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**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Monday 28 October 2002**

**Lundi 28 octobre 2002**

Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY  
OF ONTARIO

Monday 28 October 2002

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Lundi 28 octobre 2002

*The House met at 1845.*

ORDERS OF THE DAY

CONSUMER PROTECTION STATUTE  
LAW AMENDMENT ACT, 2002

LOI DE 2002 MODIFIANT DES LOIS  
EN CE QUI CONCERNE  
LA PROTECTION DU CONSOMMATEUR

Mr Hudak moved second reading of the following bill:

Bill 180, An Act to enact, amend or revise various Acts related to consumer protection / Projet de loi 180, Loi édictant, modifiant ou révisant diverses lois portant sur la protection du consommateur.

**The Acting Speaker (Mr Ted Arnott):** Mr Hudak, you have 60 minutes for your presentation.

**Hon Tim Hudak (Minister of Consumer and Business Services):** As part of the 60 minutes I plan on splitting my time with my colleagues Mr Wettlaufer, the member for Kitchener Centre, and Mr Stewart, the member for Peterborough.

I appreciate the opportunity to enter into debate on Bill 180, the Consumer Protection Statute Law Amendment Act, 2002, which I'll probably call CP21, consumer protection in the 21st century, as the short form.

*Interjections.*

**Hon Mr Hudak:** You like that. It's catchy. It's part of the marketing.

I appreciate the comments from the member from Mississauga with respect to acting to address major issues of concern to consumers, whether it's the auto sector, real estate, the bereavement sector, door-to-door sales and high-pressure sales. As you know full well, this bill was first introduced on September 26, and we look forward to moving it as quickly as possible with debates into its fruition and enactment. It's my understanding that at least to date we've had all-party support. I look forward to the responses of my colleagues as we head into second and third readings.

Of course it's a pleasure to return, shortly after my honeymoon, to the applause of the Speaker himself. Thank you. Now, so refreshed, I'm ready to dive into debate.

**Mr Gilles Bisson (Timmins-James Bay):** Tell us how she feels.

**Hon Mr Hudak:** Not on the record and in Hansard, surely not, to the member from Timmins.

What I will do tonight, with the support of my colleagues, is address some of the major issues in Bill 180, CP21, discuss some of the provisions in the bill to give consumers greater faith in the economy and help to protect them in the areas where scam artists are currently operating, and talk as well about how this helps businesses, because consumers will have confidence in these sectors in the economy.

I think we all know that the vast majority of businesses engaged in practice today are honest, law-abiding and doing a good job in legitimate businesses. However, when scam artists enter a particular field or industry, that undermines confidence in all of the operators in those fields. Not only will this build a stronger and safer marketplace for consumers; it does so for businesses as well and helps to grow the Ontario economy and help create jobs.

An important part of our mandate at consumer and business services, one that I know members of the Ernie Eves government are in full support of, is helping to fight scams, especially those that target seniors or students who are away at school for the first time, who may not have signed contracts before or dealt in these particular areas. In fact, we get about 40,000 concerns, inquiries or complaints from consumers every year at the Ministry of Consumer and Business Services. To help as part of our public education initiatives, we like to let consumers know the chief types of operations to be wary of and how to protect themselves. The first exercise is always to use common sense. If a deal sounds too good to be true, it probably is, and we ask them to exercise caution.

Let me tell you about one of the events we did, and that was about the top five scams in Ontario, the top five that we hear about: inquiries, prosecutions and such. Of the top five most common scams in Ontario, number one was advanced-fee loan scams. This is where somebody who maybe has a weaker or an early credit history—maybe they're just starting out in terms of accessing credit markets—will be approached by a loan broker, often now through the Internet, who will say they'll get them some loans on the cheap, some offshore money or patient money or one of these types of gambits that is used. The problem here is that they ask for, as part of this, an upfront fee to exercise that loan. They'll say to the victim, the target, "You send me \$1,000 by courier or cheque or what have you. I will get you this great loan at a very low interest rate." Well, that's a scam and it's

against the Loan Brokers Act. You cannot ask for a fee up front, but yet it does happen in the province of Ontario. We work to eliminate that in the province, but it remains the number one scam.

**1850**

The second one is credit repair, which is similar. A scam artist will approach an intended target and say to them that they will fix their credit rating for a given fee, again illegal in many instances where there are simple things that can be done to fix your own credit rating and such. They cannot get an advance fee in this area without giving the consumer an indication of what they can, in fact, repair in the credit rating.

