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**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Monday 3 June 2002**

**Lundi 3 juin 2002**

Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY  
OF ONTARIO

Monday 3 June 2002

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Lundi 3 juin 2002

*The House met at 1845.*

**ORDERS OF THE DAY**

BUILDING CODE STATUTE  
LAW AMENDMENT ACT, 2002  
LOI DE 2002 MODIFIANT DES LOIS  
EN CE QUI CONCERNE  
LE CODE DU BÂTIMENT

Second reading of Bill 124, An Act to improve public safety and to increase efficiency in building code enforcement/ Projet de loi 124, Loi de 2001 modifiant des lois en ce qui concerne le code du bâtiment.

**Hon Chris Hodgson (Minister of Municipal Affairs and Housing):** I will be sharing my time with the member for Thornhill, the member for Oak Ridges and the member for Etobicoke-Lakeshore.

It is my great pleasure to rise today to speak to an important piece of legislation that would bring long-needed reform to the building regulatory system.

An Act to improve public safety and to increase efficiency in building code enforcement, if passed by this House, would represent the most encompassing building regulatory reforms in the past 30 years, reforms that would clear the path for a new, more efficient and cost-effective way of doing business.

The proposed legislation is based on the recommendations of the Building Regulatory Reform Advisory Group, the acronym BRRAG. As honourable members may know, this advisory panel, which represented a broad spectrum of representatives from the building industry, regulatory officials and consumers, made a sweeping set of recommendations in its report entitled *Knowledge, Accountability and Streamlining: Cornerstones for a New Building Regulatory System in Ontario*. That report lays the foundation for today's proposed new legislation.

Following the release of the BRRAG report, we continued discussions with stakeholders, and in numerous consultations we heard that the current system for getting building permits and inspections was too slow, that it adds unnecessary costs and that it doesn't fairly allocate liability. We agree with those concerns, and the input from all the stakeholder groups in the building industry has been invaluable in the development of this proposed legislation.

At the core of this legislation are three basic principles: public safety, streamlining and accountability. This legislation proposes fundamental changes intended to increase public safety by enhancing the building code knowledge of building practitioners, streamlining the building regulatory system by cutting red tape in the building inspection and approvals process, and making key players more accountable for the work they do, which could result in the fair allocation of liability.

This proposed legislation would allow building officials to make better decisions faster. And our proposed building regulatory reform would strengthen the government's Smart Growth agenda. Streamlining the building regulatory system would help ensure that growth could occur quickly and cost-effectively in appropriate areas.

Ensuring public safety is the key objective of the proposed legislation, achieved in part by increasing the knowledge of building practitioners. The legislation would require that building designers, local building officials and inspectors working for registered code agencies meet qualifications set by the province. These individuals would have to pass assessments related to code knowledge.

This improved building code competency would lead to building plans that comply with safety standards set out in the code. It is most critical for designers and building inspectors to have knowledge of the Ontario building code to ensure that all drawings and specifications comply with the technical requirements of the building code. Improving code knowledge of designs, for example, would mean that designers get it right the first time.

Qualifications would be set out in the building code but would include requiring that design firms, municipal building departments and registered code agencies have staff who have passed tests about their understanding of the building code.

This legislation would set new minimum service standards, including mandatory qualifications for inspectors. It would also clarify the roles and responsibilities of the different building practitioners, and municipal building inspectors would be covered by a new code of conduct that recognizes the significant role and authority that they hold in the approval process.

Municipalities would develop their own codes of conduct governing the enforcement practices of the chief building officials and building inspectors that promote appropriate standards of honesty and integrity among building officials. The province would set standards for

registered code agencies which would be given all the powers required to carry out their responsibilities, including the power to inspect, issue orders and to stop work if necessary to protect public safety. These standards would require that they have the necessary code knowledge.

#### 1850

In addition, there would be strong conflict-of-interest requirements to ensure the integrity of these agencies.

In addition, new province-wide standards for inspection would mean that there would be more consistency when checking construction to ensure that the projects are completed according to the approved plans in the code.

If passed, municipalities would have several options—this is important—to meet the new minimum service standards. One option could be to rely on their own staff; another option could be providing joint service delivery with other municipalities; another option would be to contract key enforcement functions to the registered code agencies. These decisions are up to each individual municipality to best meet their needs in their local circumstance, but they have to meet the timelines set out in the regulations.

Finally, designers, registered code agencies and builders would be required to carry insurance, making them more accountable for the work they do. The new insurance requirements would provide an additional incentive to avoid defects. The builders to be covered by mandatory insurance requirements would be set out in the building code, but are expected to apply to general contractors responsible for work requiring a permit on non-residential projects with a value of \$50,000 or more. New home builders already provide financial protection to home buyers through the Ontario New Home Warranty Program and would not be required to have insurance under the Building Code Act.

The province intends that insurance cover major structural defects for a seven-year period following the completion of construction. This is the same period that currently applies to new residential construction under the Ontario New Home Warranty Program.

Streamlining is another key component of this proposed legislation. The legislation would reform the building regulatory system by reducing approval times and increasing certainty and predictability for builders and owners. The measures include establishing a standard building permit application; setting time frames for building permit decisions; allowing municipalities to reduce duplicated reviews of similar building plans; limiting building permit fees to the reasonable costs of enforcement; allowing municipalities to outsource plan reviews and construction inspections to registered code agencies; providing a speedier appeal process for site plan issues to the Ontario Municipal Board; requiring that inspections take place within specified time frames—10 days for houses and 20 days for complex buildings; and giving the Minister of Municipal Affairs and Housing the power to issue province-wide interpretations of the building code and to approve alternative designs, systems and ma-

terials, provided that the same level of performance is maintained.

This legislation would promote more fairness and certainty in Ontario's building permit system. For example, time frames for a municipality to determine whether a building permit should be issued would be set out in the building code. In the case of a house, for example, the time frame is 10 days.

The legislation would also prevent municipalities from charging building permit fees that exceed the cost of providing code enforcement services. This reflects recent court rulings that have stated that fees should be based on the cost of delivering services and ensures accountability and fairness.

Should the legislation be passed by this Legislature, it should be fully implemented within two years. This would provide time to finalize the details of training and insurance requirements—so it actually would be 18 months from proclamation—that would apply to building practitioners. It would also take time to develop the regulations required to implement streamlining—for example, a common building permit application form and time frames for plan review.

We would continue to consult with the building industry and stakeholders on these implementation details. I'd like to assure the honourable members that the new code enforcement procedures and practices would place an emphasis on requiring that all parts of the building code, including fire safety, structural sufficiency and barrier-free design, are accounted for during plan reviews and inspections. The qualifications of the people who design buildings and enforce the building code would require that they be knowledgeable in all these areas as well.

In addition to today's proposed legislation, my ministry has undertaken consultations that will focus on priorities for improving barrier-free design requirements in buildings in Ontario. Details of that consultation will be announced shortly. The results of this consultation will be part of the development of new standards for inclusion in the next edition of the building code, which will have an objective-based format.

Building regulatory reform legislation would result in new enforcement processes in the Building Code Act and the building code that would help ensure compliance with these new standards and their underlying objectives, including accessibility, that apply when buildings are constructed or renovated.

I believe it is important that we work with our partners in the building industry in consultations like this to ensure that we continue to improve accessibility throughout Ontario in new buildings. It is vital that we remove as many of the existing barriers to accessibility as possible and ensure no new barriers are raised. I look forward to hearing from builders, designers and stakeholders in the disability community on how we can improve accessibility and opportunity for all Ontarians.

With this legislation we have an opportunity to improve the building regulatory system in Ontario in ways

that make practical sense. This legislation would improve the qualifications of those involved in the building sector, improve turnaround times for building permits, and make fees for permits reflect the true municipal costs. This would provide transparency in showing how building permit fees are used. But above all, this legislation would contribute to our ongoing effort to ensure public safety in all construction throughout Ontario.

I urge honourable members to join me in supporting this important legislation.

Just to recap, I can assure you that we've consulted broadly on this legislation. Municipalities are presently doing many of the things that are envisioned in this legislation if it's passed, and all stakeholders have been part of the process to lead to this day.

I'd encourage members to support this. I think it will make for a better future in Ontario.

**Mr Morley Kells (Etobicoke-Lakeshore):** I'm pleased to join the minister and have this opportunity to speak on second reading of An Act to improve public safety and to increase efficiency in building code enforcement.

In recent years, building code users, property owners, builders, contractors, designers and building officials have all called for reforms. The foundation of this proposed legislation is based on recommendations that the minister received from the Building Regulatory Reform Advisory Group, known as BRRAG. This advisory panel represented a broad spectrum of builders, designers, regulatory officials and consumers. Throughout the summer of 2001, discussions were held with stakeholders on how best to implement changes to the Building Code Act that are workable and effective. In essence, this proposed legislation would allow building officials to make better decisions faster.

If passed, this legislation represents the most comprehensive and wide-ranging changes to the province's building code enforcement in 30 years. It would improve public safety by enhancing the qualifications and accountability of building practitioners, streamline the building regulatory system and strengthen the province's Smart Growth agenda. Ensuring public safety is a government priority and is the key objective of the proposed legislation.

This is achieved in part by increasing the knowledge of building practitioners. The legislation would require building designers, building inspectors and those working for registered code agencies to meet qualifications set by the province. These individuals would have to pass assessments related to the knowledge of the building code. This improved building code competency will lead to building plans that comply with safety standards in the code.

As we know, it is critical for designers and building inspectors to know what's in the Ontario building code. This will help ensure that all drawings and specifications comply with the technical requirements of the code. Improving code knowledge of designs, for example, will

mean that designers get it right the first time, and that saves time and money.

The proposed legislation would also require designers, builders and registered code agencies to have insurance. This will result in more accountability for the work they do and provide an additional incentive to avoid defects.

#### **1900**

Insurance coverage would be improved for the traditional professional indemnity policies covering designers and extended to RCAs. There would also be new coverage required for major structural defects for seven years after construction. The building code would address type and scope of coverage, coverage levels, period of insurance, deductibles and exemptions. The province intends to require this extended insurance for general contractors responsible for structural work who work on non-residential projects with a value of \$50,000 or more. Persons who build their own homes would be exempt, as would home renovators. New home builders currently registered under the Ontario New Home Warranties Plan Act already provide warranty coverage, and this proposed legislation would recognize this.

As part of this legislation, a registration system for building designers and RCAs would be established. Details would be set out in the building code. This system would be used to ensure that those practitioners have staff with the appropriate code knowledge as well as the necessary insurance. As we know, builders are already registered through the new home warranty plan. Other builders would not be subject to registration but would have to have their insurance coverage verified by municipalities prior to construction.

Some may question why the insurance and registration provisions of this legislation do not extend to renovators. The province recognizes that the home renovation sector comprises a large number of very small firms that may find it difficult to find an insurance provider. Requiring insurance could result in many of these firms going out of business or joining the underground economy, where work is more likely to happen without obtaining the necessary building permits. This could jeopardize public safety.

We are working with the industry to encourage voluntary standards that could improve information and choice for consumers. This legislation also sets new minimum service standards and mandatory qualifications for inspectors. It would also clarify the roles and responsibilities of different building practitioners. Municipal building inspectors would be covered by a new code of conduct that recognizes the significant role and authority they hold in the approvals process.

Municipalities would develop their own codes of conduct governing the enforcement practices of chief building officials and building inspectors in order to promote appropriate standards of behaviour. The province would set the same high standards for registered code agencies. They would be given all the powers required to carry out their responsibilities, including the power to inspect, issue orders and stop work, if necessary, to

protect public safety. These standards would require their staff to have a high level of code knowledge. In addition, there would be stringent conflict-of-interest requirements to ensure the integrity of these agencies.

As well, new province-wide standards for inspections would mean that building officials have more certainty about what is expected from them. The legislation would establish mandatory inspections for all types of new construction. This would help ensure that projects are completed according to the approved plans and the code.

