in a heritage home. I knew that when we wanted to make alterations to it, there was a process. It was designated before I bought it, by the way, so I bought the house knowing there would be certain restrictions, and we were prepared to live with those.

So you've got this situation where people are buying property, and in an event where they're buying property and the area isn't designated and is up for designation, there's a whole process there for them. Isn't there some "buyer beware"? Why should we be protecting people who are buying into an area and should be aware of the fact that it's going to be more difficult for them to do things there?

Mr Vice: Firstly, in the most recent one in Ottawa, they did the Sparks Street mall and the north part of Bank Street, and a lot of those buildings are very worthy of a heritage designation, no doubt about that.

Mr McMeekin: Yes, I would agree.

Mr Vice: Every one of those landowners—the families—have owned that land an awful lot longer than you've owned your house or I've owned mine. They are families who have owned that land for years. I won't mention the names, but the properties have been in those families for years. Certainly there is "buyer beware." That's one of the problems. When one tries to sell something that has a heritage designation on it, there's a "buyer beware" and nobody will buy it. Therein lies your problem. There's no market for it.

Mr McMeekin: You also pay less for the house, which was our case as well. So it cuts both ways. But thanks very much.

Mr Kells: That's the "buyer beware" part.

The Vice-Chair: Madame Boyer, you had a question?

Mrs Claudette Boyer (Ottawa-Vanier): No, it's all right.

The Vice-Chair: OK. Mr Wettlaufer?

Mr Wettlaufer: Mr Vice, I think everybody in this room knows that I'm a rather vehement defender of property rights. However, I'm also an historian and I was the sponsor of the heritage bill for the city of Kitchener, which is one of the 15 Mr Kells mentioned.

I don't know if you've ever been to Savannah, Georgia.

Mr Vice: I have been. I go to Hilton Head occasionally when I can get a week off to play golf. So I've been to Savannah a number of times.

Mr Wettlaufer: Savannah is one of the prettiest cities in North America because of some rather restrictive

property rights laws. One would say that they infringe dramatically on the rights of the owners of the properties, but in doing so they have retained the beauty of the city.

I lived in Ottawa from 1972 until 1975, and I still like to consider it my second home, partly because of the beauty of the city, the retention of the heritage aspect of the city, the retention of our history. While I know what you're saying insofar as the downtown core, albeit it's extended all the way to the Queensway—a huge area, I agree—nevertheless, there are areas outside of that core which are also very important to the heritage of the people of Ontario and the people of Canada, and it is our national capital. So there is that added importance to the people of Canada that when they travel to their national capital they would want to see that heritage preserved.

There's a very fine line, I agree, in preserving property rights but also in preserving our heritage. Do you not think the wording of the section of the proposed bill, in heritage properties, would spell out more what the obligations are on the city as well as on those making application for demolition? You had commented that people now making application for demolition don't know what the process is. Do you not think this might spell it out a little bit better?

Mr Vice: Well, it's not my bill, but yes. It's not for demolition; it's more for that person who applies for a building permit in order to get the permit to take the building down and put up something that is compatible within the heritage area. There's nothing anywhere that one can look at to say, when you go and hire your architect, what he can look at, what he from an objective point of view—subjective in his mind—can do to move the process on. You go in and deal with the heritage planners and you say, "What do you want?" They say, "Well, it's your application." They're right, it is, but there's nothing one can look at.

In a lot of cases—I told you about the parking lot case—it has nothing to do with the demolition of the actual heritage building. It's developing in an area that's designated on that parking lot that I keep hearing the city of Ottawa saying they're trying to get rid of, and when you answer that RFP it takes a year to go through the process. Therein lies the problem.

1100

I'm not here to argue against those heritage buildings, especially part IV buildings. There are some beautiful part IV buildings. Like Mr McMeekin, our office is in a heritage building in Ottawa. We're in a heritage district, and I'm very happy with it, notwithstanding I won't get the amount of money that others have who bought out of it, but that's beside the point. We're happy there now.

It's on those lots. Everybody is concerned about what's going to happen to those prize buildings that we all treasure. They're not concerned about how we're going to deal with the parking lots in the area—and I'm stressing parking lots, but I mean the parking lots and the other buildings that have no heritage character at all. Having lived in Ottawa, just think of coming off the Queensway and driving down Kent, Bank, O'Connor,

Metcalfe or Elgin and seeing some of the crap that's there. Excuse my language, but that's a fact.

The Vice-Chair: OK. Madame Boyer, you had a question?

Mrs Boyer: Yes. Of course I have a lot of heritage conservation districts in—

Mr Vice: Sandy Hill, Madame Boyer.