Home repair is number three, especially high-pressure door-to-door sales and very unfortunate situations, seniors targeted through high-pressure tactics to repair a driveway, a roof, what have you, and they take off with the funding without actually doing the job at all or any quality work. I believe the vast majority of those that are in the home repair business are honest operators. There are those bad operators, though, that help to undermine confidence in the industry as a whole, and that's our third top area of scams.

Fourth is motor vehicle repairs. I'll admit I'm one that doesn't know a headlight from a tailpipe.

*Interjection.*

**Hon Mr Hudak:** I know the member from Stoney Creek thinks that's hard to believe—

**Mr Bart Maves (Niagara Falls):** I can tell you the difference between a headlight and a tailpipe.

**Hon Mr Hudak:** The member from Niagara Falls is a bit farther ahead, but I mean, none of us is immune—

**Mr Maves:** One's in the front and one's in the back.

**Hon Mr Hudak:** Well, there we go. You learn something new in this House every day: one's the front of the car and one's the back of the car. But we have encountered—in fact the ministry has been helpful and successful in some prosecutions in this area—instances where somebody will take in a car for an oil change and they'll come back to get their car and they'll have their engine replaced.

We had one case where a gentleman took his car in—

*Interjection.*

**Hon Mr Hudak:** Honestly—for engine work, was told the engine was replaced and then found that the car didn't improve—in fact, it got worse—and brought it back for a second opinion. It turned out that it was the exact same engine that was in the car.

*Interjection.*

**Hon Mr Hudak:** I don't know if I'll be able to get through this in 20 minutes with all the interruptions from the government side of the House.

*Interjection.*

**Hon Mr Hudak:** There you go, they're trying to help me.

**Mr Bruce Crozier (Essex):** Where do you go if you're the minister and you've been scammed?

**Hon Mr Hudak:** It hasn't happened to any of my colleagues, that's for sure.

Motor vehicle repairs—we are addressing a bit tonight I think probably our own experiences and those of our constituents in dealing with the scam artist. It is a serious issue, and that's why this bill is important to get through and get passed. It's often important to make sure that you're dealing with an operator that you can trust, recommended by either your family, your friends or your neighbours; or you get three estimates, which is always a good thing to do to make sure that you are getting a fair deal.

The fifth is movers, again targeting students particularly here, where a mover will hold the possession of the goods and try to renegotiate the deal, try to get more money out of the deal and say that you can't get your desk and your bed and that sort of thing, when you're moving back to school or such, unless you pay a higher fee. That's number 5 on the list.

Many of these scams can cause a serious financial loss to the individuals, often upwards of thousands of dollars. The challenge is that these individuals are crafty. As I mentioned, they target people who can least afford it: seniors on fixed incomes may be trusting of somebody that comes up to the door or calls them on their phone; students away from home that may not have great experience in dealing with contracts and ascertaining for themselves whether it's a fair deal or not.

They call them scam artists for a reason: they are creative, they are always trying to take a step to be ahead of the law, so when we try to shut down one scam it morphs into another. Certainly that's why it's important to stay in contact with other jurisdictions, because what's happening in Ontario may next happen in BC or Quebec or vice versa; or from the States into Ontario. For example, we've seen changes from telemarketing operations and scams on to the Internet now, and they may move to different jurisdictions and call over to their new network from there.

As I mentioned earlier on, that's why it's important to strengthen protections for consumers, and it helps to make sure that we have the confidence in the businesses in these areas, so consumers will feel comfortable spending their hard-earned money in investing or making a purchase that creates jobs in the province of Ontario, which this government is all about.

As I think many members of the House know as well, many, in fact almost all, of our consumer protection laws, the majority of them, were last substantially updated in the 1960s and 1970s. There are some examples where this government has moved in many areas, but as a base line, the 1960s and 1970s were the last time that the existing legislation was substantially updated. At that time, the 1960s, colour televisions were a luxury item, computers were the size of trucks, operated only by NASA scientists, and the Internet was simply the stuff of science fiction. The notion that we could conduct business and organize personal lives using cellphones, fax machines, e-mail, the Internet, is something that people at that point in time would find very hard to believe or plan for. Credit cards, debit cards, automatic withdrawals

from bank accounts—all of these innovations in the last few years—were not even contemplated in the 1960s and 1970s when the legislation was brought forward.

