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**Journal
des débats
(Hansard)**

Thursday 6 June 2002

Jeudi 6 juin 2002

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Thursday 6 June 2002

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Jeudi 6 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

Resuming the debate adjourned on June 3, 2002, on the motion for second reading of Bill 124, An Act to improve public safety and to increase efficiency in building code enforcement / Projet de loi 124, Loi visant à améliorer la sécurité publique et à accroître l'efficacité dans l'exécution du code du bâtiment.

The Speaker (Hon Gary Carr): The member for Trinity-Spadina had the floor.

Mr Rosario Marchese (Trinity-Spadina): I would like to ask for unanimous consent, and I understand there was agreement in the House leaders' meeting, to stand down the leadoff that my colleague Michael Prue has commenced and that that debate continue in rotation.

The Speaker: Is there unanimous consent? Agreed. We're in a good mood. So we're now over to the government side.

Further debate? The member for Hamilton East.

Mr Dominic Agostino (Hamilton East): I'm pleased to stand and speak to this bill. On the surface, when you look at the bill, like much of the legislation this government has brought in since it has been in power, it looks like one of these good-news bills. They talk about efficiency; they talk about ensuring that there is a more efficient way for building permits to go ahead. We've heard the argument over and over, whether it's privatization of jails, whether it's when they privatized the inspection of amusement rides and took that out of the control of the government and gave it to their friends in the private sector—there's a lengthy list of this government's ability over the years to be able to simply wrap it up under this guise of quicker, more efficient, faster, and then what it ultimately ends up becoming is less regulation, less control, less safety. It goes on and on in every area you talk about.

We all believe that if there's a way of streamlining the building process and the building permit process in a safe manner, then we would certainly look at that. But what

this does is go much beyond that. To some degree, it's from downloading on to the municipal sector. To some degree it is basically getting government out of the hands of city hall and the municipalities, being able to control their building process and being able to enforce the building code here in the province of Ontario.

This bill doesn't really amend the building code. It's an overhaul of the code as enforced. Just as I said, as the government has done with driver testing, elevators and amusement rides, Bill 124 privatizes the inspection and enforcement of important public safety laws. Currently, as you know, the building code is primarily enforced by the municipalities, but some counties, boards of health and planning boards also enforce the code. Each of these has the power to appoint a chief building official, and inspectors have the power and duty to inspect, issue orders and enforce the code.

All of a sudden, with Bill 124 this government is going to allow something they call registered code agencies, or RCAs, as I'll continue to refer to them. It reminds me of the old megaphone thing with the big dog standing next to it—just as a kid, Mr Speaker, of course; you probably remember better than I would. Municipalities will have the power to authorize one of these agencies to inspect, issue permits and enforce the code. These agencies must be registered with the province and meet a set of qualifications. The qualifications will be determined later by regulation.

Again, the devil is in the details. They're saying to us, "Trust us, because we will develop the type of regulations that will be good, the type of regulations that will be stringent and will allow better processing and enforcement of the building code."

Frankly, we have seen that when you give this government the power, a blank cheque, to set standards by the process of regulations, generally they side with their corporate friends; generally they side with downloading to municipalities; generally they side with simply trying to do it as quickly as possible for their friends in the development industry and not necessarily be concerned with public safety.

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Some municipalities have questioned whether local taxpayers will be on the hook if the privatized building inspectors should make a mistake. It's a private company hired by the municipalities. There's a risk involved in that. Bill 124 defines who is liable for what, from design of the building to inspection, and gives uniformity to the liability provision. The bill also ensures that liability remains with whichever body, municipality or registered

code agency signs off. This bill requires building designers to have liability insurance.

What this bill also does is force municipalities to only collect permit fees that reflect the cost of service delivery; issue an annual report that lists permit fees and inspection codes; hold a public meeting before changing building permit fees; establish a code of conduct for building inspectors. This all sounds wonderful. It would be great if the government applied many of these principles to their own standards and practices here at Queens Park. They would also have to approve building plans in a strict time frame, which, again, will be set out by regulation.

When I look at this bill, it certainly leaves a lot to be desired. If there were some changes made to it, there are some parts of it that I think are supportable. But the way this government has done it now, it seems to me that it is not supportable. Many of the concerns that have been raised by my colleagues previously are very serious concerns. I think there are a number of amendments that we would make to this legislation if it gets to committee, as the government hopefully will take it there.

We agree that steps need to be taken to improve the timelines. I believe we need to go to municipalities across the province. There are municipalities right across Ontario where building permits are issued in a timely fashion. Part of the problem has been the downloading that has occurred by this government. The downloading in itself has forced municipalities to cut back in many areas, in many of the front-line services they provide. Building departments often are under a great deal of pressure. You have a situation in some areas of the province where there is tremendous growth occurring. However, the municipalities have been forced, as a result of downloading, to cut back the staffing in many of those areas.

As that occurs, we're going to continue to see a delay, which government is using as its excuse now, in those permits being issued. So it really isn't the municipalities' fault; it is the fault of this government for, over the last seven years, continuously downloading to municipalities services that should have been done at the provincial level, reducing the transfer payments to municipalities and shortchanging the grants that are occurring. As we see this happening, that is one of the reasons why we end up with the type of delays this bill pretends to try to fix.

As we look at what is behind this, is it really an effort to improve the processing of applications and the building code or is it an effort by this government to force municipalities to privatize service that is handled—and let me say, I think handled very well. I know in my time on city council the building department, the city building inspectors, were first-class professionals who did a great job, who had tremendous experience, tremendous qualifications. They developed relationships with the people they were working with, often in order to avoid problems. Situations would not have to get to the point where a charge would be laid, because those folks had been around a while. They knew what they were doing and developed relationships with the builders and the devel-

opers, and as that continued to happen, problems were somewhat eliminated. I don't think you're going to see this when you have the private sector involved in this. This is really another example of this government believing that simply privatizing is the way to go.

We saw it with the 407. They promised it was going to be a great deal for the people of Ontario when they turned it over to their friends in the private sector. This steal, the 99-year lease, has been an absolute gold mine for the owners of this company. We were told by this government when they privatized the highway that they were going to be able to control rates. They were going to ensure that taxpayers, consumers and drivers on that road were not being gouged. We saw the result of what happened with the 407. We saw the outrageous increases and the loopholes this government allowed to occur in the contract. That was all under the guise of privatization.

The government has not yet released that contract. Bits and pieces of it have been released through freedom of information but this government still has not released that contract. We were told, "Don't worry about it. Everything is fine. We'll look after the public interest." Well, we've seen how they looked after the public interest with the 407. Now they want us to believe they are somehow going to look after the public interest with this piece of legislation.

As I talk about privatization and this government's obsession with privatization, I look at how they are handling Hydro One and that whole privatization process. A couple of years ago they started down this road and said, "Trust us. We'll do it right. We'll take care of it and there won't be any problems." We have seen an absolute disaster in the last few months. We have seen a government that has lost control of an agenda. We have seen a government that has lost total control of Hydro One. We have seen a minister who decided, three weeks after he found out, that he was going to tell the Premier there was a problem. We've seen a former minister who said, "I was trying to rein them in but I couldn't," because the minister felt he didn't have the power to do it. So we've seen a government in chaos since Premier Eves has come to power. Basically the government has been paralysed by Hydro One and their handling of that. So we end up, again, with another example of the privatization agenda of this government.

There are some things the private sector obviously should do. There is always room for partnerships. We have said that in the past. However, there are some areas where I believe public safety is important, is essential.

The jails are another example of that. We've seen the privatization of the superjail. I'm sure if this government had their way, they would privatize every jail across Ontario. They would get rid of the first-class, professional correctional officers we have in place who do a great job and risk their lives every single day protecting the public and protecting the inmates. They would probably prefer that these superjails or these private jails would be sold off to their American friends, who would then hire lower-paid, less trained, less professional

individuals because the bottom line would be the profit margin, not necessarily ensuring public safety, as our jails and our first-class correctional officers do today. So that seems to be another great example of an experiment in privatization where this government is jeopardizing public safety at the expense of simply helping their corporate friends and their corporate agenda at whatever cost, regardless of who it hurts or who gets trampled along the way.

There really is nothing this government will not look at and try to privatize if they can do it and get away with it. They've talked about privatizing the LCBO. It makes a tonne of money for this government, but they talk about it time and time again. They talked about it in their 1999 campaign; they talked about it during the leadership campaign. Some liked it—

Interjection.

Mr Agostino: Mr Mazzilli is talking to me about the LCBO. I'll just leave it at that. He's complaining because his credit card is maxed out, like it's my fault, like I was out there drinking.

As we continue down this blind path and obsession that this government has with privatization, I think there are a number of dangers. This bill, to me, does have a number of risks. It doesn't have enough detail, frankly. It does not spell out clearly the qualifications that these companies or the inspectors are to have. Are they simply going to take the municipal building inspectors and say, "Come and join us in the private sector. We'll pay you half the money we're paying you now to do the same job"? Remember, at the end of the day, the municipalities and the building inspectors are responsible to the commissioners in their departments. They are also responsible to the city managers and to the city council. There certainly is a direct line of accountability.

When I was on city council and someone had a problem with a building inspector, they would pick up the phone and call me or the councillor in their own area, whatever area that might be. It was easy for me to pick up the phone and call the department head, the manager, the commissioner or the building inspector directly and try to straighten out that problem. How do you do that with a private company? How do you do that with a private company that's removed from the control of city council or the city manager? It's a question of accountability. Who are they accountable to? At the end of the day, these private inspectors who work for these private firms are accountable to shareholders, to the bottom line. So if you have to cut corners to reach that, you will do that; if they have to hire fewer inspectors, and instead of an hour, they spend half an hour doing an inspection, they'll do that, because the bottom line is really what it's all about.

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These companies are not into this to provide a public service or goodwill. They don't say, "Gee whiz, let's get into the business of being building code inspectors. We'll do it as a public service, as goodwill to provide service to our community." Of course not; that's ridiculous. The

companies are there to make money, which they should be, for the shareholders they are accountable to. Ultimately, as you cut corners, particularly in something as important as the building code, it's really a question of public health and public safety that is at stake. As you cut corners you end up, in a sense, jeopardizing public safety. But it doesn't really seem to matter with this government.

This is not an anti-developer rant. I know that developers would like this. Developers don't necessarily want private inspectors. What developers want is a process where applications get approved quicker. If this government had not moved toward downloading services to the municipal level, toward taking the opportunity from municipalities to properly staff and fund building departments and have adequate staffing in place, that would occur. But now, because there are fewer people to do the job, delays are occurring.

I don't think developers are out there saying, "Let's have private inspectors." If you spoke to most developers today in Ontario, they would tell you they're extremely pleased with building departments and inspectors throughout the province. It is not a question of their competence; it's not a question of how they're doing their job. It's simply a question of the time it takes in some areas—and let me suggest to you that this is not across the province of Ontario. Yes, there are pockets where there are some problems; yes, there are pockets where there are extensive delays. But there are a lot of communities where it's not happening. So I'm not really sure what is driving this. If it is the development industry, there are ways of fixing this without going this route. If it is simply an effort to privatize, then that is the agenda at stake here and not necessarily a better way of doing service.

I'm surprised, if this government is sincere about this, that the standards these inspectors are to meet are not outlined in the bill. Are they going to be later? There are no standards, there are no regulations, there are no qualifications. None of those areas are in the bill.

Today, building inspectors who get hired by municipalities must meet certain standards, must have a certain educational background, must meet certain qualifications. There are criteria in place.

Interjection.

Mr Agostino: That does not happen. Municipalities don't just hire building inspectors out of an employment line.

Mr Frank Klees (Oak Ridges): Yes, they do.

Mr Agostino: Well, maybe in the municipality you're in, but it doesn't happen that way in the municipality I'm in.

Interjections.

Mr Agostino: I find it interesting that this bill is so important to this government that they had their chance to speak for 20 minutes and not one member on that side could stand up and defend the bill. Either they're not interested or they don't care or it's not that important a bill for them. Mr Klees says he spoke. There are six or

eight other members sitting across the floor. I hope they will take their 20 minutes. If it's that important a bill to the government—they keep engaging in heckling—I would hope the members—

Interjections.

Mr Agostino: Mr Mazzilli is heckling again. I hope he will get up to speak on this bill and use 20 minutes or 40 minutes or whatever time is necessary so he can help his colleagues. Mr Klees is upset because his colleagues won't get up and help him and speak, and Mr Klees has to carry the can for the whole caucus. I know Frank is a very capable member, but I'm not quite sure he can carry 53 members.

Interjection.

Mr Agostino: Yes, use that endorsement. Coming from me, it will really help your campaign.

In all seriousness, there are some issues that need to be addressed; there's no question about it. I think we all strive to ensure that we do everything we can to help development and building, because all of us understand that the construction industry, the development industry, is extremely important. If that goes, the rest of the economy goes. We have seen patterns wherever you look—in any region, any municipality, any jurisdiction—that often housing starts, building starts are a very fair indication of the state of the economy, of the growth in that region, that city or that area, of the ability of their economy to roll. We understand that. It is extremely important.