This legislation provides flexibility for municipalities in enforcing the Building Code Act and the Ontario building code. Municipalities would have several options to meet new minimum service standards. They could rely on their own staff, provide joint service delivery with other municipalities or contract some or all enforcement duties to registered code agencies. Municipalities could also choose to meet service level standards by allowing builders to select their own registered code agency. The bottom line is that municipalities would make these decisions since they are in the best position to do so.

Streamlining is another key component of this proposed legislation. Reducing red tape and encouraging innovation are important to this government. This proposed legislation would reform the building regulatory system by reducing approval times and increasing certainty and predictability for builders and owners. The measures include establishing a standard building permit application, setting time frames for building permit decisions, allowing municipalities to reduce duplicated reviews of similar building plans, limiting building permit fees to the reasonable costs of enforcement, allowing municipalities to outsource plan reviews and construction inspections to registered code agencies, provide a speedier appeal process to the Ontario Municipal Board for site plan matters, requiring that mandatory inspections take place within set frames and granting the Minister of Municipal Affairs and Housing the power to issue province-wide interpretations of the building code and the authority to approve alternative designs, systems and materials, provided the same level of performance established by the building code is maintained.

These measures would promote more fairness and certainty in Ontario's building permit system. The reforms outlined are also a key component of Ontario's Smart Growth policy. These proposed changes would speed up construction approvals and provide greater predictability to property owners, builders and designers about the services they can expect from municipalities and other local enforcement bodies. I believe these reforms would go a long way toward building strong communities.

Should the legislation be passed, it will be fully implemented within 18 months of royal assent. This would require time to finalize the details of building code testing and the insurance requirements that would apply to building and practitioners. It would also take time to develop the regulations required to implement streamlining measures.

We will continue to consult with building industry stakeholders on these implementation details. As a matter of fact, I met with the Ontario Building Officials Association and discussed the legislation with them. As you may appreciate, they have some misgivings about parts of the bill, particularly the plan for a new code of ethics to be put in the bill. But as I said, we will be dealing with the stakeholders on all these matters, and there'll be plenty of opportunity for input.

We have an opportunity to improve the building regulatory system in Ontario in ways that make sense, improve public safety, enhance accountability and streamline the building regulatory system.

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

**The Deputy Speaker (Mr David Christopherson):** The member for Niagara Centre has asked for a quorum check.

**Clerk at the Table (Mr Todd Decker):** A quorum is not present, Speaker.

*The Deputy Speaker ordered the bells rung.*

**Clerk at the Table:** A quorum is now present, Speaker.

**The Deputy Speaker:** The member for Etobicoke-Lakeshore may resume his comments.

*Interjection.*

**Mr Kells:** Jesus Christ.

**The Deputy Speaker:** I'm not sure you were fully aware your mike was on, but—

*Interjection.*

**The Deputy Speaker:** Order. You have the floor. Do you want it?

**Mr Kells:** I'd like to finish, if I may.

**The Deputy Speaker:** You certainly may.

**Mr Kells:** This legislation would improve the qualifications of those involved in the building sector, improve turnaround times for building permits, make the fees for permits reflect the true municipal costs and protect the consumer. Above all, this legislation would contribute to our ongoing efforts to ensure public safety is a priority in all construction throughout Ontario.

I urge honourable members to join me in supporting this important legislation.

**Mr Frank Klees (Oak Ridges):** I'm pleased to have the opportunity to speak on second reading of An Act to improve public safety and to increase efficiency in building code enforcement. I want to commend the minister for his work in bringing this legislation forward. Of course, we're grateful to all the individuals with whom the minister and the parliamentary assistant have consulted over the last number of months to bring to us what I believe is certainly overdue legislation and a very practical approach to improving the entire environment that certainly is imperative for us as a government to address, given the amount of growth that is taking place in this province, particularly in the greater Toronto area. The issue of building codes and the public safety around that, and the accountability factors that the minister has referred to as well, are critical.

**1910**

Then there is the issue of the process. One of the concerns that people have, certainly in the GTA and I'm sure across the province, is the cost of housing. We spend a great deal of time in this place talking about the need for affordable housing. Well, when we take a look at what has happened in this province over the years, time is money when it comes to the development industry and the building industry, the amount of time that is taken up, often through a great deal of regulatory hurdles, a great deal of process, if you will. By the time a developer can bring a piece of land on to the market and a builder is able to acquire a lot and then begin the building process, the amount of local fees, building permit fees and so on that are basically part of the cost of a home, the end product, someone has to pay for this. If there's something we can do—not only the provincial government but all levels of government—and certainly the municipal level has a great deal to do with this as well—to shorten that time frame, to streamline the process, to make the process at once accountable as well as efficient, it will certainly be in the interests of the end-user in this province.

I would like to address the public safety component of this bill. As the parliamentary assistant indicated in his remarks, the issue of public safety is certainly foremost in the mind of the government in bringing forward this legislation. I know there have been some criticisms on the part of the opposition. For example, I know that the NDP critic for this ministry is on record as expressing concern that because the private sector will be involved, or because there's room for involving the private sector, somehow the public safety component of this will perhaps be compromised. I want to assure the honourable member that is not the case. It need not be the case, obviously. As in everything else we do, whether it be at the provincial, municipal or federal level of government, how we implement legislation and how we implement regulation ultimately have everything to do with how well people in the province are served by the laws we make here. But certainly the safeguards are in place, and at the end of the day we believe that everyone will honour the intent and purpose of this legislation.

Building designers, building inspectors and registered code agencies would have to meet qualifications set by the province. Improving code knowledge of designers would mean that they get it right the first time. Again, speaking to the issue of efficiency, part of the problem we've experienced in this province in the past is in an environment where there is a lack of qualifications, a lack of this kind of very clear regulation. Often designs end up having to be revisited. That in itself causes problems in the process and certainly adds to the cost and frustration not only to builders but to end-users as well. New province-wide standards mean that municipalities and these RCAs would be more effective in checking plans and in inspection of construction sites.

The legislation would also establish mandatory inspections at key construction stages for all types of new construction. I think people looking on will probably be

surprised to know that that kind of regulation has not been in place to this point. Most people in the province would expect that this would somehow have been put in place years ago and that that is the regulatory framework under which we have been conducting our business. Is isn't, and so all the more reason for the timeliness of this—much overdue—that those kinds of qualifications, those kinds of regulations be put in place.

The proposed legislation would also clarify the roles of different building practitioners in their particular capacities as public officials. Municipal building inspectors would also be covered by the new code.

I'd like to move on to deal with another aspect of this legislation, which requires that insurance be in place by these practitioners. The builders to be covered by this mandatory insurance requirement would also be set out in the building code. The province intends to require insurance for general contractors who are responsible for structural work and who work on projects with a value of \$50,000 or more. As was mentioned by the parliamentary assistant, people who construct their own homes, who act as their own general contractors, would be excluded from this requirement. I have to say that I'm not sure that's necessarily the most prudent way to go.

Renovators are also excluded from this, and I understand the reason for that. I understand that renovators, as a rule, are many times small businesses, often sole practitioners, or maybe with two or three employees. The rationale for excluding renovators from this requirement is that in some cases it would perhaps be too onerous, first of all, to include them within the insurance plan, and then the insurance premiums may well be too high for them and it would simply become a cost of doing business that in many cases would be prohibitive and cause many of these small businesses to shut down, and we wouldn't want to see that happen.

Having said that, I also want to go on record as saying that I believe this is very much a matter of consumer protection as well, and I'll have something to say about the Ontario New Home Warranty Program a little bit later. But I really do believe that government has the responsibility to ensure that appropriate consumer protection provisions are in place.

I for one would like to see our government pursue some means of including the renovation industry in some form of regulatory responsibility as well. There are far too many stories throughout this province of people quite frankly being ripped off by people who are in the renovation business. While we like to assume the morals, if you will, and good sense of people, it doesn't happen consistently enough, and all too often people who can least afford to pay the price are subjected to bad business practices. Unfortunately, we have to find a balance between ensuring that regulatory protections are there and that the regulatory regime is not too onerous on businesses. I for one will go on record as saying that I'll continue to advocate within our own caucus and with my colleagues to see us do something about this.

The kind of insurance requirements specifically applicable to this industry, then, will be set out in the

building code. The province intends that insurance cover at least major structural defects for a period of seven years following the completion of construction. This is, by the way, the same period that currently applies to new residential construction under the Ontario New Home Warranty Program. I indicated earlier that I would have a couple of things to say about that organization, and I might as well do that now.

#### 1920

My riding, the riding of Oak Ridges, incorporates Richmond Hill, Whitchurch-Stouffville and that part of Markham north of 16th Avenue, probably one of the highest growth areas in the province, if not the country. I have to say to you, as I've shared with the Minister of Consumer and Business Services, that I'm concerned that the Ontario New Home Warranty Program is not doing the job that perhaps it was doing in the past and that we, as legislators, would expect it to do.

I understand there is a review that is ongoing that is intended to address some of the shortcomings of the ONHWP. Frankly, I encourage members of this House to become engaged in that process. I certainly am. I've had a couple of meetings with representatives from the Ontario New Home Warranty Program in my riding. I've encouraged people to come forward who have had experiences with this program where it has not served them well, so that we, together with the ministry, can begin to address some of these issues. I can tell you, the horror stories are out there.

Again, there seems to be a presumption, unfortunately, in the case of some builders that because of the process being as cumbersome as it is, many people who have complaints about the workmanship, about some of the structural issues around their home, simply give up. There are only so many times that they're prepared to write the letters, to make the phone calls. All too often it's simply a matter of them walking away and taking on the cost of doing the repairs themselves. A home that they thought was going to cost them \$200,000 or \$250,000 or \$350,000 ends up costing another \$25,000 or \$30,000 or \$50,000 because there's work that they ended up having to do that they weren't counting on doing, that they simply felt should have been delivered in the first place by their builder, and in fact should have been.

So it gets to the same issue: what role does government have in helping to protect consumers? I for one believe that we have a responsibility. That's why we're dealing with a piece of legislation such as is before the House today. I do think that the issue of the Ontario New Home Warranty Program remains unresolved. We have a lot of work to do there. Perhaps in the not-too-distant future we'll see the Minister of Consumer and Business Services come forward with some recommendations specifically related to that as well.

In addition to the insurance qualifications, we, through this legislation, will also be calling on additional issues such as qualifications for the actual building practitioners. We would include requiring that design firms, municipal building departments and registered code

agencies have staff who have passed tests about their understanding of the building code. It's certainly not too much to ask. Again, I would have expected that something as fundamental as this would have been in place up until now; it hasn't been. So it's certainly timely that we put this in place. These tests would be based on current code requirements and would provide for assessments based on classes of building or technical disciplines.

What exactly is the relationship between building regulatory reform and Smart Growth? The minister in his opening remarks made reference to the fact that this is simply an integral part of the Smart Growth philosophy of our government. The truth of the matter is that this legislation and building regulatory reform would strengthen our government's Smart Growth agenda. By streamlining the building regulatory system, it will help to ensure that growth can quickly and cost effectively occur in appropriate areas. The fact is that people continue to come into the greater Toronto area. They come to Ontario because it's a great place to be; it's a desirable place to be. So we have to deal with the realities of growth. It's going to happen; people continue to come here. The challenge for us as a government is to ensure, when that growth takes place, that it takes place in an appropriate way, environmentally responsible; that we maximize that land area that has been designated for development, for building; and that that construction and that building can take place in the most cost-efficient way to deliver an end product that is affordable and that can be brought to market as soon as possible, particularly with dwindling supplies.

We believe that at the end of the day not only will this legislation before us allow us to bring product to market sooner and to do so in a very efficient way, but it also to a large degree will address the affordability issue by cutting out the months and often years of time it takes to bring developments through the application process. At the end of the day, as I've said before, it's the consumer who ends up paying the price for that.

The minister indicated that the advisory group formed by him that met for a number of months and gave good advice to the then parliamentary assistant, Mr Brian Coburn, who is now, by the way, the Associate Minister of Municipal Affairs, deserves a great deal of credit for helping us come up with this legislation that we believe balances the professional needs of the building industry with consumer issues. BRRAG, the name of that group, addressed many issues raised by the Red Tape Commission's 1998 consultation with stakeholders on improving Ontario's system of building regulation.

