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Wednesday 5 December 2001

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des débats
(Hansard)**

Mercredi 5 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 5 December 2001

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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

Mercredi 5 décembre 2001

The committee met at 1002 in committee room 1.

1268519 ONTARIO INC. ACT, 2001

Consideration of Bill Pr3, An Act to revive 1268519 Ontario Inc.

The Chair (Mr Rosario Marchese): I call the meeting to order.

We are going to be dealing with Bill Pr3. I'd like to call the sponsor, Mr Gill, and the applicant, Mr Jack Ambwani, and if you wouldn't mind introducing yourselves again for the Hansard record.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): Mr Chair and esteemed members of the committee, it is an honour for me to present to you today a private bill, Bill Pr3, An Act to revive 1268519 Ontario Inc. If I may take a second, Mr Chair, I do have Mr Jack Ambwani here, who is counsel for the applicant, and I will perhaps ask him to say a few words.

The Chair: Excellent. Please.

Mr Jack Ambwani: Mr Chair and honourable members of the committee, what happened in this matter is that the corporation was registered but the registration fees were not paid. A cheque was sent, which came back. It was a mistake of the bank in processing the cheque and it was not honoured. As a result, the corporation was deregistered by the ministry. By the time we resolved the matter with the bank, the time period given to us had expired, and as such, this corporation could only be revived by an act of the assembly. That's the reason this application has been made by us. We have carried on the business in the name of the corporation, we want to pay the taxes, whatever are due, and we have been trying to revive this corporation so that we can abide and pay the taxes to the government.

The Chair: Thank you very much. I'll ask the parliamentary assistant if he's got any comments with respect to it.

Mr Morley Kells (Etobicoke-Lakeshore): Yes, very briefly, Mr Chair. Obviously, we have no objections and the bill will carry. There's also legislation passed now so this won't have to happen again, so you're doubly covered.

The Chair: Any questions from the members with respect to this? Seeing no questions, I think we're ready for the question.

Shall sections 1 through 3 carry? Any opposed? That carries.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Very well. We're done.

Thank you very much.

CITY OF TORONTO ACT
(RENTAL HOUSING UNITS), 2001

Consideration of Bill Pr22, An Act respecting the demolition of rental housing units in the City of Toronto.

The Chair: We are now going to deal with Bill Pr22, An Act respecting the demolition of rental housing units in the City of Toronto, sponsored by Michael Bryant. Michael, go right ahead.

Mr Michael Bryant (St Paul's): Mr Chair, members of the committee, I will try to be as brief as possible because I know time is of the essence. We want to hear from everybody, but it's very important that we get through all the speakers so that in fact we put this matter to a vote. We cannot have this put over to another day.

Right now, as we speak, across this city bulldozers are revved up and ready to take down thousands of affordable apartment units. This private bill puts those bulldozers where they belong in the midst of a housing crisis: the bullpen. This private bill is an antidote to the increased decline of affordable housing stock by giving to a city—Toronto—the power to control its own housing fate, and to accept responsibility for that fate as well.

Just as you preserve water in a drought, so do you preserve affordable housing in the midst of a housing shortage. Yet our present laws permit us to pour that precious commodity of affordable housing down the drain. I cannot believe that it would be the intention of any member to effect that result, and that is why the city of Toronto has brought forth this private bill, so that we can correct that result.

The chronology here is pretty simple. In 1997, the Tenant Protection Act repealed the Rental Housing Protection Act, which had permitted municipalities to restrict apartment demolitions and condo conversions. The Tenant Protection Act permits such demolitions and conversions without municipal approval, subject to a

finding from the Ontario Municipal Board. In January 1999, the Anne Golden report recommended the preservation of existing affordable rental units while placing controls on demolition and conversion of the current affordable housing stock. So the city of Toronto said, "OK, let's do that," in April 1999 with official plan amendment 2, and I think the city is going to speak to that, so I'll just leave it at that. That bylaw, of course, was struck down by the OMB. Subject to an appeal, that is on reserve right now with the Divisional Court.

The genesis of this private bill was a unanimous resolution passed by the city of Toronto in October 1999 supporting a private bill that's now before you and requiring the mayor to urge members to support the bill. I know members will remember that in February of last year Mayor Lastman wrote you all urging you to support this private bill.

Last year, Ontario lost over 630 units to conversion and demolition, according to the Canada Mortgage and Housing Corp figures for 2000. Currently, there are over 2,000 units threatened with demolition or conversion. Since 1997, affordable housing stock has declined.

So the situation is pretty straightforward. We have less supply; we have increased demand. We have laws that permit even less supply, and this private bill tries to correct that.

I want to be clear to the members: the bill is not a panacea. It's not going to create more housing stock. It's a shield. The purpose of it is to stop further decline of affordable housing stock. That's the purpose of it. The longer-term debate over housing we're going to have to leave for another day. That's not the purpose of this private bill.

This matter came up because in 1998 I met a number of people from buildings on Tweedsmuir Avenue near St Clair and Bathurst. They were frightened because, after living in the building for years, many of them seniors, many of them disabled, they found themselves in a situation where the building was going to be demolished. It was affordable housing, and there was nowhere to go. There was nowhere to go because the vacancy rates are at an historic low. Even worse, affordable housing is almost impossible to find.

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To make the situation even worse, while they could return to that unit after the apartment was demolished and the luxury condo built, where were they going to go in the midst of that demolition? They can't stay at the Royal York Hotel during construction. Clearly, with these demolitions, with social housing waiting lists at 10 years for many, we're going to get more homeless unless we get in there right now and put up this shield and say, "Let's let the city decide whether or not to permit further demolitions and conversions." This bill, of course, just deals with the demolition issue.

I obviously want to thank my colleague and our housing critic, David Caplan, without whom this bill would not have happened, and of course the support of caucus members—I know Mike Colle has a private member's

bill that deals with these issues as well—and the councillors in St Paul's. I'm very fortunate to work very closely with city councillors Walker and Mihevc, and I'm grateful to all those councillors in the city who also supported this resolution, and the mayor and city staff as well. Special thanks also to Councillor Duguid for coming today.

That concludes my presentation. I urge members not to treat this in a partisan manner. We can in fact give back to the city its power. If they want the responsibility for this, let's give it to them. Let's recognize the housing problem that Toronto has and step in and give them the tools they need to stop further decline of affordable housing stock.

Thank you, Mr Chair, for your time.

The Chair: Thank you, Mr Bryant.

We'll call the applicant and those representing—

Mr Kells: Mr Chair, may I just ask one question?

The Chair: Sure.

Mr Kells: Thank you, Mr Chair.

Just for a point of clarification, obviously you support the bill. Is that the position of the Liberal Party?

Mr Bryant: The answer is yes, and I'm sure that David Caplan, our housing critic, will speak to that as well. But the answer is yes, we support this bill.

Mr Kells: That's all I need to know.

CITY OF TORONTO

The Chair: I call the applicant and those representing the city of Toronto. For the purposes of Hansard, please introduce yourselves.

Mr Brad Duguid: Thank you, Mr Chairman. I'm Brad Duguid, councillor, Scarborough Centre, and the chair of the community services committee. I'm joined by Councillor Joe Mihevc. I'll introduce our staff a little later in our presentation. I understand you're stuck on time, which we're used to at committee ourselves, so we'll go as quickly as we can through our presentation.

Members of committee, this is no ordinary bill. It has the overwhelming support of Toronto city council and our residents. This is not, as the previous speaker indicated, a partisan issue in any way, shape or form. Given the fact that the demolition of rental housing has been a serious concern in Mr Bryant's riding, he's kindly agreed to table and introduce this bill for us, but there's no reason why all members of the Legislature should not be supporting this particular request. In fact, any member of the Legislature who has any inclination to try to reduce the problems and the stresses that are occurring right now in the homelessness and housing issue really should be helping us and supporting us in this effort.

The reason the city of Toronto needs this bill is that we need a tool which would let us deal with what is really a uniquely Toronto problem, so far anyway, and that's the demolition of existing rental housing. In the three years since 1998, there have been six applications to amend the official plan which would lead to the demolition of 1,000 units of rental housing in our city.

We can't afford to lose those units, plain and simple. This represents more than three times the number of demolitions in the previous seven years combined. So we've got a serious problem here. It represents more than 30 times the number of rental units that we've been able to build in the last year. We've only been able to build 30 private rental housing units in Toronto in the year 2000.

We're a little more optimistic about the year ahead. In partnership with yourselves and the federal government, we think we can move ahead, but we've still got a lot of work in front of us. Frankly, without this support, without this help from Queen's Park, for every step forward we take, we'll be taking two steps back. That's what the problem is, and that's why we're here before you today.

I want to make something else clear, and that's that the intent of this bill is to help us regulate demolitions; it's not to stop demolitions or stall redevelopment. Redevelopment is important. Redevelopment of our housing stock is extremely important. In fact, in the housing portfolio, much of which we inherited from Queen's Park some time ago now, we'll be looking to redevelop our own housing stock. We may be looking to demolish some of our housing stock and replace it with new and better units. So if you're of the view that this is a way of stopping or delaying demolitions, that is certainly not the case. This bill would simply help us as a city grow in a smart way, and it's important that we do grow in a smart way. If it's not smart growth, we may end up with less affordable housing at the end of the day than we have now, and that's not going to help any of us.