Interjection.

Mr Agostino: There's Mr Mazzilli again. When I sit down, I will move for unanimous consent to give Mr Mazzilli an hour to speak to this bill, because right now he seems so interested in heckling and he continues to heckle.

We can't support this bill as it is. We certainly will be making some amendments at committee. We think it's important that if this type of bill does get put through, there have to be some standards and regulations put in place, and we want to see those regulations before the bill is finally passed. But as it is now, what is in front of us is simply a blind effort to privatize another service, and I can't support it.

Before I sit down, I would like to move for unanimous consent that Mr Mazzilli, the member for London-Fanshawe, be given an hour to speak on the merits of this bill on behalf of the government.

Mr Klees: No.

Mr Agostino: His own colleagues have said no. Why is that a surprise?

The Speaker: Is there unanimous consent? I'm afraid I heard a lot of nos.

It is now time for questions and comments.

Mr Marchese: I support the comments made by the member for Hamilton East.

Mr Klees: You weren't listening to him.

Mr Marchese: Oh, please, Frank, of course I was. He's right here.

Ms Marilyn Churley (Toronto-Danforth): He wasn't listening to Chris.

Mr Marchese: I wasn't listening to Chris. Camera, over here; focus on Chris.

We've got some concerns, Chris.

Hon Chris Stockwell (Minister of Environment and Energy, Government House Leader): You do?

Mr Marchese: Yes. And the Association of Municipalities of Ontario has concerns too. That's why they want hearings, obviously, to come and raise their concerns with you. Hopefully you might listen to them, because most of these people are Tories by legal profession. I love it when the Association of Municipalities of Ontario comes to talk to you guys, because this is one group I know you're going to listen to. So we're going to be calling for hearings in order to get people like the Association of Municipalities of Ontario to come and give us their views. Hopefully they'll comment on issues of downloading provincial responsibilities on to the cities. Boy, you people have whacked those people so unbelievably, day in and day out, to the extent that these municipalities don't have the money to do what they've got to do.

So here you come with building code changes in order to help the municipalities. You want to make it easier for them to build, don't you? The idea is that we want to privatize those services and contract them out, don't we, because it will be cheaper and faster? Right? The point is, if you funded the municipalities adequately, they would have enough money to do the job they're supposed to. But if they don't have the money, they're going to have to contract out, privatize the services, which is what this is all about. That's what this is all about.

Mr Garfield Dunlop (Simcoe North): This has been very entertaining this evening. I just wanted to make a quick comment. First of all, it's very interesting to listen to the member for Hamilton East, Mr Agostino, and his comments. I really wonder where he stands on privatization, because his whole speech was about privatization.

They support the privatization of power generation. That's a fact. We know that.

Mr Klees: Depending on the day.

Mr Dunlop: Depending what day it is, we think they support privatization of power generation, but everything else they hate. They hate the private sector. They hate the private sector that builds roads and cars. They hate the small business community of Ontario. I can't really understand where they come from.

One of the comments he made—he talked for a few minutes about the privatization of jails. In Ontario right now, we've got a brand-new facility that just opened up in my riding, the Central North Correctional Centre in Penetanguishene. There's another one exactly the same being built in Lindsay right now. They are identical facilities. One will be operated by the private sector, the Management and Training Corp of Canada, an American-based company; the other will be run by the provincial civil service. We've got a five-year contract with MTC. I think it's an opportunity, particularly when I've got 300 new jobs for my community. The economic spinoff in the community is \$30 million a year. As well,

the Management and Training Corp, the operator of the facility, buys everything locally. It's not bought through central dispatch or the central purchasing agent.

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I'm very proud of this facility. The best thing about it is that after five years we'll be able to compare identical facilities, private and public, the recidivism rates and the cost of operation.

It's a pleasure to speak here tonight.

Mr George Smitherman (Toronto Centre-Rosedale): It's a great pleasure to have a chance to follow and offer some comments on the excellent presentation made by my colleague the member from Hamilton East.

The squeaky stone over there, the member for Etobicoke North, chooses in his inimitable fashion to contribute to this debate through, not standing in his place and actually speaking when the government has a chance, but badgering my colleague as he gave his presentation on this matter. Luckily the member for Hamilton East is able to withstand the charade of these members opposite.

Interjection.

Mr Smitherman: There's no end to the whine that comes from the stone over there. Fred Flintstone is alive and well and he's living in the Ontario Legislature. "The member from Bedrock" is how he is known around here.

I would say, on the issue of the speech at hand, I noted that the member from Simcoe North stood in his place and sought to—

Hon Dan Newman (Associate Minister of Health and Long-Term Care): On a point of order, Mr Speaker: Earlier today you made reference to the fact that members shouldn't be hurling personal insults at other members. I think there was one done just now and I would ask you to make a ruling on that.

The Speaker: I didn't hear it.

Mr Smitherman: It was a term of endearment, but if it was offensive, I gladly withdraw it, and I apologize to the member. He wants the floor. Maybe he'll speak if he has the courage. I thought as a fellow Etobicokean it was the least I could do in offering recognition to his constituents, who never know what he's up to, that he was indeed here in the Legislature tonight and contributing in his oh, so helpful way to the quality and content of the debate.

Ms Churley: Just about an hour ago I was standing in this Legislature—I'm sure you were watching it on television, Mr Speaker, every word that we said here—and we were debating at that time the privatization of Hydro One and the generation of our power. It seems that if this government sees a problem with anything, the first thing they do is jump and try to privatize it. Not only that; if there isn't a problem, as there isn't with Hydro One, they decide that because they want to make money off it, they're going to privatize that too. Then, when there isn't chaos, they privatize things to either fix them or to make money off them, and create disruption and chaos in the system, which is exactly what you're doing with Hydro One.

Now we're here tonight debating this bill on building permits. I've got to tell you this is a very complex area,

something we shouldn't fool around with. Building inspectors are dedicated public servants who are well trained and work very hard in our municipalities. They have a very important job to do, and that is to keep our buildings safe.

There's a problem in the system. The government consults and decides, after downloading to the municipalities—and as my friend Mr Prue, our lead on this bill, pointed out, there are spikes. In the summer months, building permits go way up and there are not enough staff to keep on top of them. Then, during the winter, it slows down. There is an issue there.

I know that AMO wants to have more discussions with the government. We need committee hearings and we need extensive consultation on this bill.

The Speaker: Response?

Mr Agostino: I want to thank my colleagues from Trinity-Spadina, Simcoe North, Toronto Centre-Rosedale and Toronto Danforth for their contribution to the debate.

I found it interesting; the member from Simcoe North was talking about Hydro. I always find it fascinating when members across the floor are proud of how they're handling this whole Hydro thing. Think about this. These are the guys who—I remember clearly the morning of May 2, when they were trying to save Ernie Eves's career and Mike Harris's seat, the big, bold headlines: "Hydro Sale Off the Table—Ernie Eves"; the National Post said, "Hydro Off the Table—Ernie Eves." So you go through the by-election. You buy that by-election through this false advertising suggesting that somehow Hydro is off the table. You squeak through one by-election. You have the Premier running in a riding where his margin goes from 18,000 to 3,000 seats. You squeak through that. You use this issue as a wedge issue. Then you turn around a couple of weeks later, and it's business as usual.

You've got a minister who can't handle the stress any more—poor Chris Stockwell; what you guys have put him through. Every day he has to be on his feet trying to defend the Premier, this government and this Hydro file he doesn't believe in. Yesterday, he pulled his best Jack Nicholson imitation, which was quite entertaining, but I'm sure it served absolutely no purpose in the debate.

You're talking to us about dealing with privatization. If that's your example of how to deal with privatization, I'm not going to take any lessons from this government on how to deal with privatization. You have made a mess out of the Hydro file. You have people resigning. You have people getting \$6-million payout packages. The Premier doesn't know when he was told. He says he read it in the paper. The minister tells him he told him a week earlier. The minister says he only found out two weeks after he became minister. Jim Wilson says he tried earlier. What a mess you've made out of that; and you're making the same mess out of this.

The Speaker: Further debate?

Mr Smitherman: The presentation by my friend the member for Hamilton East will be difficult to follow, but I will do my best. Luckily for me, I'll be sharing my time with the esteemed member for Parkdale-High Park.

Mr Frank Mazzilli (London-Fanshawe): You don't have any choices.

Mr Smitherman: I've got a whole bunch more in the back.

For those people who are listening at home, I think it's helpful to try to give you some sense of what's going on at the Ontario Legislature tonight. We have a debate going on where the government refuses to put up members. As is so often the case with these guys, they are happy to have their majority push through initiatives which have the very real prospect of endangering individuals.

I think that's an important starting point for my comments. The government members in their hectoring have attempted to make the point that if you oppose this, you somehow oppose the private sector. That was the attempted line of thought followed by the member for Simcoe North.

I'm very proud to represent a riding which is going through an extraordinary urban renewal. I had an opportunity to participate, when I served as chief of staff to then-Toronto Mayor Barbara Hall in the zoning and eventual construction of what has become known as the Air Canada Centre, a much-revered place among those people who support the Toronto Maple Leafs, as I do.

I think it is possible in this place to both support development, growth and evolution of communities and, on the other hand, to reserve a certain number of roles for public entities. We've seen on this government's part no area of government that they think is beyond private sector involvement. Liberals differ with them on this point. We don't have our heads stuck in the sand, but we do firmly believe that when matters of public health and safety come into play, the roles for public bodies and entities, with their accountability, are enhanced. That's a simple premise for so much of our opposition to the government's attempts to privatize everything that moves.

We heard this defence by the member for Simcoe North regarding the privatization of a jail in his riding. But I think when it comes to the public's concerns in terms of how safe their communities will be, the issue of full-out privatization is a thing of extraordinary concern to Ontarians.

I had an interesting observation—at least, I found it interesting, and I think some others might; probably not those on the other side, but perhaps some people who might be listening at home—and that is that on the heels of the tragic events of September 11 in the United States, a wildfire of a debate took place almost immediately thereafter because a lot of people quickly came to understand that operating services on a lowest-cost basis, in this case airport X-ray machines, was not necessarily viewed to be the best way to protect the health and safety of constituents, in that case Americans and people travelling in the United States. I think that's an important lesson here and it's a lesson that the government is slow to learn.

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There was another study a week or two ago that came out that compared the mortality rate in hospitals in the United States that were run by for-profit entities against hospitals that were run as public entities, where the bottom-line concern was the health and safety of an individual. The care in the public sector was deemed to have been better—that is, there was a lower mortality rate—in those hospitals that were operated without the need to make a profit. I think that's a very important lesson that we need to learn.

But it should come as no surprise that a government that has a cash machine over there in the form of their PC fund that mirrors the capacities of George W. Bush to raise—

Mrs Margaret Marland (Mississauga South): On a point of order, Mr Speaker: I know it's a requirement that members speak to the bill that's on the floor, Bill 124. Airport screening devices and what's going on in hospitals are not part of the bill. The bill is about building permits and how—

The Speaker: I thank the member. Yes, I heard the member speaking about working at Air Canada Centre and the zoning and so on just a few moments ago.

The member for Toronto Centre-Rosedale, and I'm sure he'll keep to the topic.

Mr Smitherman: Thank you, Mr Speaker. I was keeping to the bill, because the essence of this bill is the government's mentality in terms of privatizing just about any service they can find.

I find it interesting that the member for Mississauga South would stand and interrupt me because I was a little bit on her nerves, but she won't stand in this place and debate on this matter tonight. I find that a bit interesting. You will see as the night goes on that they're not going to do that. It shouldn't surprise us.

Mrs Marland: I'm in favour of the bill.

Mr Smitherman: The member shouts out that she's in favour of the bill, and I recognize of course that she is, but I think it's important to recognize as well that this is a government whose agenda has revolved around the issue of privatization. And at its essence, what does that mean? It means taking services which are provided by individuals who are working in the public service and then turning them over to organizations that operate on a for-profit basis. I think we need to be clear that where matters of health and safety come into play, that's not a helpful thing.

I think it helps to shape the attitude that the public must see from this government around Hydro One. The minister of everything, from my home riding of Etobicoke Centre, likes to go on like he's some sort of hero for having stopped in their tracks, rather belatedly, the Hydro One board. But the same principle applies here. You see all these people and say, "Well, these salaries are not out of line," in an attempt to justify them against other entities in the private sector. But the fact of the matter is that when we go full tilt toward the privatization of services, things change.

So we've got Manitoba Hydro, Quebec Hydro, where the people who run them make around a half a million bucks a year, and then we've got the entities of Ontario Hydro, where if you don't make a couple of million bucks a year, you obviously haven't done a good job negotiating with Chris Stockwell. So I think it's an important principle to remind the government of.