I'd like to say at this point that really not enough credit has been given to the Red Tape Commission in the course of our government over the last number of years. It has on many occasions been very effective in bringing issues to the fore for ministers of our government, to our caucus and to government in general in areas where we needed, on the one hand, to ensure that there was a streamlining of regulation, but they also approached their responsibility from the standpoint of consumer protec-



tion. I've seen on many occasions in my time in cabinet and in caucus where one would have thought that perhaps the Red Tape Commission would have erred on the side of wanting to get rid of regulation, when in fact they have often raised the concern that in a particular area of responsibility there really aren't enough good regulations. So the role of the Red Tape Commission is not simply to cut red tape but to make sure that we have effective regulation in this province. I want to credit the work of the commissioners over the last number of years with our government.

The proposed legislation includes several measures to address these concerns about the use of registered code agencies. These measures include provincial registration of these so-called RCAs, including requirements related to building code knowledge and the insurance issue that I mentioned earlier, and an ability for the province to deregister these RCAs on the basis of their past conduct. There are strict conflict-of-interest rules to achieve integrity in the construction approvals process, municipal control over the decision of whether or not to permit the use of RCAs and limits on the ability of builders to switch RCAs in the middle of construction.

### 1930

The issue of RCAs, the ability to transfer to a private sector agency the responsibility of doing these inspections, no doubt will be a matter of debate in this House, and there are those who philosophically will take the position that this should always be retained, a responsibility to be retained by government, that somehow the private sector cannot be trusted or should not be trusted to carry out that responsibility. I would suggest to the critics of this initiative that the issue is not whether it's private sector or public sector; the issue really is whether or not the implementation is done efficiently and effectively and whether the regulations are sufficient to ensure that the appropriate responsibility is taken to deal with this, whether or not government has put the framework in place that holds accountable these private sector organizations, these private sector agencies. I'm certainly satisfied that we will have those safeguards in place, and at the end of the day it will be up to the local municipalities to decide whether they will allow the use of these RCAs and under what conditions and under what circumstances.

So, again, I commend the minister for having come up with what I think is a very creative idea in terms of implementation.

Speaker, I've just been given a note that my colleague Mr O'Toole would like to speak to this as well. I'm happy to defer to him, in that case.

**Mr John O'Toole (Durham):** Just wait. I need to get my notes.

**Mr Klees:** Well, I have a note here. I had a note here saying that he would like to. I'm certainly prepared to share my time with him, if that's the case. My understanding is, though, that if he does want to speak, he would require unanimous consent of the House to do so. I'm not sure if his past conduct with members opposite is

such that he'd get unanimous consent for that. We can always ask.

**The Deputy Speaker:** Stop the clock for a second. Just for clarification, because I had to get it clarified too, the rules do provide that at any time if you mention that you're going to share it, that would be allowed. You probably made an error earlier with regard to mentioning another member, but whether you did or not doesn't matter. You've now mentioned the member from Durham, and if you wish to stand down and let the rest of the time go to that member, you may do so.

Please start the clock.

**Mr Klees:** I think I probably will give him some time, then. I do have a couple of final comments I'd like to make.

**Mr Kormos:** Yours wasn't exactly a barnburner. Sit down.

**Mr Klees:** Thank you to the member. You may not consider my remarks a barnburner, but then we do our best, don't we?

I spoke on behalf of my constituents. I'm convinced that this legislation at the end of the day will do what was intended: to give Ontario a new framework within which the building industry, within which the officials who have responsibility for inspection, within which municipalities who have responsibility to administer and to oversee this industry, will be much more accountable, much more efficient than they have been in the past.

With that, I'd like to commend the Ministry of Municipal Affairs and Housing for the work they've done, all of the staff who have been involved in preparing this, and defer to my colleague from Durham for any remarks he would care to make.

**Mr O'Toole:** I want to show some respect and appreciation for the member from Oak Ridges for being prepared to share some of his time.

I also wanted to get on the record as showing respect for those in the consultation groups who worked very hard on this particular bill. They did make some requests of the minister, which I believe Minister Hodgson has listened to. I say that because the Durham region council as well as the municipality of Clarington both reviewed the consultation document under the Building Code Act, 1992. There were concerns from both a red tape perspective as well as the proposed method of making sure there were still consistent standards and enforcement.

When I looked for the bill—I had some time where I had to look for the bill—it was first introduced in November 2001, as members would know. I think it's important to put on the record that under the explanatory notes in the bill, which I'm reading for those viewing, it says, "Amendments to the act will also permit the building code to be enforced by new entities called 'registered code agencies.'" From what I heard in the report filed with Durham region, this was somewhat of a concern but, "A principal authority will be able to appoint a registered code agency to perform specified functions in connection with the construction of one or more buildings"—I think, for instance, in a very important area where new homes

and affordable housing are being built and subdivisions potentially are being held up for administrative reasons. It's under this umbrella that I think the minister has consulted on this bill and has found a mechanism to make sure this is the right thing to do.

"The power of principal authorities to make these appointments is set out in the new section 4.1 of the act.

"Principal authorities may also authorize certain classes of applicants for permits under section 8 of the act to appoint a registered code agency to enforce the building code in connection with an applicant's construction. These powers are set out in ... section 4.2 of the act.

"Every registered code agency must have the qualifications and meet the requirements specified in the building code." So there is no devolution or dissolution of the codes themselves. The important aspect here is that we have quality and we also have the appropriate authorities with the recognized credentials to enforce these codes. "The functions, powers and duties of registered code agencies are set out in the new sections 15.14 to 15.22 of the act. Once a registered code agency has been appointed, the appointment cannot be terminated except in accordance with the building code." Once again, the building code takes primacy.

"The act will require chief building officials and inspectors to have the qualifications set out in the building code"—bricklayer, electrician, plumber etc. "An amendment to the act also provides that designers must also have the qualifications set out in the building code, in order to engage in certain activities. The requirements for qualifications are consolidated in the new section 15.11 of the act.

"Registered code agencies, designers and others will also be required to have the insurance coverage specified in the building code." These are liabilities, an errors and omissions kind of insurance. "This is set out in ... section 15.13 of the act."

"The bill consolidates certain provisions that are now in the act: provisions relating to the enforcement of requirements for plumbing and sewage systems (the new sections 6.1 and 6.2) and provisions relating to"—

**Mr Kormos:** Mr Speaker, on a point of order: As I recall, the standing orders specifically prohibit members from reading at length during speeches. That's designed to make speeches a little more lively than they have been from this member.

**The Deputy Speaker:** I will take your remarks under advisement. Please continue.

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**Mr O'Toole:** I'd like to thank the member for Niagara for bringing that point up because, really, I think it's important. This is a very technical bill, and as such we wouldn't want people to lack confidence that this change is intended to make access to building code standards and enforcement much more reliable and accessible.

I would only say that our "amendments are made with respect to the enforcement of the act and building code by principal authorities. Under section 6 of the act, as re-

enacted in the bill, principle authorities may enter into reciprocal agreements governing the review of substantially similar buildings." This is like a subdivision, where in fact there is a plan, there are six different plans in the subdivision. They can approve the plan and then inspect as required.

"Amendments to section 7 of the act require that fees charged by principal authorities for permits must reflect the actual cost of delivery." This is so there's no kind of cash flow issue here placing a burden on the building of affordable housing through a mechanism known as fees.

"Principal authorities will be required to make annual reports with respect to these fees and costs. Principal authorities will also be required to hold a public meeting before changing their fees under the act."

Many of the people in the House here today have at some time in their past, before coming here, served on council and in such planning issues as plans of subdivision, site plan control etc, and some have suggested that the development industry has been bottlenecked through the planning stages and through the sub-division development stages, really ultimately adding cost to the consumer. All those costs aren't absorbed by the development or the building industry or the trades; they're really borne by the home purchaser.

"Principal authorities will be required to establish a code of conduct for their chief building officer and inspectors, under section 7.1 of the act. The roles of various persons (such as designers, builders, manufacturers, registered code agencies, chief building officials ... ) are also described" rather extensively in the act.

I commend the Minister of Municipal Affairs for giving authority to issue written interpretations of building code, which are binding on both parts. This is set out in a new section, 28.1.

The reason I wanted to be on this is because this is, I believe, the second attempt under this BRRAG regulation—the building code regulation advisory group—that the minister has tried to find a mechanism to eliminate potential bottlenecks, for the bringing on stream of affordable housing primarily, of quality, without any exemption to those who are interpreting or enforcing the building code standards.

I think there's some language in here as well—and I'm not reading from notes, I'm going from my memory of being familiar with the bill. There was a considerable amount of consultation around 1997, 1998, 1999 and then the election came up. We introduced the bill in 2001. There was some question with respect to, who were the principal inspectors and under what authority were they able to inspect? I believe that allowing designers, builders and tradespeople, under certain controls and regulations, to perform these duties will make it much more effective to have homes built safely, as well as having a mechanism to make sure they have the insurance and the liability covered so that the new home purchaser isn't in some way disadvantaged.

In conclusion—I only have two minutes left; I wish I had another two hours because this is starting to engage

me to the point where I really feel—looking at notes here, building regulation reform, one of the questions that came up to me, and I was asked to speak on this, was, how would the legislation help to streamline the building regulatory system? The proposed legislation streamlines the building regulatory system by reducing approval times and increasing certainty and predictability for builders and owners. We see now, every day, subdivisions held up for these various technical things that have to happen. The reforms are designed to encourage good decisions to be made faster—good, timely decisions.

*Interjection.*

**Mr O'Toole:** My friend from Bramalea-Gore-Malton-Springdale, the longest riding in Ontario, has reminded me that I've only got a minute left.

Measures include establishing a standard building permit application—how appropriate in a time like this with on-line filing and application assistance. Setting time frames for building permit decisions and not letting these things be deferred and deferred—requiring decisions to be made in a timely manner.

Who is waiting is the new home purchaser who thought they were going to move into their home June 1. Guess what? Because of some bureaucratic decision they are being delayed and delayed. It's costing them money, perhaps living with their in-laws—hopefully not my children.

Allowing municipalities to reduce duplication reviews of similar building plans—imagine a subdivision with six simple plans that are being replicated one after another, sort of like Dunkin' Doughnuts. Requiring that certain mandatory inspections—this is important—take place within certain set time frames. Making sure that certain sequential events happen in the building of a house: the foundation, the framing, the plumbing, the electrical, drywall. All these things have to happen in a sequence. Any holdup delays the following trades. In my terms, the government has gone in the right direction to make this the right thing. I expect the opposition to support this.

**The Deputy Speaker:** Members now have up to two minutes for questions and comments.

**Mr Mario Sergio (York West):** Just a few comments on Bill 124, which is not bringing any amendment to the Ontario building code; I think it's completely rewriting the building code. The act itself is one of those very important components for municipalities in dealing with various buildings. It is of paramount importance that we have one that is fair to cities, municipalities, counties, the public, builders and buyers in general.

This bill, the way it is presented, has a lot to offer, but it has a lot more work still to be done. In its present condition, the bill does not deserve any support. Municipalities will suffer because of the bill the way it has been presented. We could practically call it the builders' dream building code. They might as well have their own architects approve the plans, read the plans, build the buildings—homes or whatever they may be. They will have their own enforcers, their own inspectors, their own people as well.

I think this has more to do with privatizing the building code than revisiting, changing, making amendments and providing a new building code that indeed is fair to the municipalities and to the public. I think that in the end municipalities and the public are going to suffer. We are not talking about a little house or a garage; we're talking about high-rises, major malls and industrial and commercial buildings. Once we look deeper into the bill itself, there is still a lot of work to be done. I hope the government will understand that.

**Mr Michael Prue (Beaches-East York):** I listened to all four speakers: the minister and the members for Etobicoke-Lakeshore, Oak Ridges and Durham. But it wasn't until the member for Durham spoke that the position became crystal clear, and that may not have been crystal clear to everyone listening, either in this room or among the TV audience.