I've skipped through as quickly as I could because I know you're short on time. I'm going to pass it over to Councillor Mihevc now to say a few brief words, and then we'll pass it over to our staff to say a few words as well.

Mr Joe Mihevc: I'm going to give the human side of this story. The numbers only tell part of the story. As Councillor Duguid has said, I've seen first-hand the human cost that rental demolition applications can have. These impacts start long before the wrecking ball begins its work.

Back in 1999, the first of these applications for demolition occurred in my ward at St Clair and Bathurst, at 310 and 320 Tweedsmuir. Now, 310 and 320 Tweedsmuir, just to describe it a little bit, has two rental buildings with 249 units. Most of the rents were affordable, and most of the tenants were seniors on fixed incomes. Some were in the building since the building was opened. As a little side anecdote, it was Colin Vaughan who, in his architect days, designed that building, and it eventually was built in the 1960s. But don't hold it against us.

Mr Kells: That might be a reason to tear it down.

Mr Mihevc: OK, I withdraw that comment.

There were a number of residents in that building who were seniors. There were quite a few Holocaust survivors there. The landlord decided there was more money to be made from tearing the perfectly good building down and building expensive condominium units. This set off a chain of events, including an OMB hearing, and that

changed everything for the tenants. Tweedsmuir was the first, and five more applications followed.

What I want to make clear to you is that this is not housing that needed to be demolished. People were living in it, and the buildings were in quite a good state of repair. They did not need to be wrecked. It's just that with the land values so high, especially at that intersection, and with so much money to be made in building condominiums, some landlords would rather demolish perfectly good housing than retain it.

Although the Tweedsmuir tenants will lose their homes and the city will lose desperately needed rental housing, at least the OMB member decided to do something to control the damage. In this particular case, the OMB member used section 37 of the Planning Act to require that some rental housing be replaced at affordable rents. If the landlord decides not to ask for more height and density on the site or if it can't be approved because it's bad planning, we can't use that section 37 to offset the damage, so we're stuck.

We're planning a new official plan, and we want to identify areas for greater intensification to encourage more housing. But if we do that, we lose our ability to manage rental demolitions to ensure that we're not worse off than we were before.

We want smart growth; we're committed to that as a city. But it's not smart to lose perfectly good rental housing or to force people out of their homes.

Before I return the mike to Councillor Duguid, I want to thank MPP Michael Bryant for assisting the city by introducing this private member's bill on behalf of the city of Toronto. Thank you, Michael.

Now I'll hand it back to Councillor Duguid.

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Mr Duguid: As quickly as possible, I will introduce you to the staff who are here with us today. We are joined by Wendy Walberg, municipal lawyer. She's going to give you an overview of the act. We have two senior policy planners here from the city, Katherine Chaislett and David Spence. As well, we are joined by Sean Goetz-Gadon, special adviser, partnership development support for the city shelter housing and support division.

Ms Wendy Walberg: Good morning. I'll start by giving an overview of the bill. Rental housing demolition generally requires both a demolition permit under the Planning Act and an additional permit under the Building Code Act. The city of Toronto cannot require replacement housing as a condition of either of these permits, and it is this power that Toronto city council is seeking. Toronto is not seeking the power to prohibit demolitions; it is seeking the power to regulate them. The purpose of regulating is so that rental housing supply will be maintained.

If the private bill is enacted, I'll give you an example of how it might work. If someone owns a building with 10 units but the zoning for that building permits a building five times that size on the site and the owner wanted to demolish the existing building and construct a

building five times the size, Toronto would have to approve the demolition. The approval would require that the new building contain 10 replacement units. City council might also attach some complementary conditions to the approval. For example, they might require that the 10 units be of the same size, approximately the same rent, the same unit type and that the existing tenants be given a right of first refusal. But this would just be for 10 units, not 50, because this is just for replacement housing. That's one example of how the bill might work.

More generally, the bill would grant Toronto city council the authority to pass a bylaw requiring council approval of any rental housing demolition. This additional application process could proceed in tandem with other municipal approvals so as not to create delay.

Demolition is defined broadly in the bill to include building alterations that would reduce the number of rental housing units, but might not necessarily involve demolishing the whole building. Small buildings would be exempt.

The legislation would require council to impose a requirement for replacement units and council could also impose complementary conditions, which I have already addressed. Once approval was granted under this bill, demolition permits under the Building Code Act and the Planning Act could also be granted. An appeal from the decision of council could be made to the Ontario Municipal Board, and the municipal board could make any decision that council could have made.

The city's bylaw would become inapplicable when the vacancy rate would return to 2.5%, which is considered a healthy rental market.

There would also be some exemptions from the approval process, such as demolitions required by law and housing exempt from the Tenant Protection Act.

That's a general overview of the bill. There are two questions frequently asked about the bill that I think merit a few words. The first is how this application relates to the city of Toronto's official plan amendment number 2. The answer is that they deal with different aspects of the same problem.

Official plan amendment number 2 deals with planning applications to the city of Toronto that would involve demolition or conversion to condominium of rental housing units. The proposed special legislation would address situations where there is no planning application before the city of Toronto, but rental housing demolition is proposed. In these situations the city of Toronto lacks the power to require replacement housing units.

Official plan amendment number 2 has been appealed to the Divisional Court and no decision has been rendered at this time. It's been suggested that decision might somehow relate to this application, but actually it won't. I can say that because leave to appeal was granted on three grounds, so we already know the three questions the Divisional Court's decision will answer.

The first question relates to the Ontario Municipal Board's jurisdiction to determine whether municipal bylaws are legal. The second question deals with municipa-

lities' authority to pass official plan policies. The third question deals with whether official plan amendment number 2 conflicts with the Tenant Protection Act. I'll explain the reason this third question does not relate to this application.

Municipalities can only pass a bylaw where there is clear authority from the provincial Legislature to do so, and this third question is a way of determining whether city council has authority to pass the bylaw adopting the official plan amendment. Put another way, the third question is, did the provincial Legislature really intend for the municipality to have this power? With this application before you, the city of Toronto acknowledges its lack of power to regulate rental housing demolition where there is no planning approval required. It is asking the Legislature to pass special legislation that would give it the necessary power.

This ties in with the second question that has often come up in relation to our application, which is how the application relates to the Tenant Protection Act. The answer is that they deal with different subject matter. The Tenant Protection Act addresses the rights and obligations of landlords and tenants. It does not deal with the problem of reduced rental housing from demolitions. That's what this bill would deal with. The bill would complement the Tenant Protection Act. The Tenant Protection Act requires landlords to obtain municipal approvals before giving tenants notice that the landlord will terminate a tenancy for demolition. The proposed special legislation would add a layer to the municipal approval process, but it would not interfere with the Tenant Protection Act process because that happens after the municipal approval process. The bill incorporates definitions and exemptions from the Tenant Protection Act and would complement the Tenant Protection Act process.

In closing, I would like to highlight the reason Toronto is asking for special legislation. According to a survey conducted by the province, Toronto is alone in having a very serious problem with rental housing demolition. While the Legislature may not be inclined to support general legislation permitting municipalities to regulate rental housing demolitions, the city of Toronto is requesting your support of its application for this private bill to address Toronto's unique and very serious problem.

The Chair: Thank you very much. Questions from the parliamentary assistant?

Mr Kells: If I may, I'll speak to you, Councillor, and you might ask the staff to answer if you like.

First of all, I would like to point out that the position of the government on this matter has been that it's a bit premature to be here. We have been hoping to have a decision from the Divisional Court that might cast some different light on the situation. Nevertheless, we are dealing with the obvious: it's here.

I have a couple of questions. First of all, should your appeal win at the Divisional Court, what effect—I know

your council has sort of skated around that—does that have on your bylaw?

Mr Duguid: Since it is a legal question, I'll let our legal person answer that, but in terms of the issue of being premature, we're losing housing rapidly. We mentioned some of the numbers. Since 1998 we've lost more than we did in the previous seven years. So time is of the essence and it's important that we stop the hemorrhaging now. But I'll let legal counsel answer that.

Mr Kells: Possibly the judge should know that too.

Mr Duguid: He heard it in September.

Ms Walberg: They would work together.

Mr Kells: Which one would take precedence?

Ms Walberg: It wouldn't be necessary for one of them to take precedence. One set of replacement housing would be required. In terms of how an application would be processed, I may ask for some assistance from planning staff.

The Chair: Introduce yourself, please.

Ms Katherine Chaislett: My name is Katherine Chaislett, senior planner. OPA 2 deals with situations where you have a heightened density increase being requested under section 37 of the Planning Act. In OPA 2 it says that, where there's a demolition, we seek to have replacement rental housing of a similar size, similar type and similar rent, and may have other provisions. So that only comes into effect when they want more height and density on the site than the official plan provision.

This is complementary because it deals with cases where you would have no application. Now, if you had both going on at the same time, the private bill looks at 100% replacement of the rental stock, but the aspects of it that deal with similar rents and dealing with similar size and right of first refusal for tenants are optional, and those are things that are discussed separately. Under OPA 2, those are requirements. So the two are meant to dovetail together so we don't have a conflict between them.

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Mr Kells: Question 2: what happens if you lose the Divisional Court appeal? How does that affect your bylaw? Your bylaw stands alone, is that correct?