On the basis of safety, I think we need to view this as well in a post-Walkerton environment. What do we learn from all of the work that Justice O'Connor did in his fine report? I guess we see there's lots of blame and plenty to go around, but more importantly I think he helps us in a way. He gives us a lot of wisdom and guides us toward a circumstance where Ontarians can be surer of the services they're receiving—the services that are being provided by their governments—and there is an expectation of governments that is different.

I hear so often that people just want to see governments operate more like a business. In that sense I think they're speaking to ensure that governments work in an efficient way, that they're mindful of the taxpayers' dollar. But adherents of neo-conservative values, which are plentiful on the other side, take that to mean that government must operate without a heart, always focused on the bottom line without a view toward really establishing those services that are essential to people, to their quality of life and, in many cases, to their actual capacity to live life to the fullest of their capabilities. That's where we get hung up all the time by these guys across the way, because they operate with a fundamental disrespect for the public service. I think that's been so obvious in their treatment of so many different groups, from Harris's talk about Hula Hoops to describe nurses who fled our province, and now we wish we had them back—it has been an agenda of disrespect as it relates to public services, and I think it's shameful that we see one more instance of this coming so close on the heels of the report on Walkerton.

I want to say with respect to this bill that we always look for opportunities to enhance it and improve it. That is our responsibility. I note that the Association of Municipalities of Ontario has also come up with 33 changes, recommendations that the government should take into consideration to enhance the quality of this bill.

I think there's another theme runs through this, and it's the way these guys on the other side operate as it relates to our municipalities. I note that one of the things they say, in terms of the rules that will come out with respect to building permits and inspections, is that municipalities will be forced only to collect permit fees that reflect the cost of service delivery. As someone who had the opportunity in the last six months to purchase a home, we'd look at the land transfer tax as a very interesting comparative to this regulation that the government imposes on the tax base of the property taxpayer in my city, as an example, who is dramatically burdened by an inadequacy of government support.

Hon Mr Stockwell: What about the land transfer tax?

Mr Smitherman: The minister wants to heckle, but he won't stand up and speak. I find that to be an interesting circumstance. But I would say it's nice to see him here.

I think that one of the things we've got to be conscious of is the capacity of our building departments to do an adequate job of assisting people in their move toward whatever development might be occurring. I believe it was the member for Toronto-Danforth who spoke a little while ago about the peaks and valleys, the ebbs and flows that occur in those processes. When I worked at the city of Toronto, we found ways to adapt to make sure we were better able to serve the needs of individuals, and we put on permit hours in the evenings and on Saturdays. This is an example of the way government and the public service can, if the values are properly instilled by the leadership, do a better job of mimicking what some might say are more the principles of the private sector.

I think that one of the things we fail to exhaust is taking full advantage of the capacities of the people who staff our various government services. We allow them to stagnate, and we don't encourage enough of what I might call creative spirit to make sure the services that individuals are providing to constituents are done in a fashion that works for individuals. I think we can all be participants in eviscerating the perception that government can only operate from 8:30 to 4:30. If there are certain things in the private sector that are worth mimicking without introducing the notion of profit and the bottom line, we should be looking for opportunities to do those.

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One of the other things that concerns us quite a bit is the capacity of individual builders to appoint their own inspectors. We need to make sure the public is protected at all turns by ensuring that building inspectors do an adequate job.

At the base of Blue Mountain in Collingwood, adjacent to Monterra, which is a pretty nice golf course, is a townhouse development, maybe a couple of hundred units, that was shabbily constructed. It was not properly inspected and has subsequently been condemned, notwithstanding the fact that it's not particularly old. This reminds us that these services are essential and that they provide a quality of life and safety to people who depend on them. Many times, defects can be hidden by a piece of drywall slapped up here or there. We're depending on these people to be experienced and able to assist in ensuring the long-term viability of a dwelling or what have you.

I think what we have here on the part of the government is one more blind attempt to diminish the role of the public sector at the expense of the capacity of government to adequately respond when the need arises. This bill is one more in a series which, taken in their full, lead us to such a dramatically diminished role for government that comes at the expense of quality of life for individuals.

I talked a little bit earlier about the circumstances in the United States where, as soon as a problem arises, political expediency dictates that you start playing the blame game. No one has done that more effectively than the Minister of Energy, who graces us with his presence tonight. It is as if they operate over there with a little thing on their desk that they spin to see who to point blame at, and it never turns toward them. But in the days following 9/11, people looked and said, "What are the circumstances, what can we do, where can we look to enhance our protection?" They looked not to the private sector; they looked to their government agencies and to their leaders in government. At that time, because of the same kind of rampant privatization fever that is spreading throughout Mike Harris's and Ernie Eves's Ontario, they looked to find a place where they could gain comfort again, and they looked to the public sector. They didn't look to the private sector in that instance.

We saw, in the damage-control mode of this government in the days following the difficulties that resulted in Walkerton, that the government did move to try to regain some public trust and confidence. I don't say this as a criticism; we called upon them, and we continue to call, for enhanced enforcement and for more inspectors. We saw in the days following Walkerton, when it became clear that the Ministry of the Environment was not up to capacity in terms of being able to properly manage systems, that the government acted. How did it act? How did it act to restore public trust? It did it through enhanced public service.

To anyone who's looking in, I think it's very important to frame what's going on with this bill and with the trend on the part of that government to privatize everything that walks—when push comes to shove, when the problems happen, governments are expected by their public to restore public confidence. They do that not through further privatization, not through further contracting out, but typically they respond with an enhancement to the existing public service. Is that what we are likely to encounter here? I think it's quite possible. In Ontario perhaps we don't hear a lot about the crises that come about through shoddy workmanship and construction, but we only need to look at a reasonably sophisticated jurisdiction called British Columbia, in particular the thousands of condominium owners in Vancouver who are experiencing tremendous problems as a result of shoddy construction and obviously some failures in terms of the capacities of the building inspectors.

If I'm a public official and I have difficulty with a property, I'm going to be expected to find a public service answer in terms of restoring public confidence and trust, keeping in mind that when we're talking about buildings, we're talking about dwellings where we live. We're talking about the safety of our loved ones. We're talking about the structural capacities of buildings to support the use for which they are intended. We're talking about making sure the adequate safety provisions have been built in.

For me, as I round the last turn and head toward home, I think this is the way this debate needs to be framed.

People looking in need to remind themselves that this government's rampant desire to privatize everything that walks, to take it from the public sector and turn it over to their buddies in the for-profit world, has resulted in people being put at risk. That's the agenda that you have. We hear all the time about Ernie Eves pivoting and how he's a different kind of guy. It's the biggest load of BS you could ever see, and this bill is further proof that the privatization agenda is alive and well in Chris Stockwell and Ernie Eves's Ontario.

The Speaker: Questions and comments?

Mr Marchese: I want to congratulate the member from Toronto Centre-Rosedale on his speech. He's not feeling well today, but he's here doing his duty. He's here doing his 20 minutes to respond to a bill that I would presume Tories would want to speak to. Here you have a member who's not feeling well, wanting to have his time to raise issues of concern to the public as it relates to this bill, and we've got Conservatives here who—how many are there? Twelve. That's 12 members and they're not standing up to give their say.

Ms Churley: There are 15 here.

Mr Marchese: There are 15? I just counted 12.

What I want from you, because it's a short little bill—I don't think you have prepared speeches today on this bill; I'm convinced of it. Just tell us what you think. Spend your 20 minutes telling the public why you are so good as a party, why you people are so efficient as managers, why it is that you people love to privatize. Tell the public. Most of you are on this camera, I suspect. Tell them. Twenty minutes is all it takes to defend your views. The member from Toronto Centre-Rosedale came here to tell you, "Look, privatizing has its dangers," and he reminds you about Walkerton, which none of you people want to talk about, because nothing that you did caused the problems in Walkerton, of course. But he does remind you, as we will, that Walkerton was a serious tragedy and that privatizing services of any kind brings in risks and sometimes dangers, and sometimes death. The building code connects to that sort of issue and all I want to do is praise him for taking the 20 minutes to do so.

Mr David Caplan (Don Valley East): I want to get up and congratulate my colleague from Toronto Centre-Rosedale for his comments. He pointed out that there are many laudable things about the bill. However, there are a lot of concerns, particularly section 4.2 of the bill, the notion of private registered code agencies. Here's how it would work: I am a builder, I choose my inspection group who's going to be looking at it. Whom do they report to? They report to me, as the builder. They don't have a duty to public safety.

The other thing that has to be remembered, of course, is that I file the plans, the drawings, with the municipality. I have the liability of it. That's fine. What happens if I go out of business as a code agency? To whom does the consumer go? There's nobody who carries any insurance. In fact, this has happened in many jurisdictions.

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I see my good friend Mr Coburn, who is a parliamentary assistant. When they did the BRRAG report,

they looked at these kinds of things. Registered code agencies—the self-selection, private code agencies—were not a part of the BRRAG report that Minister Coburn shepherded through the consultation process.

There is one other area, and I know my colleague wanted to touch on it but he didn't have the time. Maybe he'll respond to it. In the original BRRAG report, they recommended a 10-year insurance carriage for all of the member groups, yet this piece of legislation only requires insurance to be carried for seven years. Maybe my colleague from Toronto Centre-Rosedale will want to comment on that, because the liabilities are very big. The liabilities could be very expensive. Major deficiencies oftentimes do not show up for 10 or 15 years or even longer periods of time. This is something that maybe my colleague would want to comment on, because it's a very integral and important part of this bill.

Ms Churley: I listened with interest to the speech by the member for Toronto Centre-Rosedale. I've got to say to the member for Don Valley East that I did not hear the member for Toronto Centre-Rosedale say one good thing about this bill. He must have thought he was listening to a Tory. But I've got to tell the member for Don Valley East that we haven't heard from any Tories tonight about this bill. We haven't heard their views on the bill. I think somebody stood up on a two-minute, and the member for Mississauga South stood up to actually intervene and interrupt the member for Toronto Centre-Rosedale. Incredibly, when he was talking about public safety and how it relates to this bill and how it's a very important aspect of this bill, the member for Mississauga got up and at great length told the Speaker that he wasn't speaking to the subject, which makes me wonder if the government members sitting here tonight even know which bill is before us.

I will be speaking to this bill in a few minutes and I will be outlining tonight for the benefit of the members what this bill is about and what the concerns are. These are very real concerns that the members should listen to. We want to make sure that AMO has an opportunity to speak to this bill again. They've made it clear that they want that opportunity. We believe that this important bill has enough major flaws and problems associated with it to be sent out to committee for extensive hearings so that we can guarantee that the bill is amended to deal with the issues that we are telling the government about today. So even though they're not getting up to tell us why they're supporting the bill, which I assume they are, but I don't know, they should be listening carefully to the reasoning of the opposition tonight as to why we should send it out for public hearings.

Mr Agostino: I'm going to have to read Hansard just to become familiar with the laudable points that my colleague from Toronto Centre-Rosedale has made. I was watching upstairs. It must have been the delay in the timing of the television that forced me to miss that. But certainly I think my colleague spoke very clearly and strongly as to the weaknesses in this bill and why this bill is another poor piece of Tory legislation, why this bill is

dangerous to Ontarians, why it's not in the best interests of public health and safety.

The good folks who are watching at home right now must be wondering why this bill is in front of us, because as of tonight they have not yet heard from anyone on the government side of the House—you've got a bunch of ministers, parliamentary assistants, backbenchers here—

Mr Caplan: Former ministers.

Mr Agostino: Former ministers. You've got the whole collection here, but not one of them has the courage to stand up and defend this piece of legislation. You've got to ask yourself why. If this is such a good piece of legislation, if this is wonderful, if this is going to fix the problems with the building code and the delays and everything else that they claim this is going to do, I guess the people at home must be asking the same question: why is no one on the government side of the House willing to get up and defend this bill? Maybe because it's indefensible. Maybe because it's going to be a real stretch for them to find anything good to say about this piece of legislation.

I find that astonishing; I really do. As you follow this debate tonight, you would think that this Legislature is overwhelmingly going to reject this bill. Of course, that's not the case. Because they have a majority, they're all going to blindly vote the same way, as they've been told. They've been given their marching orders by the Premier's office and they're all, en masse, going to support this piece of legislation. But I hope to God, before this debate is over tonight, that one of you will get up and tell us why it's a good piece of legislation.

The Speaker: Response?

Mr Smitherman: Only two minutes? It seems unfair.

I want to say to the members for Trinity-Spadina and Toronto-Danforth and Hamilton East, thank you. And I want to say to my friend from Don Valley East that it must be my cheery, sunny disposition that sent him the waves to highlight all the laudable aspects of the bill that he referred to. I do think that having a lot of certainty around the way we inspect the buildings is an important goal.