What he said is that good decisions will be made faster—this is about speeding up a process—and delays in bureaucratic decision-making will be stopped. I think this is the position, perhaps the erroneous position, from which he starts and at which he ends. In fact, to make decisions faster is to invite error. We all know that when decisions are made too quickly, errors result.

If the problem is with the bureaucratic decision-makers, it is in fact with the public employees who are employed in all the municipalities, who for 100 years have done an exemplary job in regulating buildings under the building code of Ontario.

**1950**

I listened to the member from Oak Ridges, who in a very thoughtful speech talked in a couple of ways and made points that I can agree with and some that I can't, but he did speak about putting safeguards in place and consumer protection provisions. But in the end I ask him to think that the developer and the homeowner will end up paying and that there will be higher fees because of the timelines, because of the seven days, because you'll have to pay and get someone in who can do it right away, and there will be increased risk. I think that is the problem all of us must look at, the increased risk. It isn't enough just to build a home and say, seven years later, that nothing has happened. You find that problems develop with homes whenever there is a man-made or a natural catastrophe—when you have a hurricane, when you have a fire, when you have an explosion. That's where the problem is and that will occur after the event.

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** One of the things the previous speaker, the member from Beaches-Woodbine, just mentioned: if you are more efficient and you do things more quickly, he's saying there's more likelihood of making a mistake. I don't quite follow that logic. He's literally saying that if you are inefficient, you do things slowly, you may take more time and you'll make fewer mistakes—not quite a good logic.

Nonetheless this bill, Bill 124, An Act to improve public safety and to increase efficiency in building code enforcement—some of the key reforms, and I think sometimes we sway away from that and we lose the

connection, basically are to streamline the building approval process through standard application forms and time limits for decisions on building permit applications: for example, 10 days to a house.

I was in the process recently, a couple of days ago, actually, where I wanted to have an extension to the deck and I thought it was a simple process. I went to city hall and there were a whole bunch of forms, all kinds of plans. I'm just extending the deck, and they said, "You know what? It could take anywhere from three to four weeks. We have a simpler process if you come in on Tuesday between 7:30 and 10:30 or whatever in the evening. Then it may take two and a half weeks." That, to me, seems like a lot of red tape, a lot of inefficiency.

I think a homeowner, provided they provide the proper plans and everything, should have quick, speedy approval so they can go ahead and start building and get this economy going and have a lot of construction jobs opening up.

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** I'm pleased that I am able to offer some comment to the bill that the minister and other members of the government spoke to this evening. I will not be able to speak in support of this bill. I've heard from municipalities in my riding, and the people in my riding are very concerned with what the bill contains. They believe, they've indicated to me, that the bill places additional burdens on them that they do not have the financial resources or the human resources to deal with in their municipality.

We hear members from the government talk about streamlining a process and making it more expeditious for people to gain permits. Certainly, were this a bill that addresses a process and provides some additional resources so that the people in place who do the inspections can do what they do in a more timely way, I think that is something we can support. That's not what this bill does. This bill says, "We want to change the timelines and we're going to increase the expectations in order for you to be able to do it faster. If you can't do it with the structure that's in place now, then find a different structure." Our concern is that in the search for a different structure there is a compromise, and it is the public's safety. We are not prepared to support any kind of legislation, and certainly municipalities in my riding do not want their member to stand in this Legislature and advocate for legislation that will be an additional burden to them and will compromise, very possibly, the safety and well-being of people within their communities who embark on a construction project. So I will not be able to offer my support to the legislation that's been presented in the Legislature tonight.

**The Deputy Speaker:** One of the original speakers may respond for up to two minutes.

**Mr Klees:** I want to thank the members for York West, Beaches-East York, Hastings-Frontenac-Lennox and Addington, and Bramalea-Gore-Malton-Springdale for their comments.

I'm surprised at the comments made by member for Hastings-Frontenac-Lennox and Addington, and actually

quite disappointed at her remarks because she stood in her place, stated her objection and made it very clear that she wouldn't be supporting this legislation because it causes an additional burden and places an additional responsibility, additional qualifications, if you will, on municipalities and on the inspection process.

In the interest of public safety, surely every member of this House would take it upon themselves to sit down with any member of any municipality, any elected official who would ask them to object to this legislation, and reason with them and point out to them the importance perhaps of additional costs in the short term, perhaps taking on the burden of putting in additional qualifications, and training the people who are there and going out to do the inspections, so that in fact whatever building or construction takes place within that municipality, the people who will live and work in those structures will have the assurance of the appropriate inspection and of all the safeguards that government has a responsibility to put in place.

I invite the member and all members of the Legislature to take a second look at this legislation and to support it.

**The Deputy Speaker:** It is now time for the leadoff speech for the official opposition.

**Mr Bruce Crozier (Essex):** I have the privilege this evening of having time shared with the members for York West, St Catharines and Prince Edward-Hastings. It's my privilege to stand this evening and speak for a few minutes about Bill 124, An Act to improve public safety and to increase efficiency in building code enforcement.

If it truly was a bill that was going to do what the long title of it says, I might be able to consider supporting it. But in my review of the bill, I am not yet convinced, at least as we go into second reading, that that's what the bill in fact will do. So I certainly hope, as we proceed through debate for second reading and when the bill hopefully goes to committee, that there will be some amendments made that will truly reflect what the title of this bill would imply.

I have had some experience in this area. Not only was I an elected member of a council for three years and mayor of a growing community for five years, but I was also in the retail building industry for 22 years. So I have some appreciation for the need for expediency when it comes to issuing building permits.

As an elected member, it wasn't unusual for someone who was in the process of building a house, a factory or an apartment building to come to the elected officials and ask for their assistance in making the process more expedient. But quite frankly, most of the time there was a reason why it was taking some additional time to get the appropriate approvals, and that was in the area of public safety and efficiency. We simply wanted the job done right.

**2000**

It's been floated, at least in the Kitchener-Waterloo Record in November of last year, about what kind of timelines this government may be looking at in approv-

ing building plans in a strict time frame. The exact time frame will be set out in regulation. As we know, in so many things that happen in this House, the devil is really in the details. So we don't know at this time what the government's idea is of an exact time frame, but it has suggested that it could be as short as eight days for houses and 20 days for larger buildings such as apartments. Eight days for a house, I can see that. That's realistic. In fact, many of the house plans that are submitted on subdivisions are really plans with minor variations from one structure to another. But let me suggest that if you're going to have larger buildings, an apartment building, a factory—20 days? I don't know. I think that when it comes to public safety 20 days might be just a little bit too short of a time frame.

As has been suggested in the two-minute comments by one of my colleagues, what we're concerned about with this legislation, as with many pieces of legislation that are brought forward, is that notwithstanding the consultations that have gone on before, notwithstanding who the consultations were with, the legislation often is lacking when it is brought to this House. We feel that this legislation, as it's being presented to us, actually weakens the health and safety protection for Ontarians.

You're going to hear more about this during the debate, you're going to hear more about it in committee and you're going to hear more about it, no doubt, in third reading of the bill. I'd be willing to bet that, with the form of democracy that's in this House, this is another piece of legislation that I wouldn't be at all surprised gets into the clutches of time allocation. I'm not so sure that we're going to be able to bring everything out about the bill that we want to when it gets to third reading.

So yes, we will be opposing this legislation, certainly at second reading. When we go to committee there will be amendments that we'll want to propose. But again, Speaker, I'll just make you another little wager that there won't be very many opposition amendments that will be accepted on this.

I neglected to mention, when I said that I had had some experience with building permits and the issuing of building permits and the timelines with building permits and what's involved in them, that not only was it my experience as an elected councillor in a growing municipality and my experience in the retail lumber business supplying builders and individuals who were building their own homes, but one of my best friends is one of the top building officials in the province of Ontario. I'm not going to mention his name because I know he'd be embarrassed by it. But I have taken the opportunity to discuss this with him on occasion.

**Mr Garfield Dunlop (Simcoe North):** Probably Dalton McGuinty.

**Mr Crozier:** You can guess all you want, but a secret is a secret with me.

We agree that steps need to be taken to improve the timelines when it comes to issuing building permits. In fact, I suggest that you can go to municipalities across this province where building permits are issued in a very

timely fashion. You can also go to other municipalities that have a reputation for having roadblocks in the way of the issuing of building permits. They do take too long. I'm not so sure that you can legislate that kind of thing. If a municipality is just simply not very efficient and they want to continue that way, you can have all the legislation you want before them but they'll find a way to delay it. Whether they do this on purpose or whether they are simply not efficient, I'm not sure. But setting some guideline that's chosen as being an efficient way to do business might not necessarily solve the problem.

As has been alluded to, yes, there are additional burdens to municipalities. If you're going to improve efficiency, you're probably going to have to increase the number of staff to deal with these problems. When things are busy, that's great. When things aren't so busy, then the staffing problem becomes difficult in another way. We support the idea of trying to become more efficient, but we don't support anything that will put additional burdens on municipalities and their ability to do business.

What I really think this legislation is all about is privatization, and privatization has its problems, particularly when it comes to public safety. We have examples of that in any number of areas around the province. For example, this government brought in self-regulation and self-inspection when it comes to amusement rides in the province. I have yet to verify this, so I am going to qualify it by saying I don't have the exact statistics in front of me, but I was told today that there could be upwards of 50% of the inspectors of amusement rides in this province who are not totally qualified. I think that as this government proceeds with this bill to privatize, they should be very careful that those who have the authority, who have the responsibility and who must be accountable are certainly well trained and well qualified. We've seen examples in the areas of jails, elevators and, as I mentioned, amusement rides, and I guess we're about to experience it in the area of driver testing, where privatization brings with it a number of problems.

Currently the building code is enforced primarily by municipalities and by some counties, some boards of health and planning boards, and some conservation authorities. Each of these has certain powers granted to it to appoint officials who can act as inspectors, issue orders and enforce the code. But herein lies a problem, I believe, with this legislation. In its attempt to privatize, Bill 124 will allow what are called registered code agencies to enforce the code. I want the people of Ontario to remember the term "registered code agencies"—RCAs. You're going to hear a lot about it. And when they refer to RCAs, that isn't the old dog sitting by the megaphone; it's registered code agencies.

Well, one of the ministers has his ear—

*Interjection.*

**Mr Crozier:** That's right; that's what I'm referring to.

Municipalities are going to have several choices under this legislation. They're going to have their choice of simply not using registered code agencies, which certainly would be my advice. They might allow a mixture

of both municipal and registered code agencies. That starts to get kind of confusing, because who are you going to be dealing with? Are you going to be dealing with the municipality, or are you going to be dealing with a registered code agency? Who should you go to when you have a problem, the municipality or the registered code agency? I think that's going to start to confuse the issue. They can simply end municipally run building inspection and turn it all over to these agencies, outsource everything and the municipality wouldn't be involved at all. That's still going to be confusing to the residents of the municipality, because in the end, notwithstanding any legislation that you might put before us or that might be passed, people expect to be able to go to their municipality, particularly when they've got a problem, and get an answer and some accountability.

#### 2010

Municipalities will also have the power to allow property owners the flexibility to choose their own agency. Frankly, I don't have enough time to go into the problems that I think can arise from giving the property owner the flexibility to choose their own agency.

By far, builders in the province of Ontario are respectable and build quality structures, homes, factories, apartment buildings, office buildings. But when you get into that area of allowing the property owner to choose their own agency, I think there might be some difficulty with that because in some cases they might not necessarily deal at arm's length. That could be problematic.

I only have a short time left. There are two particular areas of the bill I would like to touch on that are areas of concern for me. One is, the act is going to be amended so that the minister may issue an "interpretation of any provision of the building code, and the minister's interpretation is binding on any person exercising a power or performing a duty under this act and on any person who is subject to this act." It does say that the minister will have to set out the interpretation in a statement.

What that means to me is that democracy, if there were any in the bill, is gone, because the minister can simply say, "That's the way it's going to be. You don't have any choice. You don't have any appeal. It's a done deal."

My time is up. There's much more to say. I'm sure that my colleagues will add to the debate this evening on this bill.