Mrs Boyer: Sandy Hill, and even Rockcliffe Park, which is another one. Do you really believe that a city should have the right to deny building permits in a designated heritage area?

Mr Vice: Frankly, I think the local municipality knows the most—trying to be an objective person—about what goes on and, yes, I think they should have that ability. I think there should be some ground rules that go with it, but I really think the local municipality should have that authority.

Mrs Boyer: Especially in the capitals.

Mr Vice: We, in Ottawa, think we're a little high and mighty, but I think it should apply to all municipalities in Ontario. I have as much faith in my friends in North Grenville whom I act for, and Beckwith township, to do the right thing.

The Vice-Chair: Mr Hoy had a question.

Mr Hoy: I'd like to ask a couple of questions on garbage removal, grass and weeds on boulevards.

Mr Kells: Are we finished with Mr Vice yet?

The Vice-Chair: Pardon me?

Mr Kells: Are you asking Mr Vice?

Mr Hoy: Oh, I'm sorry.

Mr Vice: I have no problem with any of the other—

The Vice-Chair: Yes, these questions are to Mr Vice. Mr Gill, do you have a question of Mr Vice?

Mr Gill: I want, if it's in order, the city people to answer the concern Mr Vice has specifically about the parking lot. Why does it take a year to get approval to build on a parking lot if there's no demolition of any heritage-type building?

The Vice-Chair: Do you feel comfortable answering that question from the city perspective?

Ms Anne Peck: The demolition issue with the parking lot doesn't relate to the particular legislation that's before you today. That is something that would be covered through the Ontario Heritage Act and the provisions in the act with respect to building new structures on vacant property. The city of Ottawa zoning bylaw does have some provisions that relate specifically to replacing buildings in areas that are designated for heritage conservation districts. I know that the planning staff work co-operatively with the proponent to try to encourage them to make all the necessary applications at one time so that you move through the process together. If you need to have heritage permission, then you need site plan approval and you need a rezoning. All of those things occur at the same time so that the process moves smoothly through.

I can't speak to specific time limits on matters, but I know that planning staff work very hard with proponents in the heritage areas to try to ensure that the development

is suitable for the area and meets the proponents' needs as well.

The concerns that Mr Vice is raising in many cases are not specifically related to the bill before you. He's dealing with vacant properties. These are dealing with issues where the council is considering whether or not a building should be demolished, whether the demolition permit should be issued, and they're asking for criteria to be placed on the issuance of the demolition permit being the 180 days—which is already in the act—and the building permit.

The Vice-Chair: I'll now ask the parliamentary assistant if he can bring his comments on behalf of the government.

Mr Kells: Very quickly, I think Mr Guzzo hit the nail on the head when he said that this measure is really a housekeeping measure coming from the amalgamation of Ottawa, and we agree with that.

Basically, I don't want to repeat any of the things that have been said. It's kind of an interesting geographical tour de force, but basically we should get to the act and what we're trying to do here.

Mr Vice did hit the nub of the argument when he said that if this legislation is being passed in private city bills by 50 municipalities, maybe it's time the ministry here took a look at the Ontario Heritage Act. I think that's really the crux of the argument. We did discuss this bill with the Ministry of Tourism and Recreation, and they had no problems with that section of the bill. Our own government has no problems, so that's good enough for me, but I do think the point is made that maybe it's high time we revisit the Ontario Heritage Act.

The Vice-Chair: Do you have any comments on behalf of the government?

Mr Kells: Well, I did want to wait until Mr Hoy asked the city of Ottawa questions—I'm sure he has some—and then I do have a couple of amendments which I'd like to speak to, and then we'll handle them when you pass the bill.

The Vice-Chair: Mr Hoy has questions on the balance of the bill to the city of Ottawa. Go ahead.

Mr Hoy: I apologize for getting a little bit ahead of the flow of the questions.

The Vice-Chair: That's OK.

Mr Hoy: I mentioned I'm interested in part II. Who would be liable for an incident that occurred between the roadway and lands abutting an owner? If I'm out doing some of these acts—removing garbage and cutting grass and weeds—on property that is not under my ownership but was formerly part of either the municipality or maybe was provincial at one time and there was an incident with equipment etc and maybe automobiles, who would be liable: the municipality or me as the landowner working on lands that aren't under my jurisdiction?

Ms Dronshek: With respect to that question, that is one of the reasons why we really need the ability to distinguish the rural areas, because in the rural areas there is concern with respect to the safety of private people dealing with boulevards that are very severely

sloped or very difficult to deal with. The municipality doesn't want these people out there in any type of harm's way. There are safety issues with respect to those. That is why the city wants to be able to distinguish that area and not have any requirements with respect to the rural maintenance of the highways. In the cities, the maintenance is relating to boulevards that normally appear to be part of your own basic property.