I mentioned at the top of my speech that in my riding of Toronto Centre-Rosedale, a pretty dense urban environment, and the member from Trinity-Spadina can speak to this very effectively as well, we're going through an amazing urban renaissance. Thousands and thousands of new units are being built—not rental accommodation, before you try to pretend that Al Leach was right, because he wasn't—all along the lake and in my riding, in Yorkville, at Sherbourne and Richmond. New neighbourhoods are emerging. New life is being given to neighbourhoods that in other cities are derelict. I just want to say that having a good system of building inspections, of having permits approved in a timely fashion, are critically important things. These are critically important responsibilities that people look to their governments to provide. I think that at the end of the day, on matters that involve the health and safety of individuals, I'm inclined to stand on the side of those who

deliver service without a view toward its profitability. There are lots of appropriate places in the marketplace for profit to be, but when it comes to the health and safety of Ontarians, we should reject the government's privatization agenda on this matter.

The Speaker: Further debate?

Ms Churley: It really is my pleasure to be here in this House tonight—

Interjection: And duty.

Ms Churley: —and my duty. Yes, I am on duty tonight. But it is my pleasure to be here at almost 7:50 on a Thursday night. I do have a lot of things on my plate these days. I'm very busy. As everybody knows, Alexa McDonough announced that she's stepping down as leader of the federal NDP as of yesterday and my friend and ward mate, Jack Layton, is considering it, thinking about it. I'm urging him to run as the leader and I'm there supporting him to do that.

Applause.

Ms Churley: Thank you. I'll tell Mr Layton that all the members here tonight are urging him to run as well. But the reason I brought up Mr Layton tonight is that, as you know, Mr Layton is a member of Toronto city council and he has great concerns about this bill. He wanted me to relate that to you tonight and to let you know that as a long-time member of city council for the city of Toronto, in my area of Toronto-Danforth and his ward we have some serious concerns about this bill. And here I am tonight, having what I thought was going to be a spirited debate. I mean, Chris Stockwell is here, all kinds of people are here who'd like to get up and yell and scream and get the debate going, and they're sitting silently tonight. What's going on here? The government members are just sitting here.

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We have a very important bill before us and they're not getting up and defending their position. They're not getting up and telling us, the opposition, the NDP, who have some serious problems with this bill and its impact on safety, why they support it or what they are saying to AMO, who have expressed concerns about the bill and want more input. They're not telling us whether they're going to allow committee hearings, which we are calling for because this bill badly needs some amendments and more input. They're just sitting there quietly.

I'm sure they're listening to every word and taking notes so that afterwards they can go back, as they always do when the opposition tells them their problems with certain bills—they always listen, of course, and they go away and they make amendments.

Mr Rob Sampson (Mississauga Centre): I'll go and get my notes and I'll be back.

Ms Churley: Yes, right. There goes one now to make those amendments.

I'm really disappointed tonight that we are not hearing from the government members to get their views on why they support the bill. This is my first opportunity in this House to talk to this bill and to actually hear from the government their reasoning as to why they think this is a

good bill. I'm still hoping that one or two of them will get up and do that.

We take safety for granted most of the time, until something terrible happens, until something bad happens. We used to take our water for granted: get up, turn on the tap, take a drink of water and we'd be fine. Suddenly, and this is all related, this is about public safety and public services and the building code and the inspectors who look at the applications and sometimes very complex issues in a building application. This is a safety issue, primarily, that we're talking about here tonight, as was the situation in Walkerton. We take it for granted, when we turn on our water—or used to; we don't any more—that we're going to be safe when we drink that water. We take it for granted, when we eat the food we buy in the grocery stores, that we're going to be OK when we eat that food. Recently, as everybody here knows, there has been tainted food, E coli in food, making people very sick. Fortunately there haven't been any, I hope, really serious illnesses or deaths as a result of that. But it just reminds us how important it is that we have qualified public servants who have no other goals in mind than to do inspections and to make sure the public is kept safe.

One of the issues we have to think about when we're discussing this bill is that we're concerned that it's going to mean quicker approvals, but which come at the expense of public safety. When we go back to Walkerton—I attended a good deal of Judge O'Connor's hearings and read the reports and his recommendations, both part one and part two. We all know that several things happened that contributed to the tragedy in Walkerton, but one of the pieces, and a key piece, was the privatization of the water testing labs. In a very short period of time—I think municipalities had eight weeks to find a lab to test their water, when previously they had relied on the government to do that. They knew, when they sent the water to a government lab, that there was a protocol in place, and the public servants who worked there knew whom to report to and everything was working the way it should have. Then the privatization happened too quickly for municipalities to be prepared. There were no rules about the labs being accredited. A lot of those small municipalities didn't even have access, and still don't, to accredited labs. Then we had the tragedy, and this was a piece of it that contributed to that.

We should be learning lessons from that. Shortly after Walkerton, we found out through I believe it was the auditor, that we had a serious problem with the letting go of a lot of our food inspectors. Remember that? We asked a lot of questions about that in the House. Again, consumers have to know, citizens have to know, when they go and buy food in a grocery store or drink a glass of water from the tap, that they're safe.

It's the same with the buildings that we live in, that we spend our time in. We take it for granted that the buildings we inhabit every day are safe.

I could be at home tonight in a pretty new house I bought recently, but I'm usually here so I'm still living in

a lot of boxes. The house is on Brooklyn Avenue in my riding, near Queen and Pape. It's a beautiful little house. It's an old house.

Hon Mr Stockwell: What happened to the co-op?

Ms Churley: I've been long gone from there. This is the third house, I believe, since the co-op.

I really like this little house, but one of the considerations when we buy, not just an old house but a new house, is that the house has been thoroughly inspected and we know that it was built according to a building code. If it wasn't, then we do the work to upgrade the electricity system. We look for the flaws because we don't want to end up having a fire due to faulty electrical wiring, and all kinds of other problems that can exist if a strict building code isn't adhered to.

Mr Marchese: And the city would be liable.

Ms Churley: That's right, the city would be liable. But this bill is taking that liability away. It's critical that the government members understand that this bill before us tonight is primarily a safety bill and some of the aspects of the bill are leaving the safety that we all rely on—we depend on these dedicated public servants who really know their stuff.

I was a city councillor for a very short time and I can't tell you how impressed I was by the bureaucrats and the civil servants who worked as building inspectors. They were incredible. As the member for Beaches-East York, our municipal affairs critic, said on Monday night when he was speaking to this bill, if you look at the building inspectors from any municipality across Ontario, you will see the same thing. They have no axe to grind. They're paid a salary. They work as efficiently as they can within the law, but they also make sure that when they examine a building code, when they go out to examine a house or any kind of structure that's been built or renovated, they do their job thoroughly because their primary goal is safety.

We know, and I mentioned this earlier, that there are spikes. Mr Prue talked about that as well. I remember when I was on Toronto city council that there would be problems at times in the summer months, when most of the people are doing their renovations and their building, when there would be a flood of applications. They would get behind and they'd do their catch-up during the winter months. We all agree that can be a problem. One of the things the member for Beaches-East York, when he was the mayor of the then East York, which of course this government destroyed and folded into the city of Toronto—although I must say, on behalf of the citizens of East York, they are making sure their community continues to stand. They are now fighting to keep their civic building in public hands for community use. But Mr Prue, when he was the mayor of East York, started to tackle this problem internally. He talked about it the other night. He didn't come to the government and say, "Let's have a new bill and let's privatize these vital services," but, "Let's all work together internally and try to sort out this problem." And they did. They were able to deal internally with the spike and the flood of appli-

cations and the long delays. They dealt with it. Even during the recession in the early 1990s, they had a boom. There was a lot of construction going on in East York. So there are things that they municipalities can do to deal with this problem.

What this bill is doing is moving simultaneously to limit building permit fees and allowing municipalities to contract out plan review and construction inspection. This, along with the downloading that has been relentless—the downloading from the federal government to the provincial government and the provincial government's massive amount of downloading to the municipalities without the resources to fulfill the requirements of the new workload that was handed down to them—could put municipalities in a straightjacket—and the government knows this—where they are forced to privatize for financial reasons. This could very well put public safety at risk. Despite some of the safeguards the government has tried to build in, it's not good enough.

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The government as well has introduced an Ontarians with Disabilities Act, but they're refusing to allow this to override the building code, and this could leave people with disabilities out in the cold.

Another important aspect to this bill, another key component which is missing entirely—and it's something most people would not have noticed, but it's something I've been working on for years. Before I came to this place, before I went to city hall, where I started the energy efficiency office—remember that?—which led to the now very famous Toronto atmospheric fund—energy efficiency and conservation have for a very long time been of interest and concern to me and something that would go a long way in dealing with our environmental problems and global warming. Indeed there is nothing in this bill about energy efficiency, and here was the perfect opportunity for the government, while addressing and changing the building code law, to build in some key components for building efficiency and conservation.

What I want to point out to the members is that even more importantly—I believe it was just yesterday that the select committee on alternative fuel sources, of which I was a member, presented its report to the House. I want to tell you, when the committee first started—and I was on it from day one, and like all the members of that committee worked extremely hard. The committee worked well together and overall I'm very proud of this report. It's an unusual document in that generally there was a consensus reached. There were some things that it was agreed would be taken out because I couldn't support them, and there was hard bargaining and arguing about some of it, except for the energy from waste component in here, which I argued ferociously shouldn't even be in a document that talks about alternative green fuel sources and green industry. But that's the only piece, I think. There might be a few small things that I don't agree with in this report.

One of the things that was missing from the terms of reference of this committee when it was first started was

energy efficiency and conservation. After several discussions and arguments and presentations from some key environmental groups from the community, the committee agreed with me and said, "Yes, energy conservation and efficiency should be a key component and part of our recommendations in this report." I'm happy to say that in this select committee on alternative fuel sources document, on page 21, section A.9 is on energy conservation and efficiency measures. There is a commentary, and I want to read this to you, because you will understand when I read this to you why it would have been in the government's interest and in all of our interest to have the building code law amended to include energy efficiency and conservation. It says this:

"The committee has concluded that conservation and efficiency measures can contribute to meeting Ontario's fuel and energy requirements and is of the view that the reduction of energy demand is more important than new supply. Such measures can serve to reduce, or partly eliminate, the need for additional fuel consumption and/or power generation capacity. Energy efficiency and conservation leading to reduced fuel use serves to lessen air emissions. Conservation measures and related technologies can also positively impact upon employment, technology and manufacturing capacity in Ontario. The systems benefit charge as proposed earlier can also support conservation measures."

I'm not going to read all of the recommendations. I'm sure you'd love to hear them all, but I won't have time. You can read them yourselves later. But I'm going to read you one in particular. It's recommendation 47, and this is the one that's pertinent to the bill before us. It reads:

"The Ontario government shall commence a review of the Ontario Building Code to incorporate the most advanced science with respect to energy generation and conservation, mandate the use of co-generation units, and establish an objective for energy self-sufficiency in all residential and commercial construction. Technologies such as solar wall cladding heating applications, or equivalent, for commercial and multi-residential buildings will be mandatory, whenever feasible. Renewable energy audits using the Natural Resources Canada RETScreen ... or similar software, where feasible, will also be mandatory."

This report just came out, but the government knew there was a committee working on these issues. The issue of energy conservation vis-à-vis the building code has been raised by me in this House before. Here we have before us a bill that's dealing with amendments to the building code and there's not a word in it about energy efficiency and conservation at a time when the Legislature is coming out with a report that recommends that the building code be reviewed to make sure there is energy efficiency and conservation within this bill. If this bill passes as is, when is it going to be opened up again to deal with energy conservation and efficiency? It should be done now. This is an opportunity for the government to send the bill out to committee and immediately adopt

some of the recommendations within this report that came before the House yesterday. I think everybody will agree that it's a very good report. The recommendations, if followed through with, will put Ontario in the lead, at the forefront of alternative fuel sources and green energy. That's a long shot with this government, I know, but you should read the report. It's excellent.

If this isn't done now, while we have the opportunity with the bill before us, it's not going to happen for a long time. The NDP brought in all kinds of green energy programs and green communities—remember that?—conservation and efficiency programs. One of the first things this government did was cancel all these programs. So there aren't any of these programs any more. Fortunately some people continued their programs and are continuing to work on efficiency and conservation measures. But we need the building code amended to include those recommendations from the alternative fuel sources document. I hope the government will listen to that and pay attention. I do hope the government will allow public hearings on this so that AMO and others will have an opportunity to speak to it.

The Acting Speaker (Mr Bert Johnson): Comments and questions? The member for Trinity-Spadina.

Mr Marchese: Thank you, Speaker. Welcome to the chair. I want to comment on some of the statements made by my friend the member for Toronto-Danforth. I've got to say that it's not as exciting when the Conservative Party members don't speak. It's dull in this place without you. You sit there and are silent in your support of this bill. But it's terrible for me, because I enjoy listening to you. I've got to tell you, if I enjoy it, so does the public. Without you speaking, it's just not the same. So, please, take your two minutes, take your 20 minutes and engage us, engage the public and tell the public why you love this bill so much. I think it would be helpful.