Mr Duguid: Yes, I would expect it would make the bylaw ever more important, but if legal staff want to add—

Mr Kells: Finally—these are just clarifications from the government's point of view—under “definitions,” under “regulated building,” does this definition include a house with one basement rental unit?

Mr Duguid: My understanding is it does not, but I'll—

Ms Walberg: The bill would exempt buildings that have fewer than six units.

Mr Kells: We just wanted clarification. Under section 5, it reads there is “No appeal...with respect to the alteration or demolition of a regulated building.” In other words, if the applicant is turned down, he has no right of appeal?

Ms Walberg: There's a right of appeal of the city's decision to the Ontario Municipal Board.

Mr Kells: That's what that means?

Ms Walberg: Yes, there is a right of appeal of the council's decision to the Ontario Municipal Board.

Mr Kells: I guess that's what we wanted clarification on, because on section 9, if a tenant is on the other end of a demolition applicant, he can appeal to the OMB. So it works both ways. Under section 5 and under section 9, if the applicant loses, he has right of appeal. On section 9, if a tenant feels that he has lost, then he has right of appeal. That's your interpretation of the bill?

Ms Walberg: Certainly, yes.

The Chair: I've got four members who want to ask questions; I've got 14 deputants. If people want it done today, I remind you about that.

Mr David Caplan (Don Valley East): I read section 5 of the act, which the parliamentary assistant alluded to. I see absolutely no language in there that says there is no appeal, so I don't understand that question, first of all. I want to ask you about sections 9, 10 and 11, which expressly say that there is a right of appeal to the OMB. Can you perhaps elaborate on why you built in this safeguard?

Ms Walberg: Generally, municipal planning approvals can be appealed to the Ontario Municipal Board, so the intention was to be consistent.

Mr Caplan: So this is consistent with all the other planning legislation?

Ms Walberg: Yes, it is.

Mr Caplan: Wonderful.

I have one other question. Back in 1987, I believe, the city was given, through special legislation, demolition control of particular properties. Is that correct?

Ms Walberg: The city has special legislation that permits it to delay demolitions for one year within the geographic area of the former city of Toronto only. That hasn't been extended to the other areas.

Mr Caplan: In fact, over a dozen other municipalities have applied successfully to this committee for similar legislation giving municipal councils regulatory ability over demolition of heritage and historical properties. Is that correct?

Ms Walberg: I'm not actually familiar with what the other municipalities have done, but Katherine may be.

Ms Chaislett: No, I'm not familiar with their activities. I do know that Ottawa has a similar policy for OPA 2, but other than that, I don't know.

Mr Caplan: Perhaps I'll be able to get into this in debate, because this is an indisputable fact, that this committee has granted or approved those kinds of applications from over a dozen different municipalities across Ontario. From my perspective, I see this as being very much in line with giving a municipality the ability to decide the character and nature of its community and its neighbourhoods.

Mr Prue (Beaches-East York): My question relates to the powers of the OMB in section 11. The limitations—actually there are no limitations. It says, in subsection 7(2), “Without limiting the generality of subsection (1), the conditions that may be imposed,” and

it goes on to list what those are. They are all “may.” The power of the Ontario Municipal Board, and I just want to clarify this, is that they may take any or all of these. So if the city were to say, as an example, that the replacement rental units remain as rental units for 20 years, you’re granting the Ontario Municipal Board permission to take all of that out, and all of any other conditions, in effect, literally doing nothing with it in the end.

Ms Walberg: The conditions listed in section 7 are discretionary. The municipal board would also have discretion with respect to those types of conditions. The one mandatory condition is replacement housing. So the city of Toronto would have to require replacement housing, and so would the municipal board.

Mr Prue: If you look at subsection 7(2), paragraph 1, it clearly says there “and that the replacement rental units must be available for approximately the same rent as the demolished rental units.” Is that the one you’re talking about?

Ms Walberg: Actually, you’re quite right. The examples of optional conditions are listed in subsection 7(2). Earlier in the bill—it’s subsection 2(3)—it says, “The bylaw shall provide that an applicant for approval shall be required to construct approximately the same number of rental units as the number that will be lost.” So that’s a condition of approval that council would be required to impose.

Mr Prue: And the OMB as well?

Ms Walberg: As well, yes.

Mr Bryant: I just want to address this prematurity question head-on. I don’t know a single legislator or a single judge who believes a judge-made solution is preferable to a solution hammered out by democratically elected MPPs and councillors, number one.

Mr Kells: That was a point we made, by the way.

Mr Bryant: But you said it was a premature.

Mr Kells: We would like to see the decision, that’s all.

Mr Bryant: OK, the decision comes down. It starts a dialogue between the courts and the Legislature. What we’re saying here is, let’s get on with this dialogue now. We’re going to have to come back after the decision, and again the city is going to say, “This is what we think are the powers the city should have.” If all the decision is going to do is strike down the bylaw, which is of course going to result in appeals, in which case we’ll be back here again after the appeal process is all done, then why not get on with this now? Let’s face it, this is costing the city of Toronto a lot of money to litigate. Instead, we can deal with this right now, and that’s the point of the private bill, to deal with it right now. C’est tout.

Mr Kells: There’s a risk involved in that, you know.

Mr Mike Colle (Eglinton-Lawrence): I remember sitting here in 1997 with the Minister of Housing, Mr Al Leach, when he was telling us to pass the so-called Tenant Protection Act, swearing that passing that bill would result in the building of a flood of affordable housing. For the record, I’d like to know, since 1997, since Mr Al Leach’s bill was passed, how many afford-

able units have been built in the city of Toronto, approximately?

Mr Duguid: I can tell you that last year there were 30 built. I think the year before there were zero built. Do we have an exact number since 1997?

Ms Chaislett: It was 30 last year; I believe it was roughly 300 before. But your question was affordable rental units.

Mr Colle: Yes.

Ms Chaislett: The information we’re receiving is that none of the new rental units being built is affordable. The prices we’re being given—

Mr Colle: So basically nothing since 1997?

Ms Chaislett: There’s nothing. We have some shovels in the ground.

Mr Colle: I have another question. How many have been lost by demolition or conversion? I know in my own riding Rosewell Court has gone; Cheritan is on the block. How many have been lost?

Ms Chaislett: It’s roughly over 1,000 that are subject to it. I can give you the exact numbers, if that would be helpful to you.

Mr Colle: How many active applications for demolition or conversion are before city planning?

Ms Chaislett: In terms of demolition, the active applications are for Sheridan and Cheritan/Chatsworth. We have a pre-hearing next week on that and we go to a hearing in February. In terms of condominium conversions, we have four applications affecting 1,203 units, and a further application has been made for 500 units, and then various other scattered units.

Mr Colle: So basically the deficit is about 5,000 potential units and nothing’s been built.

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): Very briefly, as I listened to the discussion and some of the questions raised, I am of the opinion that this is about risk taking and risk management. There’s a difference. If we sit around and wait for the courts to interpret what people can’t do, we’re not going to move ahead on this important issue. What I think I heard Mr Bryant saying, or maybe I’m reading between the lines, is that as important as interpreting the law is, what’s more important is writing laws that make sense. Is that the fundamental position of the group here, that you want to have the enabling legislation to enable you to do what you think is right?

Mr Duguid: Frankly, no matter which way the court decision goes, this bill will help us. We’re less concerned about what direction the court is going to go on this than we are about getting this in place so that it does fill that gap we can’t deal with right now.

Mr McMeekin: This group isn’t here to point fingers; they’re here to point direction. I think that’s what the committee should remember as we listen.

The Chair: Thank you, applicants from the city of Toronto.

1040

GREATER TORONTO
APARTMENT ASSOCIATION

The Chair: We'll move on to the deputations. Just to remind the deputants, there are 14 of you. Next week we have a very full agenda, which means we're not likely to get to this matter unless we finish it today. So I urge those of you who want this to be dealt with today to keep your comments brief. I'll call upon Brad Butt, executive director, Greater Toronto Apartment Association.

Mr Brad Butt: Good morning, Mr Chairman and members of the committee. The Greater Toronto Apartment Association is a not-for-profit industry association representing more than 220 companies that own and operate over 160,000 private rental apartment units across the greater Toronto area. Many of our members have owned their properties for decades and have taken pride in their real estate investments. They are very concerned about this private bill and they ask you to vote against it.

For more than 20 years, the private rental housing industry has operated under the most draconian landlord-tenant legislation in North America. When rent control was introduced in 1976, the world was a much different place and the condition of private rental housing considerably better because, obviously, it was newer. From 1976 to 1998, with the proclamation of the Tenant Protection Act, government after government continued to make the operation of rental housing more and more difficult. Regulation after regulation, statute after statute, the red tape and the total denial of private property rights was the action of the day.

When the current government was first elected in 1995, it made a commitment to a fairer and more balanced approach to the landlord-tenant relationship. The Tenant Protection Act was the result of months and months of consultation, deliberation and consideration, and in fact neither side got all that it wanted. Some governments will tell you that if neither side is happy, you've probably struck the right balance. The Tenant Protection Act represents real balance, and let me tell you why.

First and foremost, like every other piece of landlord and tenant legislation that preceded it, security of tenure for every tenant in this province continues to be paramount. The right to obtain an eviction continues to be for only a very few specific reasons, such as non-payment of rent. In fact, the statistics show that 87% of all evictions in the province continue to be for non-payment of rent. That was the case before the TPA and it still is today.