As a result, our existing legislation tends to form a bit of a patchwork, with different time limits for investigating infractions, different rights and obligations, different penalties for various types of transactions in different sectors. The proposed bill has an aim to try to bring consistency to that table, to be fair to consumers and businesses by making the legislation understandable, enforceable and flexible enough to deal with the demands of changing times. That's why I hope this legislation will be passed to help us to do that.

In summary, Bill 180 provides a number of things.

**Mr Rob Sampson (Mississauga Centre):** In summary?

**Mr Hudak:** A summary of my introduction.

It's a new proposed Consumer Protection Act that combines six—I mentioned the disparate pieces of legislation—overlapping pieces of legislation into one single bill that's a modern legislative framework. This will provide clear rules for businesses and consumers and a level playing field for businesses as well.

The new proposed act also brings up to date the Real Estate and Business Brokers Act, the Motor Vehicle Dealers Act and the Travel Industry Act. These three acts, as all of us in the House are aware, cover some of the biggest purchases individuals ever make in their lives: a home, a car or a nice vacation. That's why it's important for us to have protections in place when making that substantial and expensive investment and give confidence to consumers purchasing in those fields.

In short, Bill 180 will provide a clear, efficient, flexible, up-to-date set of consumer protection rules for consumers and businesses in Ontario. The member for Oak Ridges wants to know some of the specifics to help consumers.

**Mr Sampson:** Get into the specifics right away.

**Hon Mr Hudak:** I'll jump into the specifics, if that's what you want me to get to.

The member for Mississauga will recall that I said earlier that when the laws were introduced in the 1960s and 1970s, the expansion of the Internet economy and services was not really contemplated at that point in time. So we are expanding consumer protection to services as well as goods. The service economy has grown to the point that the majority of transactions are actually in the service economies as opposed to the traditional exchange of goods: cable, cell phone service, lawn care, home repairs. This legislation makes sure our framework extends from the goods sector into the services sector to create that level playing field.

It would extend provisions to leases. Leases used to be almost exclusively business-to-business arrangements, but now, as the Speaker well knows, consumers commonly lease items such as cars, computers and other significant purchases.

Importantly as well, it would require clear disclosure. There's always a good piece of advice that I think we say

over and over to constituents, to our own families and to ourselves: read the fine print. Many unscrupulous operators hide important information in that fine print or use ambiguous language that is very hard to interpret. The proposed Consumer Protection Act, 2002, also known as CP21, would help combat this by requiring that information to be disclosed clearly and prominently and not hidden in the fine print.

The proposed legislation also specifies that if the language in a contract provided by a business is ambiguous, that would now be interpreted in the interests of the consumer—it's a very important development. While it's always important for the consumer to read the entire contract before signing it—as a matter of course, it's common sense—this provision would require the businesses to be clear and upfront with a potential customer.

As I mentioned—so with services, so with the Internet—it will extend protections to Internet exchanges. We all know that the Internet has exploded in recent years, providing incredible speed and convenience, and revolutionizing the way we do business. If you want to book that hotel room in Niagara, you can do so over the Internet. If you want to buy your wife that particular bottle of wine that she enjoys, you can do that over the Internet.

In fact, three years ago the ministry didn't even track consumer complaints about Internet transactions, because at that time there were so few of them. Now we receive about 250 Internet complaints per year, and that's just whom we hear from; there would likely be more than that who just have not known who to call or did not want to call—an indication that there is a growing need to act in this sector. We need to make sure that consumers do feel confident in on-line shopping and those types of exchanges and searches.

**1900**

This is a good thing. It's a wonderful convenience for consumers, it helps create jobs and it can help make Ontario a world leader in e-commerce, strengthening our economy. But if consumers do not have confidence in those purchases, they won't make those purchases and those potential jobs will be lost. We want to extend the provisions enjoyed by those who shop in local stores or shop for local services to those who are shopping over the Internet in Ontario, as I said, to create a level playing field and to recognize that the nature of the economy has changed substantially in the last 30 or 40 years.

Let me give you some examples of that with respect to the Internet. The legislation, if passed, would require a contract for Internet sales, one that could be in paper form or e-mailed, as long as you could print it off or download it so you could have it in front of you, you could read it and understand what the contract says, just like the traditional paper contract we engage in on a regular basis.

**Hon Brad Clark (Minister of Labour):** Eminently reasonable.

**Hon Mr Hudak:** Very reasonable, but until today—and if passed—it does not currently exist in law in the province of Ontario. It's an important part.