The member raises the point about the Association of Municipalities of Ontario. There are 35 recommendations—

Mr Caplan: There are 33.

Mr Marchese: Thirty-three? More or less, give or take a couple of recommendations. There are 33 recommendations. That's a lot. My assumption—and I'm not an expert in this, and I haven't had an opportunity to read them. Our critic, who will do the leadoff, will get into some of those, obviously. But presumably in those recommendations there are many that the government might be interested in. I'm assuming they haven't had an opportunity to review them, but when they do, in committee hearings they will be able to absorb, internalize them and make this bill, hopefully, better, because presumably they have the public interest at heart. They would be concerned about public safety; they would be concerned about building to code, as it should be, by law, and that the commercial buildings that we build, industrial buildings, multi-residential buildings and homes are built according to code and are made accountable in a way that we would have nothing to fear and in a way that we would know people are incorruptible. That's the point of having the current civil service do it.

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The Acting Speaker: The member's time has expired. Comments and questions?

Mr Mike Colle (Eglinton-Lawrence): Thank you for the pleasure, Mr Speaker. I want to comment on the wide-ranging presentation from the member for Toronto-Danforth.

What she's saying is for this government to be very cautious before they proceed, because you're going to affect a lot of people's lifetime investment, and that is their home. That is something that you can't take too lightly, and that's why it's surprising the government is not seeing it important enough even to speak to or discuss. That's what's very surprising.

I guess the question is, if they're proposing this bill, why won't they speak to it? I don't know why they've been gagged. I know Guy Giorno isn't around any more. I don't know who's doing the gagging now. It must be another whiz kid.

One of the things that's very interesting is that in the last 12 months we've built more homes in Toronto than any other city in North America—more than Chicago, New York, LA. So Toronto is a real hotbed of construction activity, no thanks to the provincial government, which basically downloads on Toronto and doesn't give it any help whatsoever. Therefore, the citizens of Toronto and their council deserve some praise because they've been able to make the city prosper despite the downloading of this reckless government, which has done nothing but take away subsidies for the TTC, download housing—public housing is now downloaded on to property taxes. This is a shameful group that basically says they've cut taxes yet they've downloaded on to the property taxpayers—

The Acting Speaker: The member's time has expired.

Mr Dunlop: It is a pleasure to rise and make a few comments on some of the comments of the member from Toronto-Danforth. If you listen to the opposition, it's the Chicken Little syndrome: the sky is falling on everything; everything is wrong.

Does anybody remember where we were in 1992-93? Ladies and gentlemen and the people at home, there was nobody working. There was no boom in the number of houses being built in the city of Toronto. There were no skyscrapers being built. There were no cranes on the roofs of buildings. No one was working.

We've turned to the private sector. We've cut taxes to make the people of Ontario feel like there's a place and a province to invest in. We've allowed a lot of entrepreneurs to advance, creating jobs. I think right now the job creation is around 850,000 since Mike Harris formed the government.

I know that you people on that side of the House opposed all the tax cuts we made, but we believe that those dollars—

Interjections.

Mr Dunlop: And of course everybody is heckling now because—they're worried about our speaking or not. But the fact of the matter is that people are spending

money, the economy is still strong in this province and there are still a lot of jobs being created.

We talk about the number of portables that are being removed from schools. I think over 1,000 portables have been taken away in Ontario. Over \$1 billion has been spent on our universities. Those are all construction jobs. Of course, more homes are being built in Ontario today than at any time in this province's history.

I've enjoyed the comments, but we've already spent quite a bit of time in debate on this bill. I look forward to listening to your comments as the time goes on this evening.

Mr Caplan: I want to congratulate the member from Toronto-Danforth on her comments. They were very wide-ranging. She didn't touch on a couple of points, and I wanted to bring them out, and maybe she'll comment on them now. The Ontario Building Officials Association says that section 4.2 of this bill will potentially compromise fire safety in Ontario. That's very serious, and this is not a joking matter. Members of the government should look very seriously at the implications of this. These are the professional building inspectors of the province of Ontario. They're not partisan in any way. They have no axe to grind. That was also covered by AMO, by the way, which the member did talk about—AMO and the 33 recommendations that they've made.

There was one other point I found really, really fascinating. A couple of months ago we passed a new Municipal Act here in this House. The new Municipal Act had a memorandum of understanding. The memorandum of understanding says that each party will respect each party's area of jurisdiction. So, for example, the province has areas of jurisdiction, municipalities have areas of jurisdiction and each one will respect the other. Bill 124 is pretty prescriptive about some of the municipal areas of jurisdiction, so it's a real contradiction. I know my colleague from Toronto-Danforth is a former Toronto councillor. I know she has two minutes to respond. But this whole notion that somehow in a memorandum of understanding we're going to respect each area of jurisdiction, yet we're confronted with a bill like Bill 124, which of course micromanages an area of municipal jurisdiction—perhaps the member from Toronto-Danforth will want to talk about the contradiction of this government's actions and of their words.

The Acting Speaker: The member for Toronto-Danforth has two minutes to respond.

Ms Churley: And I sure do want to sum up here. I was very pleased to see the member for Simcoe North from the Tory benches get up and speak for two minutes. Where's the whip? You're going to be in trouble because I think—

Mr Dunlop: I'm the whip.

Ms Churley: You're the whip? Oh, you allowed yourself to speak tonight.

I just want to say to all of the members, thank you for your comments, but I particularly want to say to the member for Simcoe North, your tax cuts led to the tragedy in Walkerton. Your tax cuts led to thousands of

people being homeless, including families and children. Your tax cuts led to seniors lining up at food banks. Your tax cuts, your downloading, your de-rent-control have led to people being this close to being homeless. Your tax cuts have led to a growing gap between the rich and the poor. Your tax cuts, as demonstrated in a report recently put out by the United Way, have led to, in the city of Toronto in economic good times, the gap between the rich and the poor actually widening.

So you can get up and brag about jobs that you've created during very good economic times, you can get up and talk about that, but you can also continue to stick your heads in the sand and ignore the plight of thousands and thousands of your residents, your citizens across this province. Finally, I will say that there are real safety concerns in this bill. We're talking about the building code and the implications to people and their safety if the inspections are not done properly.

The Acting Speaker: Further debate?

Mr Gerard Kennedy (Parkdale-High Park): It's a pleasure to join this debate, one-sided as it is, but one-sided as it must be, because there can't be authorship taken on the other side of the House for a bill like this. The government had in fact addressed a somewhat reasonable question for the public interest: how do we reconcile the public interest with a more effective means of government to work? That's what they took on, but that's not what we have in front of us today.

Instead, we have a government that has taken a route every one on both sides of this House recognizes. It has the same ingredients each time. What is it? It's ideological. Again, rather than look for a made-in-Ontario solution, they are still getting stuff out of the discount bin of the Republicans down south. Let the private sector do it. It's ideological. It just doesn't have its own intrinsic response to the needs of the people of Ontario.

It's about mismanagement. It sets up again a lack of oversight, a lack of actual direction for what was supposed to be at hand here, which was how to make building inspections happen in a way that would improve safety and effectiveness and so on—all the misnomers that are in the name of this bill.

Further, it's lazy. Just as we have the members sitting on their hindquarters tonight, we have a bill in front of us that shows the effects of a government not prepared to roll up its sleeves, not prepared to address inadequacies, let alone listen to them or debate them in the Legislature where they're supposed to.

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We had here an interesting challenge, one which some other jurisdictions have grappled with. As I mentioned, down in the south they've had trouble with exactly these kinds of initiatives. They have in other jurisdictions like New Zealand and Australia as well. But here in this province of Ontario, we have a government not really willing to learn, not really willing to do the job they've been hired to do, and that's a very tricky area to enter into. The government is like people who don't know how to canoe; they just crash into each wave over and over again, rather

than find a way to actually get at it, or how to find if there is a way.

This is the problem. This is where ideology and, I suppose to some extent, laziness creeps into the government's perspective. They don't really try to find out where the trade-off is between the public interest and the profit motive. The result is they have set up some impossible contradictions in the bill in front of us today. We expect businesses to make money; that's what we want them to do, and that profit motive is what drives them. But when it comes to the public interest, public safety and, indeed, most of the business of this House—there are some lords of the manor on the opposite side who might delude themselves that somehow they have some impact on the economy and so forth, but our job is another sector. It's public safety. It's to make sure the economy can operate while there are other things that happen, and quite frankly, the economy wouldn't operate if we didn't do our job well. We're being asked, then, to look at this government on its track record in terms of privatization, it's track record in terms of protection for people, particularly in the area of housing. On neither of those, on the face of it, could we accept authority for this bill.

I want to iterate and give the people watching at home some expectation in advance of the more erudite coverage that's going to come from the member for Don Valley East about and concerning the details of section 4.2, which is the area that was not in the advanced committee report. The government did put together, under one of its committees, a group of people around the province to try to look at and do what this government finds hardest to do because it's tough to do. It takes work, it takes energy, it takes perspicacity—none of them qualities of this government—to actually find a solution that finds a trade-off, in this case again between the public and private interests. Instead, suddenly we see section 4.2 in this bill, which talks to developers appointing their own inspectors. As baldly as that: they get to pick the people who get to inspect them. All we have is a very, very weak clause that says you shouldn't be involved in a conflict of interest. While they may not be able to fire those people while they're on the job, they sure as heck don't have to hire them the next time. It will be very, very clear to this class of people, these registered code agencies the government wants to put in charge of the safety of the structures over our heads and housing our families and businesses, that they will not be able to effect that job.

This is ground we've been on before. This is the selfsame government that, back in 1996 and 1997, brought forward a bill on self-regulation and has given, very arguably unsuccessfully, jurisdiction to the industry, in terms of amusement devices and elevating devices, for example. Certainly in the area of amusement devices, we've had accidents in places like Ottawa that have brought that into question. We have a lot of muttering going on within that industry about whether the technical authority that's been set up is really up to that job.

We look at some of those other initiatives. In fact, one of the things I think the people in this House, even on the other side, choose not to remember is that when they set up those authorities, when they privatized them and said, "We're going to let the profit motive run health and safety and well-being," in fact they lost this province \$7 million. That's what the government did from the get-go. So there wasn't any effectiveness and, in fact, the government gave away \$7 million. That on a day when we are considering the hydro bill we have in front of us, legislation that has been arrived at out of conversations in the Albany Club. It's not done out here in the public interest. That's why there aren't members standing up from the opposite side. They don't really address this bill. It's not really their bill in that way. They've been told what to allow and what to permit.

For the \$7 million we lost in some of those self-regulating agencies, we don't have the same level of protection we used to have before. We're going to find, just like they did in California, that when you self-regulate in areas like real estate, the travel industry and so on, you eventually take them back. The process happens over a number of years, but it only needs to be that the industry finds itself in a compromise, maybe in a downturn, maybe in a time when increases in fees are required, and suddenly there's a conflict, suddenly there's a restriction on its ability to act. We don't need to go to California to find where that can work its way out. While it may pain some of the members opposite to think about it, it should not. Everybody in this House, I suppose, bears some responsibility for the existence of Walkerton, but none of us bear more responsibility than another to make sure it doesn't happen again in any area.

You'll hear again from my colleague about the fire risk and the risk to health and safety. In fact, that's exactly how the Association of Municipalities of Ontario terms it. They talk about a risk to health and safety; an erosion of public health and safety that will happen if section 4.2 is allowed to go ahead, if we actually take government out of the equation, if we take the disinterested party out of it.

That is where ideology comes in as well. The people opposite, many of whom are afraid to speak tonight, don't want to expose that clear bias on their part. They're unable to act in impartial judgment because they believe inherently that if the government is involved it can't be made to work, and that's where the laziness comes in. Rather than do the real work, rather than do the job of how to make sure a government agency could deliver on what it's supposed to do—to take it apart and find the way that direction could happen from the provincial government, that co-operation and collaboration could happen with the municipalities to actually solve this problem—they sit back in their easy chair. They sit back in the La-Z-Boy and say, "No, we don't need to understand this problem. Instead, all we've got to do is hand it off to the private sector, and our other favourite trick"—pull it out of the bag—"which is bash on somebody else."

The government has no idea how to get something done in terms of actually getting the results they want,

and in this case they want to push municipalities. So they will force things on municipalities, force costs on municipalities, force new regimes on municipalities without so much as sitting down with them and working out how this could be made to work. It's because somehow, some way, the Conservative Party of Ontario, the governing party today, the Harris-Eves government, comes from this funny place: a corporatist government. It believes in big things. It believes in its own power, its own ability to sit in those Lay-Z-Boys in Queen's Park, push buttons and make things happen in our communities and yet not take any responsibility.