Second, the obligation on the landlord to provide decent, safe and well-maintained housing has not diminished one bit as a result of the TPA. In fact, generous abatements of rent have been awarded to tenants who have disputed a landlord's record of maintenance. This is an improvement for tenants from

previous legislation, where only an order prohibiting a rent increase could be sought, and not a rent reduction.

Third, rent control has not been eliminated in Ontario. That is a fallacy. Every tenant who stays in his or her home continues to have full market rent—full rent control protection. Only a vacated unit can have a new market rent negotiated, and that new rent is again subject to full rent controls. This is the truest example of balance in protecting sitting tenants while allowing the marketplace to play a role in a new tenancy.

But this morning I am here to specifically address the issue of rental housing demolition and, subsequently, conversion down the road that this private bill seeks to regulate.

When the Tenant Protection Act was proclaimed, it abolished several pieces of legislation previously on the books. One of those was the Rental Housing Protection Act, which gave municipal governments the right to pass judgment on applications to demolish or convert rental housing to condominium status. In its place, through sections 53 to 56 of the TPA, the rules governing demolition or conversion are clearly stated, the required compensation to an effective tenant defined and the first right of refusal to reoccupy or purchase a converted unit entrenched. These rules are some of the most generous in the country.

There was a reason for this. It didn't happen by accident. The Minister of Municipal Affairs and Housing of the day, the Honourable Al Leach, wanted to ensure that by permitting demolition or conversion, a tenant's rights were respected and compensated, as a party affected by the demolition. Therefore, the minister's intent was clear: municipalities no longer had the power to regulate rental housing in this area. The attempt to do so today, through the back door, is an affront to the provincial legislation and should not be approved.

The city of Toronto has tried, thus far unsuccessfully, to rewrite the Tenant Protection Act through the passing of official plan amendment number 2. OPA 2 was ruled illegal and invalid by the Ontario Municipal Board last year and an appeal has been heard at Divisional Court, with a reserved decision. At the same time, the OMB and Divisional Court have ruled on a demolition application referred to as the Rosewell case and have approved a demolition application which the city opposed. Therefore, to pass this bill would in effect be approving a piece of legislation that is now deemed illegal.

Moreover, the city of Toronto council has a tendency to speak from both sides of its mouth. The chief planner, Paul Bedford, has released a draft new official plan and vision that sees another one million people living in Toronto. Quite frankly, I think that's exciting and I think it's a shot in the arm that Toronto badly needs. Only one question: where are these people going to live? To accommodate another one million residents, it means you have to tear down some older, smaller buildings to allow for new, larger buildings to be built. If you disallow, as of right, all demolitions, the city's own plan cannot be met. In this case, the city needs the province to help them attain their own goal that they have set.

Finally, I want to address the issue of the difference between demolition and conversion. I realize the private bill deals with demolition, but it's a slippery slope to the conversion side. I sometimes wonder why they are lumped together, like they were in OPA 2, because they do have different consequences under the TPA.

A demolition, by its very nature, is clearly finite. You are taking down an existing building and you are constructing a brand new one. The business case for this is often difficult and therefore the number of sites where this makes sense will not be many and will likely have special and unique circumstances. Planning staff at the city needs the flexibility to work with a proponent, but under this bill they would be virtually precluded from even discussing it unless the very stringent criteria concerning vacancy rates and rent levels are met. It is not good planning policy.

Quite frankly, I think the main reason why the city of Toronto is opposed not just to demolition but to condominium conversion has little to do with protecting tenants and the rental housing stock and has a lot more to do with the fact that they tax apartments at four times the rate of condominiums. Protecting a lucrative tax discrimination policy, I believe, really drives the city's policy here.

Members of the committee, this is bad legislation. It attempts to hijack the Tenant Protection Act, not enhance it. It gives Toronto powers no other city has and it strips private property rights. It will lead to a deluge of similar bills from other cities, ultimately gutting the provincial statute. On behalf of the members of the Greater Toronto Apartment Association, I would ask you to vote against Pr22.

The Chair: Questions?

Mr Caplan: Thank you, Mr Butt, for your presentation. You mentioned private property rights a couple of times in your speech. Are there any protected or guaranteed private property rights in the Constitution of Canada or any other legislation that you're aware of?

Mr Butt: I'm not a lawyer but I don't believe there's protection in the Charter of Rights for private property.

Mr Caplan: You also mentioned in your comments that this would disallow all demolitions. Would you please cite for me the section where that would be the case?

Mr Butt: Let's face it: with all due respect, Mr Caplan, with the vacancy rates and the rent levels that are deemed by CMHC or the city to be average, acceptable rates, they would almost virtually preclude any demolition in the city.

Mr Caplan: So you're supposing here, but there is nothing specifically in the legislation which would disallow all demolitions, as you mentioned in your comments.

1050

Mr Butt: Not specifically in the wording of the bill, but in the action of the city, clearly, every demolition virtually would be banned.

Mr Caplan: One final question: in your opinion, do you believe that the city should rightfully have some ability to decide the character and the nature of the city in the various neighbourhoods that make up the city?

Mr Butt: As far as issues surrounding the look of buildings, surrounding the density of buildings, there's no question about it. However, to confer an exclusive right on the city of Toronto to ban all demolitions is self-defeating.

Mr Caplan: But that's not what's in this bill.

Mr Butt: No, it is. This bans all demolitions. I don't care how you read into it, it bans all demolitions, because the bar is too high to meet the criteria.

Mr Wayne Wettlaufer (Kitchener Centre): Mr Butt, I come from a riding, Kitchener Centre, which has a higher percentage of tenants than the municipality of Toronto does and I am very concerned—and I say this to Mr Bryant as well—that this private bill would be the beginning of a slippery slope. I have great concern that the same doggone thing could happen in my own municipality, in my own riding.

What would be the effect on a landowner who owns the building, who has owned the building for perhaps 10, 15 or 20 years, and now finds that through the bylaw he would be unable to demolish a building and increase his investment? What would be the effect on him or her?

Mr Butt: Obviously, there would be an economic effect and how you would measure that is certainly a very good question. Each building would be different. It would depend on the size of the building and the location of the building in relation to its market value.

The point I'm trying to make is that there are legitimate cases that would not meet the threshold established by the city that would be excellent candidates for redevelopment, and despite Councillor Duguid's comments about the city wanting redevelopment, this effectively shuts it down. What would happen is that would obviously affect the market value of the property. The building would continue to be maintained but I certainly wouldn't think you'd see tremendous enhancements being made to the building, which was one of the goals of the Tenant Protection Act, to provide a vehicle for private owners to reinvest, and they have reinvested millions of dollars in the housing stock as a result of it. A lot of that would be lost.

Mr Wettlaufer: I want to make it clear just for everybody here, I am a tenant. Thank you.

Mr Gill: Thank you for your presentation. I'm getting conflicting signals. I'm hearing from you that no other similar legislation exists in any other municipalities or cities, and I heard from Mr Caplan earlier on that it does exist. Can I please get some clarification?

The Chair: Municipal staff, perhaps?

Mr Kells: I'm not sure what the thrust of your question is—

Mr Gill: I thought Mr Caplan knew that it existed. So I'd just like to get—

Mr Bryant: Wouldn't they be here if it existed? Obviously, it doesn't exist.

Mr Butt: I think Mr Caplan was talking about heritage buildings, were you not? Right.

Mr Caplan: Municipal power.

Mr Butt: Which is under the Ontario Heritage Act, though.

Mr Gill: So it does not exist anywhere else. Is that what I'm hearing?

The Chair: Would you like to comment? Please come to the mike.

Mr Jim Miller: I'm Jim Miller, with Municipal Affairs and Housing. Under the heritage act you're not allowed demolition. Other than that, there's no—

Mr McMeekin: For designated buildings.

Mr Miller: For designated buildings, right.

Mr Gill: It does not exist?

Mr McMeekin: Under the heritage act you can't demolish a building that's designated as a heritage building.

Mr Gill: That's entirely different.

Mr McMeekin: It's completely different.

Mr Gill: So it does not exist, the way I take it. OK, thank you.

The Chair: Seeing no other questions, thank you.

ADVOCACY CENTRE FOR TENANTS— ONTARIO

The Chair: We'll call on Kathy Laird, director of legal services, Advocacy Centre for Tenants. Please go ahead.

Ms Kathy Laird: I dutifully cut out large parts of my remarks and then I heard Mr Butt speak and I started writing them all in again. So I have a lot of scribbles here and I'm going to do the best I can.

The name of my organization is the Advocacy Centre for Tenants—Ontario. I just want to tell you that that's a new legal aid clinic just established by Legal Aid Ontario in recognition of the crisis facing tenants and low-income tenants in Ontario today.

We are currently intervening in the matter that was mentioned earlier, the Cheritan/Chatsworth matter that involves 156 affordable units. I think it's in the riding of one of the MPPs who spoke earlier. We'll be intervening on behalf of the Federation of Metro Tenants' Associations to try to save those units.