The bill provides regulation-making authority to strengthen disclosure requirements, so that consumers can have more information and have an informed choice about a potential purchase. Let me give you an example. The vendor would be required to list a bricks-and-mortar address so the consumer would know if the business they were buying from is located across the street or somewhere around the world. This gives consumers more information so they can use the same common sense when they're purchasing in a shop as when they're in the new world of the Internet. As I mentioned, we want to make Ontario a trusted destination for e-commerce, to make it a widely recognized and secure place to do business, as it is with the purchase of goods and services.

Importantly—and I know many members on all sides of the House have talked to me about this as well—it would eliminate negative option billing. Many consumers have rightly complained about negative option billing. This occurs when you are billed for a good or service because you did not tell the business that you wanted out of the deal.

Under the proposed legislation, consumers would not be liable for any goods or services they did not request nor agree to pay for. Currently the negative option billing ban applies to goods. We're expanding it into the service economy. With today's sophisticated payment options, negative option billing can create situations where consumers can have a charge on their credit card or a direct withdrawal from their bank account and not even know about it, for services they may not be receiving or didn't know they were supposed to be receiving. Under this proposed legislation, if a consumer has accidentally paid for an unsolicited good or service they did not ask for—for example, through automatic debiting—he or she would be entitled to demand a full refund.

Let me give you some examples. One area of concern is health and fitness clubs. Again, the vast majority are honest operators, but we do hear about those on the edges who have played unfairly in the negative option billing area; consumers complain that a club is taking money out of their bank account long after their memberships have ended. As this, in effect, is a demand for payment for unsolicited goods or services under the proposed legislation, the consumer would be clearly entitled to a refund.

More?

**Hon Mr Clark:** More. I am enthralled.

**Hon Mr Hudak:** A 10-day cooling-off period, the 10% estimate rule and the 30-day delivery rule—expanding these important consumer protection initiatives.

The 10-day cooling-off period already exists in some sectors, and, as I said, it is a principle of the bill to expand it to others. Last year, as members are well aware, our government implemented a 10-day cooling-off period for door-to-door sales—a lot of these high-pressure sales. I think the member for Stoney Creek is strongly in support of that initiative. That means that if a consumer feels they were given a high-pressure sales job and agreed to a contract, this 10-day cooling-off period

would give them a 10-day period to change their mind and get out of the deal.

Currently we have a five-day cooling-off period for personal improvement services like the fitness clubs I mentioned and talent and modelling agencies. Under this bill, if passed, we would double that cooling-off period from five to 10 days and make it consistent with the door-to-door high-pressure sales area I mentioned.

I think the member from Niagara Falls in particular would support this next initiative. I mentioned how we're doubling the cooling-off period for fitness clubs and such, as we have for high-pressure door-to-door sales. This bill also proposes to extend the cooling-off period to another sector where high-pressure sales tactics occur: time-shares. Again, the vast majority of these businesses are legitimate, honest operators who give consumers a fair deal. But there are some bad operators. There are some shady characters that we do hear about in the ministry, and the problem there is that not only is it impacting on consumers, but it also undermines the industry as a whole.

For example, the ministry has received more than 100 complaints about modelling and talent agencies, and about 550 regarding health and fitness clubs that I'd mentioned a bit earlier.

False offers of modelling contracts, where the consumer pays for services but never gets any modelling jobs, is a scam that commonly hits college and university campuses in Ontario, one of the top complaints for students. This is particularly disturbing because these unethical operators target young people, who are often on a very tight budget as they're paying for their schooling.

I'm not sure how many members of this assembly have been taken in by this. I'm feeling slightly embarrassed about some artistic photos.

When I had the opportunity to speak to a college crowd, this is one area that they brought up as a concern.

Let me give you one case. A Toronto woman was interviewed by a modelling agency, and the agency asked her to sign a contract and pay about \$1,400 for a portfolio of photographs. Although the consumer asked to have the opportunity to read the contract or have her lawyer review it for her and give her advice, the agency told her that her time was limited; it was a one-time offer; sign then or never get the chance to take advantage of it. So the consumer, feeling intimidated, paid the money, signed the contract and then, after having left the agency, had second thoughts about what she had signed. And \$1,400 is a substantial investment. The agency in turn ignored her requests to cancel the contract and to have her money reimbursed. After several months, she contacted the consumer services bureau at the Ministry of Consumer and Business Services. Fortunately, the ministry was able to intervene, and charges of unfair business practices were eventually laid against the company.