The issue of liability was raised earlier tonight and it's startling that the government would set all the rules, as it does in a number of other things in the province, and then excuses itself: the dine-and-dash government of the age. They keep passing the rules and not wanting to stick around for the consequences. That is not just reprehensible from a standpoint of responsibility taking, but from the standpoint of the standard of behaviour of any self-respecting level of government, it is dangerous. It is dangerous to have a level of government pass laws for which it will not make itself accountable in the future and that's what we have here today.

We have to ask ourselves, under the various objectives this government might legitimately have had, we see within this bill—somewhere back then when this was being formulated—there probably was a legitimate objective but it's fallen off. Sometime—

Mr Marchese: On a point of order, Mr Speaker: Could you check for quorum, please?

Clerk at the Table (Ms Lisa Freedman): Quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

Clerk at the Table: Quorum is now present, Speaker.

The Acting Speaker: The Chair recognizes the member for Parkdale-High Park.

Mr Kennedy: I'll give the veritable flood of government members who have shown up the chance to settle. I'm sure they'd like a summary of where we were, but in essence, I'm talking about their inability to grab hold of the task that was at hand. It is indeed startling that rather than work this through, rather than try and find a way to make it work, they have reached into this grab bag of lazy ideological tricks, pushed the lower level of government and handed it off to the private sector without adequate protection. It wasn't in the proposal that was a prelude to this bill that was developed by one of their own members. It didn't say, "Let the developers choose their own inspectors," but suddenly it's there. When did that happen? Sometime between the dessert tray and the cigars at the Albany Club. It's fairly obvious that's when this got done. That's when a lot of this stuff gets done and that's why everybody here tonight has stuffed a sock in it. That's why they're being quiet about it, because it's self-dealing, just like the Hydro bill this afternoon. It benefits somebody at somebody's expense. How does that make any sense? You take something through a process and it makes a mockery of it, just like they make a mockery of debate tonight by not participating in it.

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Instead, they could have tackled this, because there are important issues at work here. Building inspections matter. They matter to people in new buildings; they matter to people in places like rental accommodation, where the only thing they have to depend on is the efficacy of those city inspectors. I can tell you not all is well with the state of inspection even as it exists today. Some of these members opposite—one of them in particular I remember was here when I brought down a woman who lives in my riding who now drinks Kool-Aid about 15 days of the month because she can't afford anything else to drink. Why? It's because these members opposite in some other part of their housing policy allowed maximum rent policy to come into play. Maximum rent policy was their version of letting somebody benefit. It said that you could make all the rent increases you couldn't do under the old system all at once on the basis of one successful building inspection.

I can tell you, some very suspicious building inspections happen from time to time for some of these building and have found people like Sookranie Lucknauth holding the bag for 50% increases in rent. There was one member opposite who had the audacity to even challenge whether that was true, and to her credit, she immediately sent down a copy of her rent stub which she had with her to show that in fact this government had caused her to pay a 50% increase.

I tried for a number of weeks in my riding to get building inspections done for people who live in these decrepit buildings, these terrible places, where they have a choice of hazards, where the wind comes whistling through in the wintertime, where there are pests, where there is crumbling plaster, where there are elevators that don't work, and where the government of the day, in this other realm in which they want us to trust today in their stewardship over housing, has allowed rent increases of 35%, 36%, 38% and 50%. Those increases stand to this day. Do you know what they did in the city of Toronto? Building inspections had a habit, because of their lack of manpower, where they actually called the people who were supposed to be inspected and said, "You've got a complaint."

I can tell you, in some parts of my riding there are new Canadians who want to know there's somebody who's supposed to stand up for them and instead find out that they call the landlord and the landlord comes to them, not the building inspectors. We've worked hard with the city of Toronto to try and get around that problem, but I can't imagine what it would be like if those were private-sector people. This is their life for people for whom 65% to 85% of their income is paid out in rent. They depend on these inspectors to get the rudiments of the quality of life that most members of this House can bloody well take for granted on their own, and we're saying in this bill we don't care. There are insufficient safeguards and protections here. For most of us it isn't going to make a heck of a lot of difference in our quality of life. I suppose that's the other reason why a lot of people here on the

government side say they don't need to speak to the bill. They don't see the interest at home, but we have a responsibility to serve the broad interest. It will only take one bad set of inspections or one bad registered code agency to cause a terrific amount of problems.

We know in other provinces there have been failures of building inspections. We hear about the condominiums in British Columbia that have caused billions of dollars worth of liability for others to happen. It happened under a certain kind of regime, but the point is there are no guarantees to improve the inspection process really in this bill. There's talk about a code of conduct: how will the government see that enforced, for example? If we wish to do this job, let's do it. Let's find a means of making it happen, but let's not pretend the bill we have in front of us addresses that. We say specifically around section 4.2, the business of self-appointment really does expose the government as having taken something worthwhile, something I don't think any party in this House would say they wouldn't, and probably haven't, at some point, attempted to address: the idea of streamlining regulation or finding a way to have the proper trade-off between the ability of a company to make money, to do the things that keep it profitable, and actually protect the public interest.

I think the industry, which may be pushing this, may want to rethink this. If they look back and see the number of times the government of the day has bumbled its efforts at privatization, they may not wish to be a part of this. They may not wish to be part of something that is going to come back and cost them in the future as well—that's the upshot. This is not about the ideological clarity or purity that some of the people opposite want to have; it's not just about "the private sector is always better." At some point, someone's going to pay for the quality of the decisions we make in this House and, more to the point, the quality of the decisions inspectors are going to make. It doesn't make sense to me that the government of the day would not be prepared to deal with some of this and deal with some fairly substantive needs being put forward by the municipalities themselves.

I would like to echo what the member for Don Valley East has already mentioned. There was a commitment by this government, with a fair amount of trumpets and banners and so forth, that they would respect municipalities. Instead, in this bill—something I know the member for Eglinton-Lawrence would find of particular interest, given his Bill 61—they're giving more powers to the Ontario Municipal Board, so that this unaccountable, unelected authority is going to have a say over site plans and whether or not they apply. Rather than respecting municipalities, rather than being like—

Ms Churley: On a point of order, Mr Speaker: I don't believe we have a quorum.

The Acting Speaker: Would you check if there's a quorum present, please?

Clerk at the Table: A quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

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

The Acting Speaker: The Chair recognizes the member for Parkdale-High Park.

Mr Kennedy: For the people of Ontario joining us tonight, they may be aware that not a single member of the government party has spoken to this bill in the time of debate. We had one member get up and speak for two minutes. Two minutes is what the government could afford. At that time, as an elected representative in the province of Ontario, he talked about a Chicken Little kind of attitude. I say this with the utmost seriousness, in the sense of not wishing to do anything but take our part of the responsibility for what follows: in a province that has had Walkerton, we in this House don't have the luxury of that kind of outlook, of saying we don't require due probity when it comes to a building. A building could fall down, people could be in trouble, there could be inspections that won't take place, there could be all kinds of people who do not get what they require in terms of this service. We're not going to overstate this in the sense of its immediate impact on health and safety, but it is real, and this disdain or disrespect for that doesn't add to the debate.

So I, like other speakers who have been up tonight, enjoin the government to at least make itself heard in the debate, and we hope it will be informed by that kind of attitude. There are deficiencies in this bill. They should be defended and debated and, in fact, identified by the members opposite.

This is about something that shouldn't be loaded with ideology. It can only be ideology, though, that would see it go whizzing through un commented on by the people opposite. Because there is nothing any objective authority has said about it yet that says it deserves that kind of approbation, unless it's in the negative, unless this is really something the members opposite want to disown. They won't take personal responsibility, but they're prepared, as they have been so many times before, to hand this—

The Acting Speaker: Order. I just want to point out to the speaker that the observations may be accurate, but I want you to be careful that you don't impugn motive.

Mr Kennedy: Mr Speaker, I would appreciate any specific point when I get near that, because it is certainly not my intent.

I would say further that far from impugning motive, we're saying that somebody needs to explain what's in front of us. Why do we have section 4.2? Why don't we have instead something that is more reasonable and more balanced? Why do developers get to appoint their own inspectors? Surely every person in this House who isn't clouded by some wilful thinking is going to agree that you're putting the profit motive and the public interest too close together. We should never force somebody to have to choose between their self-interest and the public interest, and that's what this does. That creates not only individual circumstances for that but a system that could be built on that. That's what the municipalities have been

telling us. These organizations won't even respond to them.

Further, as I'm sure the member for Don Valley East is going to tell us, and it looks like he will probably be the next speaker because we don't have members opposite, this is a problem for fire safety—

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The Acting Speaker: The member's time has expired. Comments and questions?

Mr Marchese: I want to praise the comments made by the member for Parkdale-High Park, because it was a good social democratic speech. His views and mine are sometimes in line with each other.

Hon David Turnbull (Associate Minister of Enterprise, Opportunity and Innovation): That's true. He should be with you.

Mr Marchese: David, I did praise him for his social democratic speech.

He speaks of the role of the civil service, the role of protecting the public interest, the role of governments, the role of having laws that are protected by governments and enacted by governments. In this case, protecting the public interest should be in the hands of municipalities and the inspectors whose work and job are designed to protect me—the public interest—which is what it's all about. He argued quite correctly that if there are some deficiencies, identify them and make them better. But you don't do it by privatizing the service, which is what this bill is all about. It's just not the way you do it.

We understand why you're doing it. First of all, you're downloading a whole lot to the cities by way of costs for housing. You downloaded transportation and, yes, you realized that was a heavy load for municipalities so you're taking some of that back. They still have child care and welfare on the backs of the property taxpayer. You've downloaded so much on them that you're trying to give them a hand now. By this bill what you're saying is, "You can privatize to save money." At what cost? That is the argument that the member for Parkdale-High Park is getting at. There is a potential social cost connected to privatizing a service that ought to remain in the public domain. That's the way it should be. That's the appeal he makes that we make to you, the public watching this debate.

Ms Churley: I rise for the fourth or fifth time here tonight. Again, the Tories have an opportunity to at least rise for two minutes.

Mr Marchese: They're silent. Provoke them, Marilyn.

Ms Churley: I've already provoked them. I might be able to do it again. They could rise and talk about why they support bill. They've listened to many speeches from both the Liberals and the New Democratic Party tonight. We've pointed out our concerns time and time again and we haven't heard back from the government.

Mr Wayne Wettlaufer (Kitchener Centre): We're listening.

Ms Churley: If you're listening, why don't you get up and tell us what you think? For instance, what has been

said over and over again tonight is that we're concerned about safety, and we made several suggestions as to what needs to be changed to deal with this.

One of the things we're very concerned about is that under this bill, the province and municipalities are exempt from any legal liability over anything done by an RCA. An RCA, in case you haven't figured this out by now, is a registered code agency, and that's code for privatization. That's what this bill is all about.

Of course, there has been so much downloading to the municipalities that they are strapped for cash. They're having to raise taxes time and time again.

Mr Marchese: Here's another tool. We'll give you a tool.

Ms Churley: The tool they've given to the municipalities in this bill is that if they don't have enough money internally to fix the problem, they might find contracting out helpful to deal with the ups and downs of the construction business cycle. So we're concerned about allowing applicants to hire their own RCAs. This could be a problem. They're not accountable. While this kind of thing is commonly used in auditing, this is not a good direction to go when it comes to the safety of our buildings.

Mr Wettlaufer: I'm really having trouble listening to all the rhetoric tonight. For the past seven years the opposition and the third party have criticized our government for not listening, even when we listened. So tonight we're sitting here, listening to everything they have to say, and now we're being criticized for not speaking. The Liberals and the NDP seem to want it both ways. I used to think the NDP were different, but tonight they're starting to sound like Liberals.

Mr Caplan: The member from Parkdale-High Park pointed out some very legitimate concerns about Bill 124, particularly in regard to section 4.2. Members of this House would do well to heed what he had to say. Interestingly enough—and I do have a copy from the Building Regulatory Reform Advisory Group, led by Brian Coburn when we was parliamentary assistant to the Minister of Municipal Affairs.

I should tell you that BRRAG had 90 recommendations. It was an industry-wide advisory group, comprising municipalities, home builders, construction companies, building inspection officials—a wide, wide group of people. Nowhere in these 90 recommendations they made would you find section 4.2 of this bill authorizing registered code agencies. I'm disappointed that we haven't had one member of the government stand up and talk about where this came from and why, if there was broad industry consensus and a comprehensive set of recommendations, these weren't implemented and something else has appeared in Bill 124. That's a very good question. Why did that happen? How did that happen? What are the implications for public safety?

We've had the member from Kitchener Centre get up and make some kinds of comments, nothing related to the bill, of course. We haven't heard from any members of the government. I wish they would speak to some of the

very legitimate concerns of the bill. I hope that when the bill goes to committee, if it goes to committee, there will be a chance to amend sections of this bill. To be fair, it could be a good piece of legislation. It could be strengthened. The member from Parkdale-High Park has pointed out on a number of occasions where this bill fails that test. You would do very well to heed his words, and I want to congratulate him for making some excellent comments tonight.