The city of Toronto has presented well-documented evidence demonstrating the need to have this bylaw authority, in our view, to regulate the continuing loss of affordable units. I would ask you to consider this legislation in the context of the tremendous increase in tenant evictions that we've been experiencing in Ontario since the proclamation of the Tenant Protection Act. Tenants have been evicted in record numbers by the Ontario Rental Housing Tribunal. Between 1997 and 1999, the increase in eviction applications was 23%. That's a very significant figure.

Where do these evicted tenants go after the sheriff changes the locks? Well, if they can't find an affordable unit, they end up in hostels or on the street or sometimes

moving back in with families when they didn't want to do so. That obviously leads to great social costs, not to mention the costs for the tenants themselves. That's the real trickle-down effect of these policies. It's a trickle-down of dislocation and despair as tenants lose affordable units through demolition or conversion and then compete with other tenants who have fallen behind in their rent payments through a variety of unexpected financial circumstances. And the amount of arrears is, in 80% of the cases, less than two months. It's a small amount they're out and they're competing for a dwindling stock.

Earlier, Mr Butt mentioned the repeal of the Rental Housing Protection Act and characterized this as an attempt to go in through the back door. He's misstating the intentions of the government in enacting the Tenant Protection Act and repealing the Rental Housing Protection Act. As an MPP mentioned earlier, Al Leach at second reading spoke to the protections in the official plans of municipalities and recognized that there was control over the loss of units in those official plans, and that those official plans would continue. Our position is that the OMB decision in the Goldlist case is simply wrong in law and when it goes to the Court of Appeal, as I expect, we will be there.

I had written down the vacancy rates; I had stats on the failure to build new units, but that has been covered. I looked at the affordability gap in Toronto. The last figures that were available were 1999. There was an almost \$200 gap between the median tenant household income and the average rent for a two-bedroom apartment in Toronto. Since then, the average rent for that two-bedroom apartment has gone up each year. In 2001 it went up by 4.1%, and you can compare that to the CPI, which was only 2.6%. In order to rent the current average two-bedroom apartment in Toronto at \$1,027 a month, a family would have to earn over \$41,000, and we know that the median income is at least \$10,000 under that.

Toronto needs to have the tools that this bill offers. Our organization had also recommended that the Municipal Act be amended to give all municipalities the power to control the loss of affordable housing. Those amendments and the ones of the opposition parties were defeated. We need this legislation now because of the crisis situation in this municipality in particular, and I hope that you'll vote to support the bill.

The Chair: Any questions? Seeing none, thank you very much, Ms Laird.

FEDERATION OF METRO TENANTS' ASSOCIATIONS

The Chair: We'll call Dan McIntyre, project co-ordinator, Federation of Metro Tenants' Associations.

Mr Dan McIntyre: Good morning, committee. I'm going to be quick, and, unlike the landlord beneficiary of the TPA, I'll come right to the point. We're for this legislation. Why not give the city of Toronto the re-

sponsibility? You did it with social housing; why not do it with this issue? I'm here to talk about the tenants who have been facing this and to support them, several of whom are here—tenants from Brentwood Towers, Ross Skene from Cheritan, and several others.

Our team has been to over 300 buildings in the last year in Toronto and they ask us the same question—not in the same words, necessarily: “Are we next?” I say to you, let the city of Toronto answer that question. Give them the responsibility. You can do that by supporting this bill.

1100

The Chair: Questions?

Mr McMeekin: Yes. I'm intrigued with this because it occurs to me that at the time of the who-does-what-to-whom hearings and the decisions about off-loading, the rhetoric then was that the local municipalities could more quickly and comprehensively understand the needs in the social housing area; that this responsibility should be handed off to municipalities; that the provincial government was looking for partners to walk down this road to adequately house people. It seems to me that the presenter has just redrawn our attention to that and left us with the fundamental question, are we actually prepared to practise what we've been preaching? Would that be a fair characterization of what you've said?

Mr McIntyre: I'm saying there are tenants out there who want this bill passed and I hope it's done by noon today.

Mr Kells: I like his version better.

The Chair: Thank you very much.

LINDA MILLER

The Chair: I call upon Linda Miller, please.

Ms Linda Miller: Good morning. I'm going to be brief. I'm just going to read what I jotted down. Some of it has been covered, but I'd just like to give you a brief picture of what has happened to one working person living in Toronto for the last five years.

This person has been thrust into an uncompromising situation through no fault of his or her own. This person became unemployed four years ago from a company that closed its doors. After using severance and not finding a job before that ran out, this person moved twice to reduce costs. The move to the present location, midtown, into a bachelor apartment, with possessions in storage, was unsatisfactory due to space and roaches—yes, in midtown Toronto, one block east of Upper Canada College.

Then this person moved to the next building on the complex into a one-bedroom apartment, reducing storage costs by bringing the stuff into the apartment. This was the least costly way to eliminate some of these problems and the cost of movers. However, this landlord has gone to the tribunal each year to increase rent above the guideline. Therefore, this rent has gone from about \$600 per month under the Rent Control Act, when the apartment was first taken in possession, to \$1,100 per month in a three-year period. That's an increase of \$500 or more a

month from someone who is essentially unemployed. This was a professional person who is now joining the people on the street, possibly, in the near future. As you can clearly see, this person has been thrust into an uncompromising situation. The housing situation today is impossible because of the ability the landlord now has to exercise his greed based on any flimsy repair.

Housing stock has declined and is unaffordable for many, not just the disadvantaged. We can't afford to remove anything from the present stock through conversion to condominium, as in Brentwood Towers, this application that is going before the OMB next year, or demolition. I urge you to vote to support this private bill to return the control of rental issues to the city, to our elected councillors.

The stated example is myself, as I'm sure you can gather, but it's an example of many similar situations for those with limited income, such as people on pensions, or no regular income, and one cannot address the job market with chaos on the home front. The current situation is denying many people one of the more important conditions of the lease: the quiet enjoyment of the premises.

That's all I'd like to say, but I'd like to make it clear that there is no choice for people on limited income when a conversion or a demolition takes place. This bill is for an interim period of time. It's to give us time to come to a better solution. It's not preventing demolition altogether, or building this city. But the city is disappearing. The historic points are disappearing at present. That is another issue, but I would just like to state that the situation is in crisis.

ST CLAIR-CLOVERHILL TENANTS
ASSOCIATION

The Chair: I call upon Rosemary Helmer, president of St Clair-Cloverhill Tenants Association.

Ms Rosemary Helmer: Good morning, ladies and gentlemen, members of the committee. I have prepared text for you. If you don't have time to read it now, you can follow with me and I hope you will read it later. Although I'm going to skim through it, I think it has great merit.

I come before you as an individual who teaches in a faculty of business, has taught for many: Ryerson, U of T, George Brown College, Sheridan. I come before you as someone who has worked for major corporations: Procter and Gamble, Canada Packers, the Bank of Nova Scotia; and also as someone who runs a small marketing business which is dependant for cash flow on our operations. So I understand the business world fairly well. I also have owned property. I am currently a tenant in Toronto. I am president of the St Clair-Cloverhill Tenants Association.

Thank you for the opportunity to make you aware of the interests and very real concerns of Toronto tenants. These are the people whose rents pay the mortgages of the developers and apartment building owners.

The St Clair-Cloverhill Tenants Association, incidentally, is made up primarily of tenants of senior age, limited means or part-time incomes who have been long-term tenants of the St Clair area bounded by St Clair, Russell Hill Road and Parkwood Avenue. Our tenants have resided in the same building for 15 to 40 years, a period which represents 25% to 50% of their adult life. Here is a very important fact: it is by no small coincidence that the majority of them are women whose historical earning power, at a time when they would have wanted to purchase a house, was insufficient to allow them to qualify for mortgages under historical banking guidelines and whose earnings were far less than those of their male peers of corresponding age and employment status. My generation of women is far better off than these women. For fear of reducing these people to faceless persons, please take note that they are our sisters, our aunts, our mothers and our grandmothers. That's not to negate the fact that there are men of similar age in similar circumstances.

Our tenants, both men and women, support this bill for the following reasons.

Community: in the case of this act, Toronto city hall is given back an ability to be accountable to 50% of its population, the tenants. We believe that municipalities, both elected officials and staff, must have the jurisdiction to look after the citizens who live and work in their community and tax boundaries. Otherwise, there is no accountability to a taxpayer who is a renter. After all, housing decisions impact the lives and well-being of our families, neighbours, friends and associates. Only six degrees of separation or less binds us all and this is what keeps Toronto a friendly, safe and hospitable city and forms the foundation for wanting to live and work here and buy personal or rental housing space. Without this sense of caring, one loses the greatness of community. Everyone affected by the housing crisis is known by someone, and our elected city officials must have the ability to respond to housing issues and circumstances that the community taxpayers tell them are important. We believe that our provincially elected representatives must, and we ask them to choose to, support this bill and allow the municipal level of government the right to deal with major housing issues in the Toronto jurisdiction, Canada's largest city, which regularly draws many to live here.