**Mr Sergio:** I would like to add to the debate on Bill 124 as well.

As my colleague from Essex just finished saying, I hope that we can add to the bill. As a matter of fact, I would hope that the members on the government side are intently listening to members on the opposition side. Hopefully, they can then make the necessary improvements, the necessary changes, to the bill as it has been presented. When we are dealing with completely rewriting the Ontario building code, the way that it's presented leaves a lot to be desired. So I hope that while we go into this one hour of debate, the third party—in 15 minutes it is impossible for any member of the House to

describe fully all that the bill contains and do justice to the bill. It is totally impossible.

We are dealing with an extremely important aspect that the public expects governments to deliver. When we have a government that says, "We are rewriting the Ontario building code to improve public safety and increase efficiency," I think it's a total misnomer. We have to look at the content of the bill and tell the government, tell the minister, that they've got to go back and rewrite not only the text of the bill but the content of the bill itself, because in no way can you take this important part of a municipal government called the approval, the issuing of building permits, the inspections of those buildings, being houses, garages, high-rises, commercial, whatever, and then, as well, they have to go back and say, "Has this been done right or wrong?" It's not only the inspection, but it's the enforcement as well.

So we are giving up everything. But what they are saying to local municipalities—because at the moment, municipalities are getting the application, they are processing them, they are issuing the building permit, they are doing the inspections and middle inspections and final inspections, and then whatever have you, until the occupancy, OK? And then, following that, indefinitely—not for a month, not for a year, but indefinitely—that particular building will be overseen, enforced, by the local municipality forever. At any time if there is a problem with that particular building, Joe Citizen can pick up the phone and call the city, the inspectors, the commissioner, the councillor or the mayor and say, "I have a problem with this building. I have a problem with my foundation. I have a problem with whatever." And I'll tell you, they know it, because a lot of them have been dealing with municipal issues. Many of the members on the government side as well come from a municipal background, so they know that there are too many problems associated with the building industry, with building permits.

At the moment the municipalities do everything. So the government is saying, "We are giving them the option"—"option" is becoming a very fancy word with this government—"to say they don't have to. They don't have to have this so-called 'code agency.'" Let's face it, folks, it is called a private group. That's what it's called, a code agency. You can have your own engineering firm. You can have your own architectural firm that will be stamping those plans. This code agency, this private group—let's speak the people's language here—will be issuing the building permit. They will be doing the inspection. This private group will be doing the enforcement. And you are trying to tell me that anywhere in this bill there is protection for taxpayers, for homeowners? There isn't.

Just let me give you one very simple problem that cannot be addressed by a private so-called "code agency." Let's say a house is built and there is a problem with drainage. It's a very common problem—I don't have to tell you—a very common problem.

**Mr Dunlop:** It shouldn't be.

**Mr Sergio:** It shouldn't be. That's right, it shouldn't be.

**Mr Dunlop:** That's the existing system.

**Mr Sergio:** I'd like to hear that, Mr Speaker. It shouldn't be.

But let me tell you that, according to your bill, liability, responsibility lies with whoever signs the building permit. And if it's not an officer of your municipality, my friend, if it's not an officer of the city, whatever municipality, ciao. Try going to get the building inspector. Try and get it enforced. Try and get it changed. Because now you go to your city official and they say, "We didn't issue, we didn't stamp this building permit here." Aha. This is your bill. This is what you have in here.

So who is going to be responsible, ultimately? Whoever signs the building permit. Oh, yeah, but you say, "We are giving the option to local municipalities." Let me tell you what you're giving to municipalities. You are forcing them to go private, because they can't afford any more to have the planners, the engineers, the architects, the people to go and inspect and the people to enforce. So now this becomes the dream for the building industry, the big developers.

**2020**

Believe me, I have no problem with developers, with people making money in any business as long as they do it right. I have absolutely no problem. But the fact is that once you give up those responsibilities, you try and protect fairly the home owners, mainly. According to your proposal here you are saying, "We should be looking at giving a building permit for a house within eight days." Well, maybe it's not too bad. Maybe we are talking about a 700-square-foot little bungalow, stuff like that—no problem.

Then we are saying, "Maybe up to 20 days"—maybe not "up to"; I think it is 20 days—"for a high-rise, a multiple building." My goodness, how can you tell people that this is to increase public safety and efficiency? You want a building permit, from the time the application comes in, within 20 days? Come on. I am sure the minister knows that it takes more than that to issue a very thoroughly examined building permit for a 10-, 15-, 20-, 30-, 40-storey building.

Once the application is received by the local municipality, it's not solely the plan examiner who says, "Well, this looks pretty good. Bingo. Let's stamp it." What happened to the other agencies: the fire department, the health department, the public works department, the transportation department? Do you know, folks, how long it takes to look over those plans? It takes days and days in each department, and you are forcing someone to issue a building permit for a high-rise within 20 days, and you are saying to me that you will increase efficiency and safety. I think it would be very naive of anyone out there to truly say that the way to go is to rewrite the building code and tell the public in general that it's done in the hope that this indeed will improve efficiency and safety.

If there is an area that we as a government, other agencies and especially municipal governments should be looking at, it is the health and safety aspect. My good-

ness, you try and get some time with a building inspector now. Forget it. Municipalities don't have them any more. They can't afford them any more because of what the government did with the municipalities. We are saying to those municipalities, "Give the service to these code agencies and they will look after you." Well, my goodness, you try and get one of those inspectors or planners to endorse what they have put out there. They will say, "Oh, he will come back on Monday." "But today is only Tuesday. Isn't there anybody else?" "No, we don't have anybody else. We only have two people." My goodness.

I think we are giving up our absolute responsibility to the total industry and to the public at large. If there is an area that truly deserves a second look, a second thought, it's issuing the building permit and then doing the inspections and the final enforcement as well.

I didn't look at the time when I started, Mr Speaker.

*Interjection.*

**Mr Sergio:** Fantastic. I still have three minutes.

Let me say what this does to municipalities. I am not sure that the minister—and I can appreciate that I have no idea who the members of these so-called building regulatory reform advisory committees are, but I'm sure—

**Mr Gilles Bisson (Timmins-James Bay):** Tory appointments.

**Mr Sergio:** Tory appointments. I have no idea who they are, but I'm sure they have a good knowledge of the industry and stuff like that.

Let me say what this entails for the various local municipalities as well, and I cannot go over everything because I only have two minutes. Under Bill 124 municipalities can now only collect permit fees that reflect the cost of service delivery. Well, what the heck is that? What is the service that the local municipality delivers? Is this getting the plans over the counter? Do we calculate this per hour applied to each permit? How do we know? So municipalities have to be awakened to this.

But I like a couple more. Establish a code of conduct for building inspectors: oh, well, who is going to be doing that? Who is going to establish this code of conduct for those members, so called, of the code agency? But I like this one better, the one I just mentioned: approve building plans in a strict—give me a break, come on—time of eight days.

I too, as does my colleague from Essex here and many others, come from a municipal background. I would get a number of calls from applicants, big and small, asking, "Why is my building permit taking so long?" "When did you bring it in?" "Last Monday," or, "A month ago." "Well, OK, let me check it out." Do you know that 99% of the time it was not the city's fault or the plan examiner's fault; it was because the applicant originally didn't supply all the necessary plans. Then from time to time they would fail to bring in further material upon the request of the local city or municipality's inspector, plan examiner or whatever. "Oh, well, I have to go after my architect and get that document." "When you get it, you give me a call back."

So I think it's both ways. But you can see from the way the bill is written that it has nothing to do with efficiency or providing more safety. It has to do with the greed of the government to privatize and get rid of their responsibility, and I think before they finalize this bill they'd better come back and present a rewritten bill once they hear all members of this House and people from the outside as well.

I thank you, Mr Speaker, because I'm about five minutes over time now.

**Mr James J. Bradley (St Catharines):** To me, this bill is somewhat of a Trojan horse, and inside that Trojan horse is the idea of privatization, the agenda of privatization this government has of everything that seems to move and is now within the realm of government.

Unfortunately, many of the arguments that are advanced on the government side, and I'm not unfair enough to say that there's a direct parallel, but in terms of the philosophy being espoused on the government side, some of them are the same arguments that were advanced for downsizing the Ministry of the Environment with the consequence of the Walkerton tragedy occurring. Because that was the philosophy under the intrusion of the Red Tape Commission, that subversive organization within the government of the province of Ontario, subversive to those who happen to be ministers, there were many recommendations that came forward to weaken, for instance, the Ministry of the Environment and other ministries in terms of their regulatory responsibilities.

Why was that? Well, it's the same argument that the government gets today from its developer friends, and that is, "Well, it takes too long to go through the procedures that are part of the city hall approval plan," or the regional approval plan or provincial approval plan, one of the three. Just as they said, "It's time you got the Ministry of the Environment out of our faces," they're saying this in this particular instance, "It's time you got those municipal building inspectors out of our faces."

By the way, when the Tories used to get up in the House and say, "Promise made, promise kept," one I always agreed with was that they promised to get the Ministry of the Environment out of the polluters' faces, and that was a promise that they kept in many instances. As a result, we saw a weakening of the regulatory regime to such an extent, you will recall, Mr Speaker, that during the testimony before Justice O'Connor and the Walkerton commission, it was said that the Ministry of the Environment was afraid to advance any regulations that would in fact place an onerous protocol in place for the private laboratories.

#### 2030

You remember in those days what they wanted to privatize was those wonderful Ministry of the Environment regional laboratories with some of the best scientists you could find in North America, top-notch technical people that you would find in North America, good equipment, a great reputation. One of the first things they wanted to do was sweep those out of the way and force municipalities in their drinking water circumstances to have the testing done by private laboratories.

Some private laboratories have been quite successful and have built up a good reputation. Others have been less than assiduous in the way they've done their job. In your area—you represent Hamilton West—you know there was a company that finally, after a year of investigation, was charged by the Ontario government for what we will call allegedly manipulating the results of their tests, not doing the tests properly and so on. I won't get into the details of that, because that'll be a legal case that should be dealt with in the courts. Those allegations are out there. As an environment critic, I was called to make comment on the regime that's in place to protect us from that and it is still to this day inadequate.

What I want to point out is that the thinking going into this piece of legislation is the same kind of thinking that went into the drastic downsizing, the damaging downsizing of the Ministry of the Environment, the wiping out and weakening of regulations which were there to protect public health and safety, and a general philosophy that says that whatever government happens to be doing is not good and it should be turned over to the private sector. There may have been some appetite for that five or six years ago, but we have seen changes as a result of the tragic events in New York City and Washington where there were terrorist attacks that took place on a massive scale. I think the public saw there the importance of having, as Mayor Giuliani in New York pointed out appropriately, public services for which people had to pay their tax dollars, but the public services were the services they needed at this time of crisis.

I'm suggesting that this legislation is more about moving toward privatization of inspection services in municipalities than anything else. Is it understandable that developers want to have speedy approvals? It's understandable. If you're a developer in this province, if you're a builder, you want to have speedy approval, probably in the case; certainly inspection. It is however the responsibility of the public sector to ensure public health and safety, to ensure that when the apartment building goes up, when the commercial building goes up, when an individual home goes up, it has been inspected appropriately and that it has met the approval of those doing the inspection so that the risk of some unfortunate accident happening down the line is reduced drastically.

So that's what we have here. I see the work of the Red Tape Commission behind this. It still has some unelected people. I think my friend Frank Sheehan is still on the Red Tape Commission even though he is no longer the elected member for Lincoln. Some of the more right-wing members of the government caucus, ultra-conservative ideologues, some who are less charitable than what I would call them, are on this commission and making recommendations. I can't think of a minister over there who doesn't dislike the Red Tape Commission, if you really ask the minister to be honest with you. I don't expect them to rise in the House on a point of privilege or order at this time to talk about not liking the Red Tape Commission, but they are busybodies who are bothering ministers who themselves have a responsibility to carry



out their obligations under their own mandate. They don't need an overseer looking over their shoulder and making recommendations that would weaken legislation and regulations that affect individual ministries.