The Acting Speaker: The Chair recognizes the member for Parkdale-High Park for two minutes to respond.

Mr Kennedy: I want to send my thanks to the members who commented: the members for Don Valley East, Toronto-Danforth and Trinity-Spadina, and also the member for Kitchener Centre, although whatever concerns I have about this bill have been amplified because I've never seen the member from Kitchener Centre stand on his feet for such a short period of time when more time was available to him. So it leads at least to a concern.

It is I think a problem—when in my riding, for example, we have a private development, it hires its own environmental inspectors. That's what happens in this province. Let me tell you that you cannot get the government involved. Even if there is suspicion of a problem, they will not get involved with that private site; it is just privately hired people. They write an impressive set of reports, but they're engaged by the developer. So what did we find out last week? We found out that in Wendigo Creek there are rivulets of petroleum products pouring into that creek, likely coming from the suspect site which had been inspected by private sector environmental inspectors. In their report, carefully worded, it says, "We found no evidence to believe that there was external contamination." Well, it's pouring into that creek. I can tell you right now that I'll be back in this House looking to remedy that situation because we are not well protected when the Ministry of the Environment cannot act. We're still trying to get them to act in that case.

A similar situation exists here for fire safety and for building safety. We have set up, or this government would like us to agree to set up, a conflict between the public and the profit motive. It doesn't mean we can't have both of them get along, but they have derided the work of Mr Coburn and they have taken away from the work of the industry and in fact of the municipalities, and they've given us instead something we're used to, which is a mishmash. It simply doesn't work.

The Acting Speaker: The member's time has expired. Further debate?

2050

Mr Caplan: I am very pleased to speak to Bill 124. I have spoken with municipal officials, building officials and home builders, and I want to reflect on some of the comments and some of the concerns that they have made to me, in particular about Bill 124.

At the outset of my comments I do want to recognize the work, and I mentioned this earlier, of the Building

Regulatory Reform Advisory Group led by now-Minister Brian Coburn when he was the parliamentary assistant to the Minister of Municipal Affairs and Housing. It was a broad-based and extensive consultation on which some very good work was done, and I do want to acknowledge that.

What the contributors to BRRAG are finding surprising when they read Bill 124 is that things that were recommended in the BRRAG report aren't in the bill, and there are things in the bill that were not recommended in BRRAG. I'm going to talk a little bit about that tonight. I would challenge now-Minister Coburn or any member of the government to explain some of these inconsistencies, why recommendations from a very broad and good consultative process are not found in this bill, and why others that were not recommended or rejected by that advisory group have found their way into Bill 124.

I'm going to raise some specific concerns about items that are in the bill and how they relate to the memorandum of understanding signed just a few months ago with municipalities under the very much ballyhooed new Municipal Act, its memorandum of understanding to respect the various powers and jurisdictions of both the province and municipalities. So those are going to be the focus of the remarks I'm going to be making here tonight. The focus is going to be certainly on the creation of registered code agencies.

Municipal stakeholders such as AMO don't entirely oppose the creation of these municipal agencies. Municipalities have used them in the past. In fact, some municipalities contract out their services to other municipalities. I know, for example, the town of Aurora acts as a code agency for Whitchurch-Stouffville and King City. Sometimes when they need coverage, one will cover for—and there's nothing wrong with that. What they do oppose, however, is section 4.2 of the bill. Section 4.2 of the bill allows builders to be able to select their own registered code agencies. There is something inherently dangerous about that.

The member for High Park earlier said, and he illustrated this very well, "I hire you to do the work. You do the work. You owe a duty to me, not necessarily to the public and to public safety issues. If you don't produce a report or act in a way that is going to be beneficial to me, I may not hire you again." There is considerable influence that can be brought to bear when I get to self-select my own agency, especially for a matter like this, so critically important to public safety, such as building inspection or fire safety.

The pressure on municipalities to permit this option is going to be overwhelming, I guarantee you, and it will remove local councils' ability to effectively manage registered code agencies, to effectively manage building that's taking place within their municipality.

There are major questions around conflict of interest that I've just highlighted. So where registered code agencies are employed directly, there will be a great deal of pressure placed upon them to approve the work being done by those who have hired them. Their ability to get

hired for future projects may depend on their speed and their flexibility on the approvals that they make.

The registered code agencies appointed under section 4.2 will not be accountable to municipal governments. That's clearly in the bill. To most people who were part of BRRAG, to most people who should be of good character and good sense in this Legislature, that should not be acceptable. So today I want to put the government formally on notice: I will be proposing amendments in this regard, and my hope is that government members are listening to these particular concerns and will support measures that will give municipalities effective tools to be able to manage registered code agencies.

The Ontario Building Officials Association—they were part of BRRAG as well—have raised some very good and very specific concerns about section 4.2. They have a real fear that the use of section 4.2 by registered code agencies will compromise fire safety.

I am going to quote directly from the letter they sent to the Minister of Municipal Affairs and Housing:

"Under section 4.2 of Bill 124, equivalencies can be proposed through an RCA. The municipality does not review plans for permit issuance and therefore any equivalencies that may impact fire services will not be known to the fire services until the project is completed. This process could—and in fact will—"impact fire suppression and life safety."

That is a very serious concern. I think it's really important that the government review section 4.2. I think it's important that the government be willing to accept and entertain amendment to section 4.2, if not completely reject it altogether.

There is consensus among municipal stakeholders that section 4.2 can only assist in meeting the goals of the legislation. I agree that ensuring a municipal decision-making role is the key and that any move away can only result in disaster, possibly a loss of life, and untold liability.

This is really important to remember. Who holds the liability? The municipality. They represent the citizens in their particular community. It is ultimately liability that's going to be held by the citizens of any community around Ontario.

Even a municipality that was separated from the decision-making process in section 4.2—it's important they hold that authority. The real concern lies in why the government in the first place proposed registered code agencies as they're described in section 4.2 of the legislation.

The BRRAG report did not suggest a need for the removal of the municipality and municipal direction from the process. That's quite correct. It's unclear why the government took the initiative in this regard; why, after quite a lengthy, broad and very good consultation with all of the industry, you moved in this direction.

I also have a real concern about the micromanagement approach that this bill takes to imposing fees. It's clear that the government wants to interfere with municipalities and their ability to set appropriate permit fees.

Despite new regulations for training, it is not clear that the bill will allow municipalities to recoup these costs through their fees.

The ministry's intention is to recertify every building inspection official across Ontario. As you can imagine, that's quite an expensive process, yet municipalities will not have the ability to recoup those fees in their permit fee structure.

As an example, the bill proposes that municipalities offer a reduced fee structure where a registered code agency has been appointed. What the bill does not acknowledge in setting the fees is that even if a registered code agency is involved, the municipality is still liable for certain issues if problems occur for a project provided for by section 4.2 of the bill.

For example, if a stop-work order is issued on a project, the burden of liability reverts back to the municipality, but the ability to recoup the costs through its permit fee structure does not. The municipalities are on the hook and they have to do all the work again. They also have to incur liability, thus carry insurance to be able to do it. They can't recoup it in the permit fee structure that they're able to set.

The key, and what should happen, is to provide flexibility to the municipalities. Both the Association of Municipalities of Ontario and the Association of Municipal Clerks and Treasurers agree, and they've pointed this out in communication with the minister and with the ministry.

I will be suggesting and bringing forward amendments to the bill in this regard. I hope the government members are going to be listening. I hope the government members are going to respect the wishes of municipalities. They certainly made that claim when they introduced the new Municipal Act, which was going to respect the various jurisdictions, both provincial and municipal.

Members of this House would be aware of that Municipal Act. They provided a structure for charging of fees such as permits and other kinds of charges. It's unclear to me why the government felt compelled to set out a similar yet more inflexible scheme than that found in the new Municipal Act. Officials have been trained in the new scheme and now you are proposing that they learn an entirely new set of restrictions and financial tools which could easily be addressed in existing legislation, in the new Municipal Act that you passed. That doesn't really seem to make too much sense to me. Why have two different and conflicting sets of rules and regulations? It sounds like a bunch of red tape. In fact, I even wonder whether the much-ballyhooed Red Tape Commission even looked at this bill and the implications of doing things in this way. It doesn't make a lot of sense when you consider the terms, as I've said, of the memorandum of understanding signed, supposedly in good faith, by the minister and the Association of Municipalities of Ontario only a few months ago.

2100

Bill 124 also talks about a code of conduct. Here's another part of the bill that was not part of BRRAG.

BRRAG doesn't talk about a code of conduct at all. In fact, aside from just being insulting, most municipalities already have codes of conduct. To me, it's just another example of the government trying to micromanage the affairs of municipal government. I know many of the members opposite and on this side have extensive experience in municipal government. I think some of my colleagues could speak very well about their frustration at provincial governments' imposing on and trying to micromanage their affairs.

On a fundamentally internal issue like human resources, why is the province doing this? I think that's a good question to ask. Perhaps members of the government will give us an answer. It's not in the spirit of the memorandum of understanding, which speaks directly to this. I'm going to quote the memorandum of understanding that you signed. In section 1.1 of the memo, it says, "to respect each party's area of jurisdiction." If the human resources of municipal officials is not an area of their own jurisdiction, I don't know what is.

Let me talk about parts of BRRAG that were omitted. There are over 90 recommendations in here, many of which did not make it into Bill 124. I heard some of the government members talk with pride on Monday about the extension of liability to all players in the building process to seven years, in line with the Ontario New Home Warranty Program. I want to read to you what the Building Regulatory Reform Advisory Group had to say about this. It said, "The chair and vice-chairs recommend that the province mandate that designers, builder/general contractors/renovators and private inspection agencies carry insurance (or other equivalent coverage, including a warranty-type product) for a 10-year period following construction of a building." Let me say that again: "For a 10-year period following construction of a building." They went on to say that the government should "extend warranty-type coverage for new homes for major structural defects from the current seven years to 10 years." Why? Because major structural defects often show up in periods of time of about 10 years. So while having seven years of coverage is very good, it's almost worthless because the defect doesn't show up till much later.

I just referenced recommendation C.2.i of the July 2000 report to the minister. To hear the minister and government members say, "We've extended it to seven years," you'd think that they'd done something groundbreaking. In fact it's what already exists and it's contrary to the recommendations you were given by your own expert panel. I wonder why, of all the recommendations, they decided to shortchange that one.

The bill also stays away from the very critical issue of joint liability. Neither your Bill 10, the Limitations Act, which still languishes on the order paper after I think two years now, nor Bill 124 address the issue of joint liability between a code agency and a municipality or between any two parties to an agreement. What you're saying to municipalities is that they may still be forced to pay for large settlements, even though they may have been only

minimally involved in a project. All stakeholders must therefore have insurance that covers their share of any future damages that arise. That's only fair.

I want to pick up some of the recommendations from the association of municipalities. They speak of the need to ensure that the building code is accessible to the whole province. You know, there seems to be a conceit in here that it is only going to be in large municipalities, and suburban municipalities and many northern rural municipalities aren't going to have access to the provisions of the building code and of this act.

There is also a concern, especially with this move to the recertification of all the municipal officials out there, about the kind of costs that is going to incur, on smaller municipalities especially. So recommendation number 8 from AMO is that communities in rural and northern areas will need provincial financial assistance to implement the changes that you've placed in Bill 124, specifically around the training.

It's very interesting and I was shocked when I learned from the building officials the need to have an entire recertification. It would be much more effective but it also would be much more of a streamlined effect if you didn't do this. Imagine what's going to happen right now: all of your building officials are not going to be able to approve projects. You're going to bottleneck it because everyone's going to be going off for recertification. There are a lot of building officials out there. You're not going to be able to do this in any short period of time. What effect is that going to have on permit issuance, on building inspections, on getting things done efficiently? You're going to slow it down. In fact, this recommendation, as it stands now, as it plans to be implemented by the government, by the ministry, will have the opposite effect of what you say the goals are for this legislation. Be very careful, I say to members of the government, what you're doing here.

I've highlighted where this bill falls apart. I've highlighted as well that there are many laudable areas of the bill. Dalton McGuinty and the Ontario Liberal Party support the goals of higher public safety standards. We support the goals of streamlining the process and having greater efficiency. We have several detailed proposals, simple amendments to this bill, which will accomplish and accommodate all of those objectives. I say to government members that with some very simple modifications, with some very good amendments, this is a bill that all members of this House could readily pass.

Mr Ernie Hardeman (Oxford): That's not what they said.

Mr Caplan: I can't speak for the third party, my friend. I can't speak for them.

Mr Hardeman: You're all members of the House.

Mr Caplan: Any reasonable member of this House could pass this bill if it had some strengthening, if it had just a few amendments to it.