Crisis: we have a crisis in Toronto. Fifty percent of our electorate rents and cannot or does not own. The rental vacancy rate is less than 1%. In lower Forest Hill and in St Paul's, it's well below that digit. Developers targeting areas are known for picking "location, location, location" and "address, address, address." We will lose our rental housing stock brought to us through the efforts of each of our historical predecessor communities which amalgamated and were sewn together like a patchwork quilt of the smaller predecessor communities and now make up the larger Toronto community of 2.3 million people, a people who live like a big, little city. This history afforded us a mix of housing types in each of the

formerly independent municipalities which are now known as areas of our city; for example, Forest Hill, Deer Park, North Toronto, the Beaches, and you can go on. In each area of the city we need an appropriate blending of rental housing—apartments and townhouses—and privately owned properties of varying sizes: condos, semi-detached and single-family homes. The balance is being dangerously tipped with the elimination of affordable housing, so much so that seniors, students and people who work part-time or are of limited means will be forced to leave the city to take up residence elsewhere or pitch a tent along the waterfront. Can we say this is acceptable? We think not. We care strongly that this not happen, and we hope you will demonstrate with your vote for this bill that you also care.

1110

Livable costs: CMHC standards indicate that a maximum of 25% to 30% of disposable income should be spent on housing. That is the starting point for persons whose mortgages are approved, and that percentage of their income spent on housing will be reduced as their mortgages are repaid through time, meaning for the owner that housing costs get lower for the same space through time. In contrast, for renters the cost of rent rises through time when they stay in the same location, and thus the percentage of their income spent on housing remains constant or increases, particularly if they are able to work only part-time or as they head toward retirement and become retired and must live on fixed incomes. Is this fair and equitable treatment of citizens? Does it respect their right to housing and a home?

To demonstrate how difficult this is, consider the fact that a rental cost of \$1,000 per month for any size of apartment means a cost of \$12,000 per year. Using the lower end of the CMHC standard of 25% of one's income to be spent on housing, this means one must have a disposable income of \$48,000 per annum after tax to afford this unit, which yields a \$70,000 gross income per household. What percentage of Toronto persons earns that much? Statistics tell us the average household income in Toronto is \$62,000 per annum and shrinking. What if you are poorer than the average? Your spending choices become an ugly decision between the basic necessities of life: food, water, shelter and medicine. If September 11 taught us anything, it should be that we have to be conscious of our decisions because they impact on somebody somewhere and we need to be aware of how that impact takes hold.

Today, the OMB is there as an appeal opportunity, and it should be there, but it should be the exception, not the rule. It has become the rule and it's a very expensive process in which the developer has the advantage. They can earn back their costs in a business development; citizens in the municipality can't. They spend their money out of pocket to defend a position and often lose.

The depletion of rental housing stock has been made very clear here this morning, so I won't go on at length. But it is interesting to note that we are approving the building of condos, and yet in statistics released by the

city of Toronto, 26,910 condos are rented. If they are rented, why are we approving condos? Because they have better tax treatment for developers, obviously, but what we really need is affordable housing. People who live in rental environments have the inability to trade up in space, whereas people who own their equity in their homes have the ability to move up to further space if they can afford it. The effects are that renters in Toronto don't feel safe, and are vulnerable in terms of their ability to get equal access to affordable housing costs versus homeowners. Ratepayers in our neighbourhoods know this and support us. In fact, they supported us in our recent OMB situation.

This act, if passed, would require and encourage developers to leave standing affordable rental properties if they were faced with replacing them, or, in the case of downtrodden buildings needing to be replaced, the incentive to build them would be there. Please remember that developers don't belong to neighbourhoods; they intrude into them. They irrevocably change them and leave the aftermath for everyone else to live with while they move on to their next social re-engineering project.

Dr David Hulchanski—and I'd just like to make these my parting remarks—a University of Toronto professor and housing expert testifying as an unpaid expert at the OMB hearings in the spring, made it very clear that the goal of planning is to facilitate land use planning and development in a manner that “does no harm to its citizens” on application. To allow the continued demolition in Toronto of affordable, mature but sturdy rental housing and to permit large-scale evictions to meet developer profit objectives very clearly does harm. We cannot allow this to happen and force hardships upon our neighbours; otherwise, the finger of history will tell a painful story of those who had the opportunity to do something and did not.

I must say the ratepayers in our neighbourhood have stood with us through our OMB ordeal in opposing the demolition of affordable rental units because they realize that at some time someone in their circle of six degrees of separation will need affordable housing and it is comforting to know it is available in the area even if the waiting list is long.

We ask you to vote in favour of this bill and say yes to affordable rental housing in Toronto. I would like to thank you for your time, Michael Bryant for his courage and commitment and the city of Toronto for speaking out and sponsoring this bill. We, the tenants, respectfully ask you to vote yes.

I would like to conclude by just highlighting Mr Butt's comment, that the reason people were evicted was because they didn't pay their rent. It wasn't because they chose to go on a holiday or buy themselves a new wardrobe. They couldn't afford to pay the rent. Thank you for your time.

The Chair: Ms Helmer, I've got questions for you.

Mr Gill: A quick question. You are a business person and you teach business, I understand?

Ms Helmer: Correct.

Mr Gill: Tell me in a nutshell, as a business person, why do you think there's a shortage of rental housing? Why is there not more being built?

Ms Helmer: I think there's a shortage because it is human nature that if you can make more money building upscale housing on a return on investment than you can with rental, you will do that. But it doesn't mean to say that you can't earn money from building affordable rental. It's just not the preferred percentage. There's an obligation, if you build rental, to stay with your investment through time, maintain it and earn your money as you go, which most people do with their income through time. But with development you can go in, in three to five years flip the property, leave it—no obligation. The condo owners' association has to deal with the responsibility of the aftermath of what's left, incomplete building, things that weren't done properly, and you're out of it. You have no liability. You've taken your money and run.

If someone wants a get-rich-quick scheme, they are going to do that first if they can versus earning money through time. There are people who make money in affordable rental properties in this city, and I suspect that Mr Butt represents some of those more reasonable professional people. It can be made. You make it all the way along on a small piece and then you make it big-time when you finally sell at the end of the lifeline that you want to have as an investment in real estate. It's just a case of money. That's what it comes down to.

Mr Wettlaufer: Ms Helmer, I understand the interest of both Mr Bryant and the city of Toronto and your own interest here in trying to keep rents affordable and to protect the tenants. I'm in the position that I can see both sides of this. If I were a landowner, which I'm not, and I were incurring the risks of tying up my money, knowing that market values fluctuate, I would want to say that I'm incurring the risks, that it's my investment. If somebody else wants to come along and regulate it, perhaps reducing the market value of it, I might be inclined to say, “Rather than regulate, why don't you just buy it?” What would be your reaction to that?

Ms Helmer: I'm sorry. The question is that the renter would buy it?

Mr Wettlaufer: No, the municipality. Rather than regulate it, when I'm the one who's incurring all the risk, why wouldn't the municipality just buy the property? They can incur the risk and then they can do with it whatever they want.

Ms Helmer: I can understand that municipalities, because they are funded by taxpayer dollars, do not want to take on the ongoing responsibility. They are not efficient, necessarily, at doing that except in very special cases, perhaps specialized housing for disabled people or seniors of distressed means. But the risk that developers take is no less than the risk that any other business person takes every day.

Mr Wettlaufer: I agree with you there.

Ms Helmer: The pulp and paper industry earns less than 1% after tax and they take huge risks. They grow

wetlands that have to have forests that take 20, 25 and 30 years to mature. Car companies go into redesign of vehicles, not knowing if they will sell. Everyone takes a risk. Why developers feel they need double-digit profits when every other business can't get that makes no sense to me.

Mr Wettlaufer: I'm not suggesting that. Any business person incurs a risk. Personally, I think it's morally wrong for governments to constantly regulate businesses.

The Chair: Thank you, Ms Helmer, for your deputation.

Just to remind people, we've got nine deputants, assuming that all are here. I'd like to end it by 10 to 12, on the assumption that the parliamentary assistant will have some comments, and possibly other members, and then go through clause-by-clause. So the rest of you, if you want us to get through this, limit your comments, please.

1120

WOMEN PLAN TORONTO

The Chair: Welcome, Janet Forbes.

Ms Janet Forbes: Good morning. My name is Janet Forbes, and I would like to thank the committee for the opportunity to make this deputation on behalf of Women Plan Toronto. The committee has already heard about the decrease in rental housing units in the city of Toronto, which moves Women Plan to support the passage of this bill. I'd like to focus my remarks on the needs of women for accessible, affordable housing and the disaster that occurs when homes they have been living in are taken out of the rental market.

The recent United Way report highlights the increasing vulnerability of older women to becoming homeless, and the children's aid society reports point to homelessness in the placement of children in care, over 20% of the cases, and how children remain in care for extended periods because of the inability of their parents to find suitable housing.

The government has prided itself on its focus on doing business and saving taxpayer dollars. Reduction in rental housing in the city of Toronto does not support this program. Without safe, secure housing, it is next to impossible for working-poor families to remain viable in the employment market. Children in care do not thrive, they do not learn and they develop distrust of society in general. Teachers in some areas of the city report that they have turnovers of over 30% of their students in the class during a school year, and they link these turnovers to the inability of single-support mothers to remain housed in the community. We expend tax dollars on improving our education system, we test for these improvements, but as teachers know, no manner of improved pedagogy will be effective in the classroom if it is only a transit stop for children who live in families that are constantly on the move.

A study done by the Older Women's Network points out that over 74% of women living alone pay over 30%

of their income in rent. Without safe, secure housing, elderly women on fixed incomes cannot remain in good health. They do without proper food and medication, they experience mental health problems, and increased stress leads to a multitude of health-related problems which result in hospitalization. The lack of safe housing makes rapid recovery from incidents of illness unlikely.