Mr Hoy: It seems to me, reading this, that what you propose here is to allow people to cut grass along boulevards—

Ms Dronshek: At their own expense.

Mr Hoy: —but your answer to my first question sounds like you rather want to restrict them from doing that so that they don't incur liabilities.

Ms Dronshek: I beg your pardon?

Mr Hoy: It seemed to me in your answer about liability that you were suggesting that you don't want people in rural communities cutting the grass.

Ms Dronshek: We don't want people in rural communities cutting grass, no. We only want to be able to require the people in urban areas to do that.

Mr Hoy: OK. So are you proposing to have fines put in place for people who cut grass?

Ms Dronshek: There are fines in place—

Mr Hoy: You have them now?

Ms Dronshek: —in old Ottawa and old Nepean now.

Mr Hoy: OK, thank you.

The Vice-Chair: Any other questions, anyone on the committee? Are there any other interested parties here today that would like to make any comments on this? We don't want to leave anyone out if there's any chance.

OK, I'll turn it back over to the parliamentary assistant, who's going to explain a couple of amendments he has.

1110

Mr Kells: I'd like to point out well in advance, even though Mr McMeekin is gone, that we have agreement between the ministry and the city of Ottawa and we're going to be moving at the appropriate time that sections 23 to 27 be struck out. The reason for that is that those sections provide the city of Ottawa with specific authority to charge a property standards inspection fee. It is the opinion of the staff, our staff, that the city of Ottawa already has this authority under section 220(i) of the Municipal Act, the current act, and under section 391 of the proposed act, which has now been passed and will come into effect in 2003.

Also, the danger of proceeding with this provision is that other municipalities may seek a whole bunch of private legislation to be able to have specific authority for all kinds of fees instead of relying on the authority already provided under the Municipal Act.

Finally, fees created under this provision would not be subject to the accountability measures under the new act, which now, as I said, has been passed yesterday and will take effect in the year 2003.

We also would like to move an amendment involving section 28 of the bill. The bill as written violates the

provisions of the Charter of Rights and Freedoms, and we just want to do a housekeeping measure to make sure that the details of the bill comply with the Charter of Rights and Freedoms.

The Vice-Chair: OK, thank you very much.

Ms Dronshek: Excuse me. The property standards section starts at 23. Did you say 22?

Mr Kells: No.

The Vice-Chair: It's 23 to 27.

Ms Dronshek: OK, thank you.

The Vice-Chair: Is everyone ready to vote on this?

I'm going to categorize some of the sections. Are there any questions on sections 1 to 6? Shall sections 1 to 6 carry? Carried.

Are there any questions on sections 7 to 16? Shall sections 7 to 16 carry? Carried.

Are there any questions on sections 17 to 22? No questions? Shall sections 17 to 22 carry? Carried.

Sections 23 to 27: are there any questions on those?

Mr Kells: Yes, if I may.

I move that sections 23, 24, 25, 26 and 27 of the bill be struck out.

The Vice-Chair: That, Mr Parliamentary Assistant, is out of order, that particular resolution.

Mr Kells: What do you suggest I do, then?

The Vice-Chair: That we vote it down.

Shall sections 23 to 27 carry? No. Is everybody saying no? OK, that's not carried.

Section 28?

Mr Kells: I move that section 5 of the City of Ottawa Act, 1996, as set out in section 28 of the bill, be amended by adding the following subsection:

“Saving

“(2) No person shall be found guilty of contravening a bylaw referred to in this section, as it read on June 26, 2001, if the contravention occurred on or after June 27, 2001, and before the day the City of Ottawa Act (Consolidation of Special Acts), 2001, receives royal assent.”

The Vice-Chair: You've all heard that amendment. Are there any questions on it? Shall the amendment carry? Carried.

Shall section 28, as amended, carry? Carried.

Shall section 29 carry? Carried.

Mr Gill: Is there an amendment in—

Interjection.

Mr Gill: Not been moved?

The Vice-Chair: No, nothing's moved.

Sections 30 and 31: shall they carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill, as amended, carry? Carried.

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

Mr Kells: I'd like to point out that the Chair is not here.

Interjection.

Mr Kells: Is he? Oh, hi, Rosario. I just wanted to make sure this got reported into the House today, that's all.

Mr Rosario Marchese (Trinity-Spadina): It will be.

Mr Kells: I feel better.

The Vice-Chair: Ladies and gentlemen, that concludes our meeting. Thank you very much for your attendance here this morning. I'll now call for adjournment.

The committee adjourned at 1115.

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