In conclusion, I think it's fair to say that there is some good work in the bill. There was a good consultation process; it was a very wide-ranging and a very thoughtful

one. Much more needs to be done, and I would argue that the proposed amendments will do just that. The government needs to have some public hearings, not very many, not very long. The government needs to have an ability for the stakeholders to come and talk about why they recommended a certain course of action, why things aren't the way it was proposed, what things have made their way into Bill 124 that were never contemplated or were out-and-out rejected, and have those amendments put and have them supported and have this bill work in a way that's going to promote public safety, efficiency in the building industry and a streamlined process.

I look forward to debating this bill at committee. I'm asking that all members support the amendments that I will be bringing at the committee stage, and I look forward to debating this both in committee and in third reading.

The Acting Speaker: Comments and questions?

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Mr Marchese: Excellent speech, member for Don Valley East. He covered a lot of ground, and a lot of it technical, because the concerns are technical in nature. He spoke to a lot of issues that I'm sure the association of municipalities has raised, and the Ontario Building Officials Association. They have a lot of concerns too. I'm convinced the Conservatives agree and share some of those concerns. The problem is that they're not standing up to share them with us.

Look, I believe—

Mr Hardeman: Frank Klees explained it all.

Mr Marchese: Frank explained it? Who explained it all?

Interjection: Forty minutes yesterday.

Mr Marchese: Forty minutes. But did you read the speech?

Mr Klees: No.

Mr Marchese: Yes, you did, Frankie.

Mr Klees: You weren't here.

Mr Marchese: Speaker, did he read his speech yesterday or did he just deliver it off by heart there?

Interjection.

Mr Marchese: He wasn't listening.

Mr Klees: Check Hansard.

Mr Marchese: But the member for Don Valley East raised a lot of technical issues that are critical. He says we need public hearings for—

Mr Klees: I'll send you the quotes.

Mr Marchese: I know. Of course you'll send me the quotes. I want to hear your passion coming out of your chest from time to time.

But my question to the member for Don Valley East: it is my understanding that the province and municipalities are exempt from any legal liability over anything done by the registered code agencies. This may encourage the municipalities, of course, to avoid responsibility by using these registered code agencies, if that is so. I'm not quite sure; I believe that to be the case. You may know. If you do, please respond to that. What you said earlier wasn't quite what I'm saying at the moment and it would be

useful for the public to be able to have a better understanding of that.

Mr Dunlop: It's a pleasure to rise here tonight and make a few comments. It's interesting, on the registered code agencies—I understand from my interpretation of the act that a registered code agency is completely optional to the municipality. That's the first thing we have to make clear here. I don't know how many times we have to say that, but it is an optional process.

There's something I think both opposition parties should be aware of, and maybe they are, maybe they're not—

Interjections.

Mr Dunlop: Will you guys be quiet for a second so I can talk? I can't talk.

Prior to 1985, septic system inspections across the province were done either by the board of health or by the Ministry of the Environment. In my particular area of Simcoe county—I live quite close to the Muskoka area—in 1985, there was a gentleman, I think his name was Bradley, who might have been the Minister of the Environment for the Liberal government. They introduced a program, which by the way was followed during the previous years by someone named Grier, that allowed private engineering companies to eliminate all the employees of the Ministry of the Environment and inspect the septic systems in areas covered by the Minister of the Environment. Those are our lakes and our water; those are our septic systems in our cottages and our homes all through the north. That happened. That's a kind of registered code agency, but that wasn't optional. They implemented that program 100%, the environment employees lost their jobs and private companies took over on one-year contracts. I don't know how many people are aware of that, but that's a fact of life. That happened. That's basically a registered code agency. I have no idea now why, when something is optional to a municipality, there's so much dissension, so much worry, so much fearmongering. Again, I say the sky is falling. Chicken Little is over there.

Mr Kennedy: Again we have an inkling of why the government could only muster two minutes. They simply sing the same sad song. There was a grunt or a groan that said, "More bureaucracy." Well, this is a problem for the members who have it in their head that that's the only frame of reference.

Actually making the system work is the job, guys. It's not just about whether or not there's more bureaucracy, and in the days of Walkerton you'd better not be so glib about it, because they expect from us, all of us in this House, a higher standard. When the members opposite talk about, a little too glibly, this idea of having these things here, when you talk about what's going to be optional for municipalities in the future, something our member didn't even mention yet is that it's going to be optional for them to check the work of those code agencies. Once they check the work of those code agencies, they get some of the liability. But all through this piece, who doesn't get the liability? The provincial government

that wants to set up the rules. Again, we see at work this lazy, ideological mismanagement on the part of this government, who are unable to come to terms with the basic requirements of their responsibility.

But it's not for me to make that judgment. There are many, many people out there who understand that in area after area they have, not flip-flops—as is often the parlance in this House—but just flops, just absolute disasters of things that should be made to work but instead they don't work, over and over again. We're headed for another one here, where the government will set up a system where inspections will be at the desire of the developer chosen, the agency, the company, and the means and the method eventually would be dictated by the industry. It's not something that should be put in the hands of the industry.

If this passes, we'll eventually be back in this House with the industry asking us to change it, because people will lose confidence. That's the price of laziness, ideology and mismanagement.

Ms Churley: I know you're looking forward to hearing what I have to say, as always.

Mr Wettlaufer: That's why I came down here.

Ms Churley: I'm sure it is.

I listened to the member for Don Valley East. It's clear that he's done his homework, or he's got a really good staff person who did his homework, because he's clearly read the bill. He talked about some of the technical details tonight. I'm sure he'll tell us he did all the work himself.

One of the things that struck me when the member for Don Valley East was talking—and we've pointed this out as well—is this is not just the opposition talking. If you don't want to listen to us—and we know you don't. You make that pretty obvious every day, all the time.

Mr Dunlop: I listen to you all the time.

Ms Churley: You should more often, because you wouldn't be in such trouble right now.

The Ontario Building Officials Association and the Association of Municipalities of Ontario, two organizations you have some close ties with from time to time, that come out and support you in certain areas, are telling you—and the member for Don Valley East is pointing out to you tonight that those two organizations know this issue inside out—better, I'm sure, than anybody in this Legislature except maybe for Michael Prue, who has been mayor of East York and really understands this issue very well. It's a very complex issue. These people understand what they're talking about. They are telling you that this bill badly needs amendments, that they're very concerned with the content of the bill as it now stands. They want an opportunity for hearings and an opportunity to make those amendments. That's what the member for Don Valley East is telling you tonight. So if you don't want to listen to us, listen to them. Have hearings.

Mr Caplan: I want to thank the members for Trinity-Spadina, Simcoe North, Parkdale-High Park and Toronto-Danforth for their comments.

I would say to the member for Trinity-Spadina, yes, his comments are true. However, if there is even the most minimal of involvement by a municipality at any step of the way, they assume a significant share of the liability. That will cause municipalities to be totally uninvolved.

Ms Churley: Why is that dangerous?

Mr Caplan: Why is that dangerous? Well, a municipality is a neutral third party.

I would say as well to my colleague from Toronto-Danforth that I had the very able assistance of my assistant, Hillary Dawson. She was very helpful. I want to congratulate her. She's a tremendous resource, as was the Ontario Building Officials Association. I sat down and talked to them. They laid out their concerns in a very thoughtful manner.

Mr Marchese: Did they talk to the government?

Mr Caplan: They talked to the government. They were part of BRRAG. They were a part of the expert panel that put together the foundation for the work.

Mr Marchese: So what happened?

Mr Caplan: That's the question I have. What happened? Why did the government reject many of the recommendations their own experts offered to them as a comprehensive package, and how did some of the other things get in the bill that were either rejected or never supported by their own experts? That's a very good question. How did that happen? Why did that happen and what can we do about it? We could make this a very strong bill to protect the people of Ontario, to streamline building activity in the province. The way it stands now, Bill 124 cannot be supported, but it could be and I hope it will be with some amendments.

2120

Mr Marchese: It's good to have this opportunity to speak. I never lose an opportunity in this House. I would never lose an opportunity to speak. It's the only time we've got as members to be able to say what we want to say. Why would you government members be shackled by your leaders, when I know so many of you want to speak to this bill and so many other bills? Yet the House leader or the whip or the Premier is saying, "Don't say anything tonight," and the whole mass of you, the whole group of you, say, "OK." How could you do that? This is your place, your assembly, your opportunity to be able to speak and represent your constituents. Isn't that true, Speaker?

The Acting Speaker: The member should express his comments through the Speaker, please.

Mr Marchese: I understand. With my omnipotent view, I can see you and them and the public at the same time, all at once.

Take the opportunity, I say to you too, Speaker, when you're over there with them, to speak to your public, whoever they may be, so they know what you're thinking and what you're feeling. I certainly take my time. I wouldn't sit around here and yap, yap, yap or read or go eat some cookies in the back. I'd be here waiting for the moment to debate; that's what I would do.

Some people are for, some people are against, and in this particular instance I am with two organizations that

want to speak to you directly. They are the Association of Municipalities of Ontario and the Ontario building inspectors' association. I am with them at this moment in allowing them the opportunity to be able to speak to you and us in committee directly.

It is a puzzling matter that the member from Don Valley East raises. That is, as he argued, if these associations were members of the group that originally put these recommendations together for you, why did you neglect or reject the proposals or suggestions made by them? It's a very curious thing. Normally, these are your buddies, and they really are. Even if you haven't included their points of view, they're still going to be your buddies. They are; I know that. But that's why I have a particular interest in listening to them.

I want to share the view that the member for Parkdale-High Park raised earlier on, because it was a social democratic point of view and I like that. We have something in common with him, at least in that regard. He was arguing, as I am about to argue, that public service is good and ought to be respected by you and us. We're talking about inspectors who deal with issues of buildings and building codes. These are the people who normally tell you, when you go to apply for an extension of your home or to build a new home, because you people can afford that—you've got to go through these inspectors, or probably you hire the guys with the big bucks to do it for you. But you've still got to go through the city inspectors to get what you want. You won't be able to build according to your wishes, but you've got to build according to the law. The inspectors are there to protect you and me and all of our communities with respect to the law on building codes. That's what they are there for, and they are an assiduous group who do their job very diligently and do the job that is required of them by law.

I am convinced that inspectors hired by the city are less corruptible, if not incorruptible. It is quite possible that some could be corrupted by pecuniary interests. It's possible. No one is infallible in this regard. I am convinced that city inspectors, on the whole, by and large, are incorruptible. I believe that. It's for that reason that I believe you've got to keep the system as it is.

Mr Hardeman: Surprise, surprise.

Mr Marchese: I know you're not surprised. Why would you be surprised? I know that.

Interjections.

Mr Marchese: You guys are the ones who don't like the system as it works because it's efficient. You want to corrupt it. You want to corrupt—

Interjections.

The Acting Speaker: Pull yourselves together. Grab a hold of yourselves.

Mr Marchese: I realize that the system works well, and what they want to do is corrupt it. In order to deal with the status quo, they have to change it. How do they change it? By saying—

Interjections.

The Acting Speaker: What am I missing here? Am I speaking the wrong language? Pull yourselves together.

Mr Marchese: Thank you, Speaker, for the severity with which you addressed some of the nuisances on your side of the bench.

We know that the current system works well. We know, as my friend Michael Prue from Beaches-East York pointed out the other day, the system is a very efficient one. While it is true that in May, June, July, August and September there is a peak of applications and therefore city staff are stressed with applications, good mayors, like the member for Beaches-East York, make it work. They find a way to make it work. That is why, as he pointed out, construction happened in his part of the world.

Mr Caplan: In North York.

Mr Marchese: No, not in North York—well, it might have been. But the member from Beaches-East York, while he was the mayor of East York, had a great deal of construction in his riding, versus Scarborough and versus, I believe, North York as well—

Mr Caplan: You're wrong about that.

Mr Marchese: —although it might not have been; I don't know—because of the leadership that people like him took. You can make the current system work if you want to. If it is inefficient, you make it work. But why would it be inefficient? Because people make application

in peak months like May, June, July, August and September. So what does the city need in those particular peak months? It needs money to hire more staff to deal with those applications that come in in those warm months. If you don't have the money, because Mike Harris has downloaded so much to the municipalities that they're starving for cash, you can't deal with those peak months of high building application changes that people are seeking. That's what it's about. The system is not difficult. The system has its burdens from time to time.

In the minute that remains, Speaker—I will resume the debate at the next opportune moment—I say that the system works well and it needs support. Cities need government funding. They need provincial money to support their good work and they need federal dollars to support them as well. Without it, they can't do the job. What does this government offer them? It offers them an optional program to privatize services so they can send out their work to private individuals who want to make money out of that kind of service. That's not the option people want. The municipalities want support and they're not getting it. But, Speaker, I will resume this debate at the next opportunity available.

The Acting Speaker: It being 9:30, this House stands adjourned until 1:30 next Monday, June 10, the birthday of my two sons.

The House adjourned at 2129.

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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,
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McMeekin, Bill Murdoch, Wayne Wettlaufer
Clerk / Greffier: Douglas Arnott

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