In addition, this bill would give reassurance to those who live with the day-to-day possibility of their landlord taking advantage of the opportunity to demolish their homes, in which they may have been long-term tenants. For these tenants, this spectre is real. They have been able to maintain themselves due to the affordable rents established through rent controls. When faced with moving and the almost non-existent vacancy market—and even when they can find housing, they will be unlikely to afford it—this becomes a source of ongoing anxiety that leads to many social problems.

For these reasons, the situations are not in keeping with the economic goals of the province. Women Plan believes that any action that maintains the safe, secure rental housing market is a good economic decision for this province, and we would request that the committee do everything they can to support this bill.

CHERITAN MANOR TENANTS ASSOCIATION

The Chair: Seeing no questions, we'll call Ross Skene.

Mr Ross Skene: My name is Ross Skene. I represent the tenants at Cheritan Manor. Some of you may or may not have been reading my newspaper articles that have been around the city. I've been fighting this for quite a while. I'm going to try to make it brief. I'll give you a quick example of what's gone on in our building at Cheritan since rent controls dropped.

I'm going to give you one apartment: apartment 215. This apartment used to be \$725 a month. They put the locks on the doors and wouldn't rent those apartments until rent controls dropped, which they could afford to do. After six months, they re-rent this apartment now at \$1,100 a month. But the two sisters who move in there are told they can't rent that apartment unless they make \$84,000 a year. That's the kind of landlord we have, Russell Masters, the same people that own Rosewell, by the way.

So now that apartment, they were told, was going to be refurbished, redone and all the rest; it never was, so they moved out. Two other fellows have recently moved into that apartment. They now rent that apartment at \$1,300 a month. But it gets better. They put new windows in the building, so now they turn around and say, "OK, we've put new windows in this building and we've also got oil costs from last year, so we are going to take you to the rental tribunal," which we did go to last week, "and we want an 8.65% increase from everybody in the building." For a one-bedroom apartment, we can go from \$700 to \$1,185, and those people, two working people in

their thirties, both with degrees and all the rest, were told that unless they make \$90,000 a year, don't even bother to come back and look at it.

You tell me, if you take that scenario right there, plus the elderly in the building who are paying 8.65% on top of that, then you turn around and you say, "OK. Before, we got a 4% increase to put in fire retrofit and to paint the halls"—the first time in 28 years, and we paid for all of that. We're paying, we're paying, we're paying. Now you're looking at them wanting 8.65% for the new windows they've put in and all the rest. "On December 13, we go to the OMB to tear the building down." So have we seen any of our money's worth out of these windows?

Let's take a look at this. It's a joke at this point; it really is. Those windows would be amortized for 20 years, but instead, now you turn around and you tell me, "OK, you can pay for those windows." Why does he want 8.65%? He wants 8.65% because in two years, that'll pay off the windows, then the OMB will demolish the building and there you go. So what are we doing? We're paying for his demolition.

I support Michael's bill, because if you look at it from this point of view, since he put the sign on the front of the building last year and turned around and said, "OK, we're going to tear the building down," over half the people moved out of the building. He has now re-rented those apartments for \$400 to \$600 more in that year. But now he wants 8.65% on top of that.

Take a look at the figures. And you wonder why we've got homeless people? You tell me how they're going to pay that and you tell me where the elderly go when you take it down. You tell me where the people at Rosewell Avenue, 115 units, same owners, ours at 157, and now I've heard rumours and people are calling me from Clifton Manor over at Branksome Hall, which is another hundred and some-odd units—right there you're talking 1,000 people—you tell me where they're going to go.

KAY GARDNER

The Chair: Kay Gardner, please.

Ms Kay Gardner: I am pleased to have been invited by Michael Bryant to speak to you this morning in support of Bill Pr22, a bill which would return to the city of Toronto the power to prevent the demolition of affordable rental housing.

Twenty-two years ago, hundreds of tenants, mostly elderly women, and I came here quite often to speak to committees just like yours, demanding such a bill, a bill to give the city the power to save the homeless from demolition. The battle for demolition control was then fought around three apartment buildings at Bathurst and Eglinton, known as the Axelrod buildings: 134 units of affordable rental housing which were to be demolished and replaced by 90 luxury condominiums. The tenants, mostly elderly women whose homes these were for many years, decided to fight back, and so began a most

ferocious five-year battle to save the buildings and to give demolition control to the city of Toronto.

The battle cry was, "Apartments are homes, too. Save our homes." Is this not the same cry we are hearing today across the city, as thousands of apartment homes are under attack and tenants are organizing and beginning to fight back? Twenty-two years ago almost everyone in the city of Toronto had heard about the Axelrod buildings and the old ladies who fought like lions to save their homes from demolition. The media loved them and the stories of their courage and their struggle were always news.

As we fought on, the mayors, John Sewell and Art Eggleton and many councillors joined in the fight, and also the leaders of the opposition, Rae and Peterson. After five long years of the most exhausting and bitter struggle, we won. It was unbelievable. It was a miracle. We need such a miracle today.

1130

In 1984, Bill Pr3 was introduced in the Legislature by the new Premier, David Peterson. This bill granted the city demolition control, and the tenants got their homes back. With financial help from the province, the city bought the buildings and added 134 units of housing to its Cityhome stock. A handful of tenants, veterans of this battle, are still alive, and living happily in those homes.

I tell this story because the tragic events of 22 years ago, of people about to lose their homes, crying out for your help, are before us again. We cannot ignore their cries. Today, a tenant losing a home has nowhere to go. I beg you to return to this city the power to stop all demolition now. Your action today would be a very important first step in solving the housing problem, by protecting the housing we now have, as we search for solutions on how more housing can and must be built.

I'm certain that when the government killed Bill Pr3 and replaced the rent control legislation with the Tenant Protection Act, they did so in good faith. They told us they hoped the development industry would be encouraged to build rental housing again. This has not happened. The Tenant Protection Act has not protected tenants from losing their homes or against unfair and outrageous rent increases. I believe it is now time for the government to say, "We tried, but we did not succeed, not yet." It is now time for the Minister of Housing to act, to act with courage and determination, and to say to the people of Ontario, "We will not allow the destruction of a single apartment home." That is exactly what happened in 1984 when a politician, David Peterson, came to a rally of tenants fighting for their homes and said, "If I am elected, the city shall have demolition control, and you shall have your homes back." We can make this happen again. You must make it happen.

While talks on a national housing policy continue and sound promising, we must act to stop the destruction of the housing that now exists. I fear that it will be several more years before any of the 7,000 people on the waiting lists will be moving into new housing. You must act today. You must say no to any further destruction of

tenant homes. You must act to keep families out of shelters and off the streets. You must give the city the bill it needs to do this job.

The Chair: Thank you, Kay.

There are six more deputations, because I understand one of them is not here; that would have made it seven. If there are no objections from the committee, we will limit people to two minutes in order to be able to finish this. OK? So for the new deputants, two minutes each, please.

LAUREL BROTEN

The Chair: Welcome, Laurel Broten.

Ms Laurel Broten: My name is Laurel Broten. I am a lawyer and community activist. As a lawyer who has acted extensively for both landlords and tenants over the past 10 years, I can tell you that we need to find a better balance; a balance which both encourages landlords to develop, build and maintain housing units, which are currently in short supply, and one which, at the same time, protects tenants from unforeseen, drastic rent increases and unannounced, sudden evictions. This government's Tenant Protection Act has failed miserably in finding that balance. I know you know the statistics about vacancy rates in the city of Toronto. In the community of Etobicoke where I live, average rents increased in 1999 by 4.8% and in 2000 by 6.5%. According to the University of Toronto's urban and community studies, on the whole, Ontario families and tenants have paid more than \$330 million in increased rents to their landlords and there is currently a deficit of over 74,000 rental units. More than 60,000 households are on the waiting list, and that represents a staggering 100,000 adults and 47,000 children.

Under this government's policy, in return for increased rents, landlords were to build new and affordable housing, and everyone in this room knows that has not happened. Any increases, even modest, have been surpassed by losses we have suffered as a result of demolitions and conversions. Evictions are on the rise, averaging 60,000 evictions in a year, and the processes implemented by the Tenant Protection Act to create the Ontario Rental Housing Tribunal have failed Ontario families and their children.

Over the past two and a half years, I have chaired a board of directors at the Gatehouse Child Abuse Advocacy Centre, and the shortage of safe and affordable housing in Toronto is playing a bigger role than ever in child welfare cases. The lack of safe and affordable housing affects children in Toronto and Etobicoke every day. The conditions in which children live have severe and drastic consequences on their health, their safety and their future. Statistics may seem distant, but the increased lack of affordable housing and safe rental accommodations is affecting families every day, and those are real families and real children who have been evicted with little or no notice, with the result being families and children on the street, without time to find alternative accommodations and with no place to go.

The only solution to the dire housing crisis in Toronto will be found through coordinated efforts on the part of all governments. A first step along that path is to restore Toronto's control over its housing situation in order to ensure that a balance is created and that Toronto's current housing crisis does not further escalate.

On behalf of families and children in Etobicoke and Toronto, I would encourage you to support the bill before you today. Do not defer your responsibility to the courts. Families and children cannot wait.

The Chair: Thank you, Laurel.