I really didn't like it when the government, for instance, privatized the inspection of amusement rides. That's been very difficult. One of my colleagues told me that a large percentage of the people who are doing those inspections aren't qualified to do those inspections if you look at paper qualifications and that there have been some problems there. I talked to an electrical contractor in my area who spoke about privatization in the area of hydro inspections and how now it costs him a lot more money and it is harder to get hold of somebody. That argument is exactly opposite to what I would have expected. I would have thought that if the government had consulted electrical contractors, they would have said, "Sure, privatize it; it'll be faster and cheaper." It's turned out in fact to be a more lengthy process, harder to get hold of the people to do it and more expensive. I think some other members have received calls in that regard.

I don't like the idea of an OMB appeal in here over site plan agreements. One of the last areas where municipalities can exercise some control over the ultimate appearance of a development is in the site plan agreement. You, Mr Speaker, I and many members of this House have sat on municipal councils. Those of us who had some experience in life before they were elevated to cabinet positions actually had to go through this process, I say as one who perhaps didn't have that municipal experience walks by. But it certainly opens one's eyes to that need. That is where municipalities can exercise some control.

I know there are people who can't wait for developments to take place. I read in the St Catharines Standard, surely the fount of all knowledge, that the Minister of Transportation, as he was then, now Minister of Labour, was going to help me save the farmland in Niagara region. I'll be looking forward to his public pronouncements, but more so the action of his cabinet in preserving that farmland. A lot of people want quick development and inspection to take place, because they can't wait to pave everything from Metropolitan Toronto to Fort Erie. Then I don't know what they'll do when that's all paved. I guess they have to double-deck it, because they say that you reach paradise only when it's all paved. They tell me, "The municipality has to continue to grow, and if it doesn't continue to grow, it doesn't continue to progress." I say, once you've paved it all and grown, then what do you do after that?

I see some bad examples of development being permitted at the present time, despite the fact I hear a lot about Smart Growth on the other side of the House. I'm looking at these darn—I'll use the word "darn"—big-box developments along the highway. You talk about wanting to preserve the downtown area. I would like to see the inspectors, because I want to bring it back to this bill, spend some considerable time, but be as expeditious and careful as possible at the same time, on developments in

the existing downtown area of a community. But all we do is move the commercial and some other business development outside the core to the periphery of our city. So you see Leon's along the highway. I've got nothing against Leon's—I'm told they've got some nice furniture in there—but there's a Leon's in the middle of nowhere, and then you'll have something else, another big-box store.

What does it do? There's not new people to buy the things from those commercial developments. They just simply move them out of the core of the city—or not even the core but the old suburban cores of the city—to the periphery. That is bad planning, it's stupid planning, but apparently some municipal politicians think it's bright; and they are not being reined in by a provincial government that cares about it. So my friend the member for Stoney Creek and I are going to go on this crusade to save the farmland and the farmers in the Niagara region and elsewhere in this province.

I am also worried about the amount of time that they would specify for approvals—eight days for houses and 20 days for larger buildings such as apartments—because what you require instead is additional staff, even if they're not permanent staff, to process this. I remember, when I was in government, there were those within government who wanted to, in a subversive way, subvert the Ministry of the Environment. They were proposing the same thing. I said that there was a solution: you simply had to have the appropriate level of staffing to do that. I'm not surprised that the developers support this bill, because I think it's going to speed up the process. I don't blame them for doing so; I simply think that public safety is something we should consider first.

#### 2040

The Association of Municipalities of Ontario has presented the minister with 33 changes that are needed to the bill. My colleagues in the Liberal caucus know the high regard in which I hold the Association of Municipalities of Ontario, and therefore we would certainly want to listen to what they would have to say about any piece of legislation and then give it the consideration that it deserves. I think we should do that in this particular case.

I guess my appeal to the government is to withdraw this bill, to change your mind, to forget about the Red Tape Commission causing angst for ministers and interfering in the individual ministries and simply try to assist municipalities in meeting their staffing obligations to be able to process developments. I don't want to see, as nobody else wants to see, a legitimate development, that has been passed duly and democratically, held up by unnecessary delays. That is not a goal I want to see. I don't want to see that happen, but I do want to see an appropriate level of inspection, and I don't think that can happen under the provisions of this bill. I know you will say the municipalities have the option, but I'm watching it all over. You're encouraging municipalities, in many cases, to privatize anything and everything they can, and in many instances the privatization has not been a positive experience for them.

But if we are to continue to proceed with bills of this kind at the behest of the Red Tape Commission and the more right-wing members of this caucus, which of course is the overwhelming majority of the government caucus these days, then the moderates are left behind. The moderates I can count on this hand are left behind in the government caucus.

I want to allow my colleague to complete remarks on this, but I make that appeal to the moderate, sensible people. The new Premier claims that—well, he will say anything, so perhaps if I were to ask him the question tomorrow he would say he would consider withdrawing the bill or that it's off the table. I would ask him to take this bill off the table, just as purportedly he has taken Hydro One's sale off the table.

**Mr Ernie Parsons (Prince Edward-Hastings):** I am particularly pleased to speak to this bill as part of my life experience in the past was training building inspectors. I should mention as an aside what impressive, dedicated groups I worked with over the years.

Bill 124—and it has a title. This government has a very creative department that puts together titles. We got access to an Enigma machine over the weekend, though, and we can now translate and interpret titles. It says “An Act to improve public safety.” When they have the words “to improve” it means costs to the consumers are going to go up. I was pleased when the member for Oak Ridges said that the municipalities need to be prepared—I'm sure the other members heard it—to take on the additional costs. So “improved” means improved revenues for somebody and it de-improves revenues for the people of Ontario. “An Act to improve public safety” it says “and to increase efficiency in building code enforcement.” “To increase efficiency” is code for privatization. Whenever you see those words, you know there's downloading and privatization taking place. It won't save anyone any money and it doesn't necessarily, and it probably doesn't, improve efficiency. But now that we know the code, count how many bills have those code words in them.

*Interjection.*

**Mr Parsons:** Member for Brant, you agree with that.

Remember, this is not a bill to deal with the building code. The government needs to deal with the building code if for no other reason than Ontarians with disabilities are extremely poorly served by this government's lack of attention. They passed this—well, the House passed the bill dealing with the Ontarians with Disabilities Act. The government has chosen not to proclaim it, other than the title and a couple of clauses in it, but they also need to recognize the practical reality that Ontarians with disabilities need building code revisions that reflect their needs for accessibility to buildings in this province. That's not being done. Even if they did it for commercial buildings, I think it's important to remember the government won't apply the Ontarians with Disabilities Act to private buildings such as shopping centres, stores, apartment buildings. It doesn't apply for Ontarians with disabilities where they shop, where

they live or where they work, but it does apply to city hall. I think that has been a major disappointment for Ontarians with disabilities.

*Interjection.*

**Mr Parsons:** It would be a privatized city hall. I am concerned that some day I'll click on eBay and I'll see Queen's Park listed for high bid and this will be privatized and they will hire Disney to put robots in here or something.

**Interjection:** Don't give them any ideas.

**Mr Parsons:** I know; they'd do it if they could.

There are certain fundamental services which when I talk to the general public they tell me belong in the public sector. They're safety issues, they're health issues, but we absolutely need to retain them. I spoke to the people in my community, as members have on both sides of the House. They say Ontarians value public health care, public hospitals. I say, “Yes, but are you aware that the province has privatized cancer care treatment in Ontario?” They value public universities. I'll say, “But are you aware that this government has already moved to allow private universities?”

Jails: to take and have the right to remove someone's freedom, to lock them up and remove them from society, should and must be done by the public. It must be done by government to have the accountability for that action. But the jails in Ontario are being privatized, so we're losing that.

Water supply: everyone in Ontario believes a safe water supply is a fundamental public service. But we've seen the testing and we've seen the problems associated with privatizing the water supply.

The public is extremely concerned that the electricity supply remain. The electricity supply is a fundamental service that just begs to be a monopoly service. It's most efficient to deliver electricity via a public service. We're seeing moves on that.

The public believes their police services and their fire services should be public and not private. I can go on and on about what has been part of the heritage of this province. I can assure anyone listening—probably not on the other side of the House, but anyone listening on this side or watching—that this is a safety issue. It may be purported to be efficiency, it may be purported to change the cost, but it is very much a safety issue.

I was going to say that everyone has had the opportunity, probably in school, to take some woodworking or some shops, but for the younger people watching, they're saying, “No, since 1995 the government has removed funding for shops,” and so people don't have that opportunity to do the building themselves and get some sense of what's involved. But putting a building together, even if it's just a house, is a very, very complex issue.

The building inspectors, who at the present time are paid for by and work for the municipality, their obligation, and their only obligation, is to do the right job. It is important to them in terms of liability and it is important to them in terms of pride in their job that they do the right job. That may mean visiting a construction site once; that may mean visiting a construction site daily.

We're looking for a way to make it cheaper. That's what the title of this bill says, in code: they want to do the inspection cheaper. Nobody wants the cheapest fire services, nobody wants the cheapest police services and no one wants the cheapest building inspection.

There's something we need to think about, and that is that in our province I certainly hear, and I'm sure all of the members and I know municipal councillors hear, about the pressure from contractors who want to get the job done as quickly as they can. I can appreciate that. It is fundamental for them to stay in business that they make money on the project. But it is also equally important to remember that in our Ontario we very, very seldom have buildings fall down. Not all jurisdictions in the world can say that, but in Ontario it is a rare occurrence for a building to fall down.

The collapse of a building is catastrophic, not financially, although that is invariably the case, but because of the risk it presents to human life. A building is very complex, even if it is just a house, because you can look at a set of drawings and say, "Well, they're going to frame the walls with two-by-fours and they're going to close it in and they're going to put the windows in," and there's not that much to it. And here's a contractor who's done it 500 times or 5,000 times.

#### 2050

Why would you need to inspect a contractor who's built a house 5,000 times? You may have the drawings and you may have the experience, but it is profoundly different for a contractor to be framing in a house at 25 degrees above zero or 25 degrees below. In Ontario we will often have contractors and skilled help on a project at 25 below in the winter. They're cold, they're miserable, they're doing their best, but it is much easier for a mistake to slip through at that time. So we need to have building inspectors who will go back.

This bill allows a municipality to hire a private firm to do that inspection. That alone has some risk, because that puts the pressure on to hire the low bidder. "We want the cheapest inspection firm we can get," says the municipality. That pressure is coming on them, because this government has downloaded ambulances and provincial highways to them and municipalities are under real financial pressure. So they're going to look at the cheapest mechanism they can get to deliver building services' costs, but they shouldn't have to. They shouldn't be put in the position of having to do it.

Even worse, if you look at the loopholes that exist in this, a large contractor could opt to choose a private firm to come in to do the inspection. It is somewhat complex in this province to determine the interrelationship between companies. Would it be in the interest of a large contractor to start up an inspection firm so that they then hire themselves? Well, there's precedent for that. In this province, under this government's regulations, if you want to apply for a permit to take water, you have to hire a firm to indicate whether that water you're drawing out to sell will have any affect on the water table or the water supply. But you can hire yourself to do it. We have examples of that where the company applying actually

wrote the impact report. And that was fine, the government accepted that, they had an impact report, even though it was from a firm that was clearly in conflict of interest because they were writing their own.

It is complex to inspect a house. That's a brand new house being built on a brand new site. Try to picture the difference if it becomes more complex than that. It can become more complex than that if you've got an existing house that someone wishes to do renovations to. Now, if you're going to be doing renovations to a house that's a century home, 100 years old and built out of stone perhaps, or bricks when we had very poor mortar, there's a far greater degree of involvement required to determine what exactly is the situation in that house and what has to happen to make the renovations safe, to determine whether that's a load-bearing wall or a non-load-bearing wall.

If you want to add an addition on to a house, you get the additional complexity of the soils underneath. You don't want the addition to the house moving in relation to the house itself. So this is a highly skilled profession. We're not looking for the low bidder.

I know there is an opportunity seen in this bill for some savings to go to people, because it says that the inspection costs will only reflect the true cost of the inspection. It can't be a profit centre for the municipality. I don't know that it is now, but they're certainly not getting rich off of it if it is. There's an opportunity to save some money, it appears, for the ratepayer and for the homebuilder, by saying, "You can't be ripped off on these." In fact, the province says that they have to call a public meeting if they want to raise these fees. They can set the fees to reflect the costs, find that the costs, in fact, aren't actual—they've got increases to cover—and they have to hold a public meeting for this.

Why in the world did this government single out this one little thing, that the municipality has to hold a public meeting to raise inspection fees? This government, through various means, has implemented 976 user fees. Sure, they talk about tax cuts, but they've implemented user fees. I don't recall—and perhaps the other members can enlighten me—one single public meeting when these implementations fees were slid in.

There's a wonderful openness in this government when it doesn't affect them, if it only affects municipalities. This is a government that is tough on victims and tough on municipalities. That's unfortunate, because I believe the government should meet the same standard that they're forcing on municipalities. I also believe in elected municipal councils that will do their absolute best, because they're accountable and the building inspectors who work for them are accountable. But if we privatize it, and that's where this bill is going, then the public loses that accountability.

Now, they're saying that there should be probably—and they won't define the dates in here, and that's unfortunate—they're saying about eight days should be the turnaround time to apply for a permit and get it. Well, as I mentioned a couple of minutes ago, eight days may

not be feasible if we're talking renovations to an old building, if we're talking additions to another building.

The other aspect of it is major buildings, something like the Toronto-Dominion Centre in Toronto. They're saying 20 days is probably a good time to do that review of the drawings for it. I'd suggest that's nowhere near enough time.

This government's motto could at times be, "Never time to do it right; always time to do it over." I'm not interested in getting the permit turned out in 20 days; I'm interested in the permit being approved when we have every assurance that that building meets the code.

The other problem with this mad rush to say it has to be turned around in 20 days is that we're a leader in building science in Ontario. We want to encourage some innovation. We want to encourage new materials. We want to encourage new techniques for construction. We want to encourage new designs. If you want to encourage those new designs, you must allow time for the inspectors to review them, because if they're literally new designs, there's probably going to have to be some consultation and some back and forth action to say, "What were your design loads? I'd like to see your notes on this particular aspect and how you calculated it." Because a lot of design for buildings is guess. We know what the weight of the buildings is, but we don't know exactly what an earthquake would do with it or exactly what a tornado would do with it, so we need to allow for it.

This is a bill that, like so many others, removes the building inspection, removes another facet of public services from public scrutiny, and we will be faced with privatization and no accountability. The accountability will be the shareholders of that company again. The pressure will be: keep the costs down; keep the profit up.

I don't want to be a party to a building collapse or failure in this province, and I really don't believe the government wants to either. So let's get realistic and say that this is a major safety issue. If we're putting up a 50-storey building, safety is the number one concern, not low inspection cost and not quick approval. The number one concern is safety.

I cannot support this bill, because once again we're taking good inspectors and putting their jobs at risk to go to a low-bidder process.

**The Deputy Speaker:** Members now have up to two minutes for questions and comments.

**Mr Prue:** I listened to the four previous speakers, from Essex, York West, St Catharines and Prince Edward-Hastings. I must say that they had a very good number of comments and a very effective way in opposition, as is their job.

They talked, I think, most carefully and most succinctly about safety issues. They talked about what privatization will do to the safety and security of buildings that are being built, everything from large 50-storey units, apartment buildings, to industrial sites, to people's homes, even to, I would dare say, patios in a backyard.

They talked about the municipalities, and in fact I think the speaker from York West said the delays in municipalities are largely not the fault of the bureaucracy

or the building inspectors but in reality—and I will concur with that when I get a chance to speak myself—are the problem of the applicants themselves in not putting forward proper documentation and having to go back repeatedly in order to get the process to work.

They talked about the weakening of regulations. Surely if anything is going to happen here it is the regulations by which people, when they are building a structure, need to have security, because structures are intended to last, much like this building, for 50 or 100 or 200 years. If they are built correctly and if people have faith in them and if the building inspector has done his or her job right, they in fact will last.

They talked about the impossibility of the time frames that are in this law: eight days for a house and 20 days for a larger structure. That is an enormously complex, tight time frame for any building inspector, whether private or public, to get his or her head around this. It is, I would state—and I'm going to speak to this too—an impossibility that they have very clearly recognized.

They have talked about the need for public hearings with the Association of Municipalities of Ontario, and I commend the four speakers for bringing this forward.

**2100**

**Mr Dunlop:** It's a pleasure to rise this evening to speak on the regulatory reform legislation, Bill 124. I appreciate the fact that the minister has brought this forward, and it's interesting to listen to the comments here this evening.

I have to tell you, I spent a number of years not only in construction but also in municipal politics, and I understand the issues that surround building inspection in general. But I would have to say, from my experience, that most of the building inspectors I've seen across the province basically have improved over the years. They do a great deal of work and do quite a satisfactory job of the inspections.

**Mr Bradley:** Why did you fire them?

**Mr Dunlop:** Here we go again. The member from St Catharines is chirping away like some kind of little bird over there. He doesn't know what the intent of the legislation is.

This is an opportunity for municipalities to bring in outside help at different times, to actually work with the municipality on catch-up projects. The economy has been so busy over the last four or five years, since 1995 when we turned the province around. Basically there has been a lot more work taking place and inspectors have a hard time keeping up with the work. It's a real opportunity for municipalities to look at outside sources to help them along in some of their projects.

It has been going on for years. If we look at any of the sewer and water projects that municipalities do across the province, the private companies have to pay for the municipal inspections as well as their own superintendents to look at these projects. It's not something that's new. It's an opportunity to help the municipalities and the contractors speed up projects and make sure that we deal with the province's building trades and public safety and security measures around the province.

**Mr Dave Levac (Brant):** I would ask members of the government side to mark carefully the words that were offered by the members from York West, Essex, St Catharines and in particular Prince Edward-Hastings, my seatmate over here, from his professional life before politics as an engineer who trained building inspectors and as someone who actually built buildings of this nature. I think his words should be heeded quite clearly.

I want to bring back some of the things that were said. If you will notice on the other side, the words “quickness” and “speed,” allowing municipalities to move it along, are words that scare me a little bit, because I think the word “Walkerton” should ring a bell in terms of the efficiency with which these things were done.

Again, we have another opportunity for the government to step back and say to themselves, “You know what? We really do recognize that the municipalities have been looking for efficiencies and ways to remove their service to the builders and developers, but they’ve never relinquished their ability to slow things down when they felt something was amiss.” I think the words “quickness” and “speed” should be eliminated from the discussion and we should start talking specifically about safety and standards.

I refer us to the TSSA, the Technical Standards and Safety Association. When I asked for a response for one of my constituents, I got a letter from a minister on the other side that basically took pride in announcing the fact that up to 50% of those inspectors of amusement rides were certified to do the job—up to 50%. That was the pride with which the minister wrote this letter. I say shame on the government for saying that 50% of those inspectors are not certified.

What I’m very deeply concerned about is that the words of the member from Prince Edward-Hastings are not being taken seriously enough to recognize that a review should be done of this process for safety, and safety alone. I commend my colleagues for bringing that to the government’s attention.

**Mr Bisson:** I find myself in a bit of an odd situation here with this particular bill, because one part of me says, yes, I want to find a way to be able to speed up the process of accepting building plans and any amendments that need to be made to them, anything from electrical permitting to building code permitting or whatever it might be when it comes to the construction trades. I worked in the industry and I understand from the practical sense of having run fairly large construction jobs that that can be a problem.

I commend the government for trying to find a way to get around this one, but I’m a little bit troubled by the approach of the RCAs. They want to put together these registered code agencies so that if the municipality feels it cannot live up to doing the job, the municipality would then sort of privatize their building inspection department, I guess to an extent, for these registered code agencies to go out and do the job of approving projects.

Having worked in the trade, I could just imagine, for example, if I’m the guy who’s running the job and I need to have something approved, I’m going to try to deal with

the registered code agency that is going to give me the least trouble. After all, I don’t need trouble on the job site. I just want to get this job done and make sure that I bring it in at the lowest possible cost in order to make the highest amount of profit for the contractor I’m running the job for.

So if I’m the engineer or I’m the superintendent on the site, I’m going to go out and make sure that I deal with a registered code agency that is going to be conducive to being friendly to the contractor and to the engineering firm. I see that as a real problem, because you could end up with jobs that are being done that probably don’t measure up.

On the one hand I want to support the government in its attempt, but I see this riddled with all kinds of trouble. I’m sure my good friend Michael Prue, from East York, will get an opportunity to talk about that a little bit later, but when it comes to my part of the debate, I’ll give you some examples of why I think this wouldn’t work.

**The Deputy Speaker:** The official opposition has up to two minutes to respond.

**Mr Crozier:** It’s a pleasure for me to respond on behalf of my colleagues from York West, St Catharines and Prince Edward-Hastings and to the comments of others who have listened to our debate this evening and have had some words to say.

In summary, I’d like to point out that we can talk about improvements, we can talk about efficiency, and a great deal was said about liability of these registered code agencies. But I think my colleague from Prince Edward-Hastings brought out one point succinctly, and that’s accountability. As I said in my remarks, when it comes to the application of the building code, no matter how quickly or how efficiently you do it, in the end what our constituents want—and that might be individuals building homes or it may be construction companies which work on larger projects—is accountability. Down the road, when something isn’t right, they want to be able to look to the municipalities to help them solve their problem.

What does this bill say to that? There is immunity from what these registered code agencies have done. The crown, a municipal corporation, a county corporation, a board of health, a planning board or a conservation authority is not liable for any harm or damage resulting from an act or an omission by a registered code agency or by a person authorized by a registered code agency.

What that really means is, if this registered code agency goofs up and they don’t have the wherewithal to support it down the road, you’re simply out of luck. So accountability is very important in this legislation.

**The Deputy Speaker:** It is now time for the leadoff speech of the third party.

**2110**

**Mr Prue:** This is a complex issue that I think is going to require a great deal of debate, not only here tonight but in committee in the future. I am very heartened to see that the Association of Municipalities of Ontario wants some additional input on this and I think some additional input would be required.

It is easy to understand the philosophy of this government. It is easy to understand where their head is at in coming out with legislation like this. It is quite obvious to me that this bill is intended not only to speed up things but also to privatize and make it more costly, not for themselves and not for this government, but for the municipalities and potentially for the people of the province.

I came to this august chamber, just some eight months ago, from a municipal background, 13 years in municipalities in the Toronto area. During those 13 years as a councillor, as a mayor and then as a councillor in the megacity of Toronto I lived through all three parties. I was first elected during a Liberal government, then through an NDP government and finally through a Conservative government. In all those times you could see the very subtle hands of what was happening to municipalities and around the building code.

I'd just like to draw to the attention of some of the members who have not had the opportunity in the past to have been municipal politicians or to have a hands-on with the building department exactly what happens in those municipalities.

Some would say, "Look at East York"—of which I was the mayor—"What a small municipality." In fact, it was the 18th-largest municipality in Ontario out of the 680 or so that existed at that time. We were members of what was called LUMCO, the large urban municipalities of Ontario. When the mayors got together we spoke with some authority from the largest municipalities, some 25 in all, which had more than 100,000 people. We saw what happened in the building codes in all of those municipalities and had many, many discussions on the building codes and the effects they had on our individual municipalities. In large measure, they were all very much the same.

What happened in the building codes was that there would be spikes. The spikes invariably would occur in building permits, in issuance and application, in the months of May, June, July, August, September, and then they would tail off. So if people came in and were looking for a building permit, if they came in in May, June, July or August, they could expect longer delays than if they came in at other times of the year.

In fact, all of the municipalities had this problem. The problem they had was how to staff for the peaks. In fact, most of them could not afford to do so. With the passage of this bill, nothing will change. They cannot afford to staff for the peaks. They cannot afford to staff for the summer months, when the building permit applications go up and the expectations of the public go up. They can afford to staff at a level field which is halfway between what one might expect in the early spring or late fall. In the wintertime there is virtually no activity at all, where they invariably get caught up. This causes some consternation, it is agreed, with all people who are applying for building permits. They do not understand why it takes four or five or eight or 10 weeks in the summertime. Those who have the foresight when building a new home, when building an addition, when even putting together the plans for a backyard patio, to apply in

December, then invariably that application is met, usually within the eight or so days that is being discussed here today.