FAIR RENTAL POLICY ORGANIZATION

The Chair: I call upon Vince Brescia of the Fair Rental Policy Organization. Two minutes, please, Vince.

Mr Vincent Brescia: I've passed around some written remarks. I can't possibly begin to state our industry's viewpoint within two minutes.

The Chair: I understand.

Mr Brescia: I'm not even really going to try. All I can say to you is that in the development of this bill, our industry was not consulted. Whether it was the city or the proponent, I'm not sure about how you can develop a bill that would involve demolition or controls or a re-development process without consulting with the industry that would be involved in that process.

I'd ask you to examine this legislation in its broader context. When the government tried to change the legislative environment in 1998 through the Tenant Protection Act, they wanted to encourage investment in rental housing, and it's been an enormous success. I can tell you that capital repairs in our industry have tripled. Our industry is spending close to \$1 billion in capital repairs, creating tens of thousands of jobs. Interest in new development has exploded. You're going to see starts data take off. The reason you people are citing starts data that hasn't yet is that it takes many years to go through the development process. You're about to see those numbers take off. The institutional investors who left in 1975 have come back to our industry. Pension funds, insurance companies, publicly traded companies are interested in investing in rental housing, and the federal government also wants to encourage this investment now.

You have to look at this legislation in this context: this treats rental housing, as all the other regulations do, differently from other real estate. You're giving the investment community yet another reason not to invest in rental housing. I only have two minutes and I can't get into the details of why this is a bad idea, but you are going to make matters worse. All the proposals that I know coming forward are to create more housing. So when a demolition happens, like some of the cases that have been cited, the developer is actually going to provide 300 more rental units than were there in the past.

For those of you who go up to the moraine and places like that and say, "We can't develop up there," and are against sprawl, and we're trying to intensify development on the subway lines, you're going to prevent that type of

development. You're definitely going in the wrong direction. So I encourage you not to pass this piece of legislation and I thank you for your time this morning.

The Chair: Thank you, Vincent.

1140

TENANTS ADVOCACY GROUP

The Chair: Elinor Mahoney.

Ms Elinor Mahoney: I too will be brief. I'm glad to hear that landlords are interested in building, because this legislation calls for its own repeal should the vacancy rate get to be 2.5%.

Is the bill necessary? Yes, it is necessary. I'd like to address the Conservative members of the committee in saying that if there were an earthquake in your community, I'm sure you would pass emergency legislation to help the people who were displaced from their houses. Well, this is like an earthquake that we know about in advance. It's happening slowly and we are asking you to take some non-partisan moves to pass emergency legislation that we need to keep people from being displaced from their homes. That's why we are here today.

We urge you to consider this, to argue quickly and to vote by the end of today.

The Chair: Thank you, Elinor.

ROSEWELL COURT TENANTS ASSOCIATION

The Chair: Jean Hyndman.

Ms Jean Hyndman: Thank you for the opportunity. I was counsel for the tenants' associations on three of the five applications that have gone forward to the OMB, and I'm here to strongly support this bill on behalf of those people and so many others out there like them who face the possibility of losing their homes through demolition. These applications that are being brought forward are generally to demolish affordable rental housing, to be replaced with luxury condominiums. Even when the proposal is to rent them out, they are still registered as condominiums, as in Rosewell Court, with very luxury rents.

What we consider a win at Tweedsmuir means that all affordable units are being replaced. However, 146 units are being removed temporarily from the market, and my clients are faced with finding interim housing for a period of a year or two years while the new units are being built. Many of them are seniors, and it's going to be a great hardship on them.

Rosewell Court, of course, was a devastating loss. There is no affordable rental replacement. The one-bedroom units that are being built are renting from \$1,200 to \$1,500 a month, the two-bedroom from \$1,600 to \$1,900 a month. The vast majority of tenants can't afford those rents. There is no public benefit from getting those units. The tenants who are being displaced are, for the most part, people with moderate incomes; single parents with children and a few seniors there as well.

St Clair was a success in that it got dismissed. There is the spectre, of course, that the developer will simply redevelop as of right and then the tenants will have no rights to rental replacement. The city will have no ability to impose terms and conditions for rental replacement or tenant assistance. They will simply get the minimum in the TPA, and we all know how far that will go in terms of finding any kind of rental replacement.

This bill does little more than provide a Tweedsmuir-like solution—although it does extend to developments as of right—and reduce the harm that demolition and redevelopment cause to tenants who are forced to move, through no fault of their own, and to the supply of rental stock and thereby to tenants generally for whom choice and even the possibility of finding suitable homes they can afford is further diminished.

This bill doesn't help people where the project has already been improved, but it's imperative that we have no more Rosewell Court situations, not just for the tenants who are forced out of their homes but for tenants generally and for the public interest. We need to provide housing for those people who work in jobs that pay less than \$40,000 a year. Those are your sales clerks, your clerical workers, your secretaries. They need to be able to afford to live here. The concern is certainly that the more demolitions are permitted, the more will be applied for, particularly in the more desirable areas around subways.

This bill is a Band-Aid that only keeps matters from getting worse. It's not simply enough to stand still. We desperately need this legislation until such time as we start producing more affordable housing, and I strongly urge you to enact this.

The Chair: Thank you, Jean.

PHILLIP WHITE

The Chair: The last speaker is Phillip White, former mayor of York.

Mr Phillip White: As has been already indicated, my name is Phillip White. I want you to know that I am not at present a member of any party, so I come here in a neutral position. I might add that I was in public life for 25 years, once on Metro council for 20 years and almost 10 years as the mayor of York.

I was shocked when I heard about the restrictions on the municipality when the province passed the Tenant Protection Act in 1998, and together with their appointments at the OMB, they have opened the door for demolition of apartment units, thereby making way for condos. In so doing, they have almost completely ignored the plight of the tenants, except for some small appeasement in the act. The province erred in taking away the responsibility for demolition of apartment buildings from the city.

Local government is closer to the people and is more aware of the basic needs of the people than the province. The merit of condo construction should be left to the city. The province has provided a smoother road for the developers than for the tenants. The road for tenants is

full of pitfalls. Looking for alternate housing of affordable rents today is almost impossible. The kind of situation today leaves tenants in a stressful condition and in some cases their health and their physical well-being deteriorate.

The last five years have been a bonanza for most builders in the condo business. It's time to give the other half of the equation a break, and that is the tenants. We need legislation that is more reasonable and fair. We need a more equitable solution, and the way to that is approval of the bill before you.

We don't want a city of haves and have-nots. We want our city, the capital of Ontario, to be able to provide housing for all incomes. Never in my 25 years of public service have I ever seen statistically such a horrific number of tenant evictions. Never has there been such a degeneration of people looking for affordable rents, some of them facing greedy landlords and some of them gouging. Never has there been such hopelessness and helplessness in our society for that segment of our population. Time is overdue for our provincial legislators to do the right thing. Bring back some relevance to the housing in cities.

As a mayor, I ask you to consider this situation, and I say to you, if you were the mayor of towns like Orillia, Owen Sound, Brampton or Kitchener, and if you were in the same position as the city of Toronto, you would certainly do the right thing by voting for this type of legislation.

I urge the members to vote for this bill with sound judgment, with fairness, with understanding and compassion and to approve the city of Toronto's bill to permit city council to regulate the demolition of rental housing.

The Chair: Thank you, Mr White.

Moving on, the parliamentary assistant has some comments.

Mr Kells: I'll be very brief, Chair. I do have some empathy with the member of FRPO on the time allocated for him to make the position from his point of view. But I would like to point out that one of his predecessors, Phillip Dewan, is chief of staff for the Liberal caucus here in Ontario and certainly understands the FRPO position. If he doesn't understand it, nobody understands it. He must have explained that to the Liberal members, who are united in support of this bill. I think that maybe you didn't get your message on directly but you certainly

have people who have been in your service in the past who understand it very well.

I would like to point out that in the last while, with our new Municipal Act and our brownfields act, we are moving as a government to set up a better relationship with the municipalities of Ontario. Obviously, in light of those efforts, the wishes of municipalities in the province of Ontario must be understood and met. Particularly when you have a municipality that has two and a half million people, it's certainly not a request, from that size municipality, that we would dare not give great consideration to.

I would like also to point out just in closing that the Toronto council vote was unanimous to create this private bill and that seems to me pretty strong evidence of the feeling down there. I can only point out again to the opponents of the bill that this bill has to be passed as a bylaw, and if you feel that strongly and you feel you have the merits of a strong case, I suggest that you make it to the councillors of the city of Toronto. If not, I would suspect that the vote would be unanimous again.

Anyway, I really enjoyed today's presentations. I think they were well made and that the point has been strongly made and everybody understands it.

The Chair: Thank you, Mr Kells. Anyone else? No other speakers. I guess we're ready for the vote.

Shall sections 1 through 14 carry? Any opposed? That carries.

Shall the preamble carry? Any opposed? That carries.

Shall the title carry? Any opposed? That carries.

Shall the bill carry?

Mr Wettlaufer: No.

Mr Caplan: A recorded vote, please.

Ayes

Boyer, Caplan, McMeekin, Prue.

Nays

Wettlaufer.

The Chair: That carries.

Shall I report the bill to the House? That carries.

Thank you, deputants, for coming, and thank you, members, for your support.

The committee adjourned at 1151.

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