So the problem I see here is that the government is looking at the peaks and is seeking to privatize or to contract out or to force the municipalities to do that in the summertime months, and they're not looking at the long term of what the municipalities are able to do throughout the year.

The second thing we are looking at here is that the public employees who are building code specialists, most of whom have spent their entire career lives working for one municipality or another, are professionals, absolute professionals, whose job it is to go through and to understand the minutiae of the building code. It is an extremely thick and difficult document for lay people to understand. I think it is even too difficult for most of the people in this room, including possibly myself, to know in detail. But these bureaucrats do know it in detail and they know where the key aspects are to preserve the public safety of every little building, of every backyard.

As was said here today, we have an enviable record in this province, an absolutely enviable record, that our buildings do not fall down. In fact, our backyard patios and our backyard decks do not fall down either. I remember speaking to people who were building a deck without a permit, and when the building inspector found out and came along and stopped them, he or she usually stopped them for good reason: because they did not have concrete footings, which are required by law, or because the spaces of the planks were too far apart, or for some reason that was involved in safety. He or she was protecting them, not penalizing them. I dare say that it would be very difficult for people who are brought in and who have their salaries paid by those who are building—albeit with their own interests in mind, perhaps not to the specifications set out in the building code—to insist on those minutiae.

Whether that speeds up the process or not I would take to be secondary. What is more important is that it preserves the public safety.

Then you have the dedicated men and women, and I'd like to deal with them for a moment. Each municipality has wonderful building inspectors. I have never met one from any municipality—be it large or small, the building inspectors in all of them are dedicated and understand their job. They are as efficient as the law allows them to be without compromising public safety. They take their time. The member for Bramalea-Gore-Malton-Springdale—I think I got it all right—chastised me a little when I talked about taking one's time to do the job right. This is a job that cannot be done slipshod, it cannot be done too quickly. The consequences are disastrous if one does not look carefully at the electrical wiring in a new house and the house catches fire. Families could die.

We saw an example of a large-scale fire just yesterday or the day before yesterday in East York, just outside the riding boundary, actually in Marilyn Churley's Toronto-Danforth riding, in which six homes were destroyed. The fire marshal is investigating that. I don't know what

caused the blaze; those were older homes. But I do know that blazes can be caused by faulty wiring or any other number of structural components that a building inspector or who goes on the site would be able to catch.

But then we have the success of court challenges, and I haven't seen anything in the bill about this. We all know that people will build contrary to the code. We also know that people will build contrary to the official plans and to the zoning bylaws. It is the building inspectors who catch these infractions. We know that houses are sometimes built too high or too close to the lot line. We know that inferior materials are used, as in the case of Donmount Court, which is now having to be torn down. We know that all kinds of things are cut by contractors who are either in a hurry or are attempting to save money. It is the building inspectors who see this. The homeowners need to be protected, and not only the people who are building and not only the homeowners themselves who are building or the contractors, but future people, because houses do change hands. When you buy a house you always have to look at caveat emptor, you always have to say "buyer beware," but you can't tear down the walls to see what's inside; you can't tear out the guts of a house to see whether the building was properly inspected. You have to trust that the person who inspected it five or 10 or 15 or 50 years ago did his or her job correctly. How can you do that, how can you say that when that person is no longer around, when that company may not exist? But you can do that and you can say that when you can go back to the municipality. Even if the employee is not there, the municipality has put their seal on it, and that is important for people who are buying a resale house to know.

This is another point that the government is trying to make, that this will speed up the process. Municipalities that are properly charged or hold it deep in their heart can do what is necessary to speed up the process. It can be costly and it has to have everyone in the municipality working together to take resources from one area and to put them in another.

In the former borough of East York, when I was mayor, we made a conscious commitment to the municipality and to all of the people coming there that any industrial-commercial or multiresidential building that was built would be approved through zoning, through the official plan and to a building permit issued in 90 days. It was the fastest turnaround in the GTA. We did it on purpose, because we were convinced that this would bring builders and developers and business people into our community at a time when we desperately needed them. This was in the years 1993 through the end of 1997. This program was so successful that we were literally the only municipality in what was then Metropolitan Toronto to actually attract industrial development in the recession of 1990 to 1995. The only buildings that were built, the only industrial space that was built was in East York. When you ask the man today why he came to us and not to North York or to Scarborough, which had more industrial land and cheaper industrial land, it was

because we were committed to a process which the Conservative government is saying is the nub of this bill. You need to give the incentives to the municipality, not the private RCAs.

**2120**

You also start with the premise, which I want to talk about for a few minutes, that doing it privately is no different or in fact in some cases can be better than doing it publicly. I want to tell you that whenever this is tried or whenever a fair assessment is made of both, it is usually the public enterprise that comes up being the better; not only the better but the cheaper, not only the cheaper but the more reliable.

I give you the example of the great experiment in East York. This is going back a number of years now, to the end of 1993, when we had a huge decision to make. Our equipment for collecting garbage was very old and we had to determine in the middle of a recession whether to buy new equipment or to contract it out. After a huge debate, in the wisdom of the council, on a 5-to-4 vote, it was decided to contract out half of the garbage collection in one-half of East York for 52,000 people, and for the other 52,000 to leave it in public hands.

It was a classic experiment, and people should read about that experiment and what happened. The reason we decided to contract out half of it was because we had union contracts on the one side which would make it difficult to do all of it, but on the other side we were a little reluctant to go from a system that had worked very well for 50 years, to wholly turn it over to private enterprise and to be at the mercy of that private enterprise if anything went wrong. So we went into the great experiment and we did half and half on a three-year basis.

We contracted it out to a company called Laidlaw, which unfortunately I think has since had some financial troubles. It went bankrupt. That's probably because they undercut everyone so much in East York to get the contract that in the end they ended up losing money. But I will tell you, we had half and half.

In my first year as mayor, in my first week as mayor, 300 complaints came in on the contracted-out side from those who lived in the western end of East York and in the Leaside area, versus one complaint on the public side. That was the first week.

**Mr Bisson:** Three hundred to one.

**Mr Prue:** Three hundred to one. And after that, I have to tell you, to be fair, the number on the private side went down but never once was less than 10 complaints per week. The public side was never greater than one complaint per week for the entire three years of the operation.

But that was not enough, because there were those who argued that the private side would save us money, and in fact it did. In the first year it saved us money. They undercut by so much—they paid their workers less than our workers, they had new trucks, they had a four-day workweek, they had routes that would accommodate the collection from 7 in the morning until 7 at night, some 12 hours—and in the first year, they did in fact save the borough of East York money.

But the workers got together with the management and the bureaucracy, they fought back and they adopted the same thing on the other side. They wanted to be competitive. They got new trucks, they got new routes, they got four 10-hour days that the union agreed to, and at the end of the second year they were exactly the same in cost; more complaints privately but the same cost and less complaints publicly, which we were starting to think was a pretty good deal.

By the end of the third year, because their contract had an escalating clause in it, the public collection was cheaper and without complaints. It was cheaper, it was more efficient, it was better. At the end of the third year, by then East York having been amalgamated, the city of Toronto decided it was no longer in the public interest to contract it out because the public employees could do it better, faster and without complaints. The people were secure. The people understood that if something went wrong, they could pick up the phone, phone the supervisor of the public area and it would be fixed.

The people in East York today blessedly do not have a private contracted-out garbage service. The complaints, I'm given to understand from the local councillors, are again down to zero in all areas.

It has taught me a great lesson which I hope the members opposite will listen to. That lesson is that whenever possible these types of duties should be left in public hands. The employees know the public with whom they are dealing, they know the job they are doing, and if they have a good bureaucracy, a good management system, a good reporting system and the equivalent of equipment of private contractors, no matter whether it's in garbage or under the building code, they can do the same job, they can do it better and they can do it more cheaply. If it is the intent of the government to do that, then I would suggest that you give the incentives to the municipalities to allow the jobs to remain contracted in. This will be no panacea for the government. This will not allow the government or the municipalities in the end to save money. It will end up costing them money, just as surely as what happened in East York with the garbage collection.

To be fair, though—and perhaps what some of the municipalities need is a little shakeup—what this did in our municipality is it shook up the bureaucrats, it shook up the people in senior management, to look for ways to be more efficient. They looked for ways to cut red tape, to cut costs and to make sure that things were being done. But it did it with their solution, not with a government-imposed solution, not with a political solution, but one in which the workers and the management embraced the same philosophy. That's what I'm asking the government to consider in this bill: changes to the bill that will allow the municipalities to work together with their existing workers, to work together with their existing management to find alternatives, not to impose a contracting-out

or an RCA solution or something which invariably will not work.

There are options to this bill, there are absolutely options, but I would suggest to you that the options being suggested are not real. It allows people to choose their own RCAs. It allows them to choose them knowing full well that if you go around to friends or developers or others you know and say, "I need an RCA. Did you have any problem with that guy? Was he able to cut corners? Was he able to do it fast? Did he give you any lip? Did he look at the minutiae? Did he turn a blind eye?" if the answer is yes, that's the guy you're going to go out and get, whether you're a local small business person or whether you are a developer.

One will always go, for a couple of reasons, to those who are the cheapest, whether or not they're the best. I challenge anyone, if you need your house painted, do you pay the guy who gives you the highest quote or the guy who gives you the lowest quote? In the end, you have to ask whether or not you've got the same level of service, whether your house was painted properly or wasn't painted properly. I will tell you that people will choose on the basis of cost and will get people who are not as good, and they will also choose on the basis of where they think they are not going to get any hassle, where they're going to get a signature without question and where it's going to be done quickly.

There is also the very real panacea that is being proposed here that there will be no waiting time. With the greatest of respect, no inspector is going to be able to do something in eight days or in 20 days if there are problems with the application itself. How many people would put in an application without including the pertinent details, without including everything that is in a developable property, without putting in whether they're steel beams instead of wood beams, without putting in the kind of insulation or drywall, without putting in the floor space index or how far the house is from the property lines, whether it meets the side yard, the front yard or the height setbacks? All of those things are something that only building inspectors who know what they're doing can look for.

I will tell you, if you don't insist on this, there will be many, many difficulties within all of the municipalities, with people passing houses that are being built too high, too close to the neighbours' backyards. It will spawn a whole area of complaint, it will spawn a whole area of litigation and it will spawn some considerable difficulties and angst for people who have become quite comfortable in their own neighbourhoods.

Mr Speaker, is it almost 9:30? I will continue tomorrow, and I thank you very much.

**The Deputy Speaker:** Thank you. Your timing is impeccable. It being 9:30 of the clock, this House does indeed stand adjourned until 1:30 tomorrow afternoon.

*The House adjourned at 2130.*



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A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

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

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Vice-Chair / Vice-Président: Bruce Crozier  
Bruce Crozier, John Gerretsen, John Hastings,  
Shelley Martel, Bart Maves, Julia Munro,  
Richard Patten, R. Gary Stewart  
Clerk / Greffière: Tonia Grannum

**Regulations and private bills /  
Règlements et projets de loi d'intérêt privé**

Chair / Président: Rosario Marchese  
Vice-Chair / Vice-Président: Garfield Dunlop  
Gilles Bisson, Claudette Boyer, Garfield Dunlop,  
Raminder Gill, Pat Hoy, Morley Kells,  
Rosario Marchese, Ted McMeekin, Bill Murdoch,  
Wayne Wettlaufer  
Clerk / Greffier: Douglas Arnott

**Alternative fuel sources /  
Sources de carburants de remplacement**

Chair / Président: Doug Galt  
Vice-Chair / Vice-Présidente: Marie Bountrogianni  
Marie Bountrogianni, James J. Bradley, Marilyn Churley, Doug  
Galt, Steve Gilchrist, John Hastings,  
John R. O'Toole, Jerry J. Ouellette, Ernie Parsons  
Clerk / Greffière: Tonia Grannum

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