Under the proposed legislation, this difficult situation could be avoided because the consumer would have a clear right to cancel that contract under the 10-day cooling-off period I mentioned, if this legislation is passed.

No legitimate modelling agency would insist that a person come to their office immediately for a one-time offer with promises of lots of work with great money based on a quick interview, charge exorbitant fees for photographs and demand that a consumer sign before thinking it over.

The 10-day cooling-off period would take the wind out of these scam artists' sails.

I mentioned time-shares. The ministry also hears from many consumers who change their mind about the time-share contract they signed, only to find that they are not able to cancel it.

The scenario usually goes something like this: a couple attends a time-share presentation and is bombarded by promises of a glorious location and access any time they want from a very aggressive salesperson. Exasperated, they agree to buy into the program. They make a \$2,000 down payment and commit to a further \$8,000. The next day, they read the contract in greater detail and realize they will not be getting the location or the time entitlement they had understood that they would be given based on the high-pressure sales presentation. They try to cancel the purchase, but the seller refuses. They hire a lawyer to help them out, but after paying over \$1,000 in legal fees, for example, they can no longer afford to fight the claim.

Again, under this proposed legislation, the consumer will be protected, having 10 days to reconsider their purchase. The rule also applies under the time-share aspect of the legislation to vacation clubs so that time-share operators can't get around the law by calling themselves by another name. Consumers would still be protected. It's the same gambit, just a different name to it. Consumers would remain protected and have that 10-day cooling-off period.

As we well know, any legitimate time-share operator wants customers to be well informed and confident about their purchases instead of pressured into something, a decision made on the spur of the moment.

I mentioned I was going to get into the 10% estimate rule. In this bill, CP21, we are proposing a 10% estimate rule, which would mean that the consumer should not be charged more than 10% above the amount estimated in the consumer agreement or contract. Such a requirement—already it's a good one—already exists for the motor vehicle repairs industry, that they would have to be within 10% of the estimate. This bill would extend it now to all sectors.

**Hon Mr Clark:** Home repair too?

**Hon Mr Hudak:** Home repair as well.

In the complaints the ministry has received from consumers who were hit with a much larger final bill, the final costs are often 50% or higher, on average, than the initial estimate given to the consumer. The proposed 10% rule would make it easier for families who are trying to budget for a home or a car repair.

**1910**

I'll give you an example. A consumer with a broken refrigerator might be debating whether to repair it or to

replace it altogether with a brand-new refrigerator. So he contacts an appliance service shop that provides an estimate of \$200 to repair the fridge. So the consumer says, "That's a lot better than buying a new fridge," and so agrees to have the old fridge repaired and forgoes buying a brand-new one. However, once the repairs have been completed, he is told that the bill amounts to over \$800.

Under the current consumer law, there is really nothing that addresses estimates except for motor vehicle repairs, so the consumer would have very little at his disposal to fight that bill. In the example I noted, the consumer is not only out more than he anticipated but he also did not have the right information to make a decision as to whether to repair the refrigerator or to buy a new one.

Under the proposed Consumer Protection Statute Law Amendment Act, 2002, an estimate in an agreement for goods and services would be binding to 10% above the estimate, meaning the maximum charge the consumer would have had would have been \$220, or within 10% of the estimate. So this proposed rule is good news for consumers, but it's also good news for businesses. The practice of lowballing quotes makes it very difficult for legitimate businesses to compete on price.

I mentioned that the 10% estimate rule already exists for the motor vehicle repair sector. The proposed legislation would also make it mandatory for vehicle repair shops to give consumers written estimates. If they fail to do so, the shop could not charge repairs done unless the consumer authorizes, in advance, a maximum amount that they are willing to pay. This helps avoid scams that some unscrupulous repair shops unfortunately practise: the car is brought in for an oil change and instead they get an entirely new engine.

**Mr Crozier:** What a deal for 29 bucks.

**Hon Mr Hudak:** Yes, for 29 bucks. So this makes it out front, when you take your car in to a repair shop of your choice. A lot in Wellington county are legitimate operators—you're happy with your auto repair shop. It is possible, though, and it does happen across the province, that the actual result would be higher than the estimate. So not only as it currently exists for auto repair it would be 10% of the estimate, but now consumers would get that estimate up front as part of the transaction.

A 30-day delivery rule: the bill proposes a 30-day delivery rule, meaning that if a good is not delivered or a service has not started within 30 days of the date in the contract the consumer is entitled to cancel the agreement—an important development in consumer protection legislation of the past. Last summer our government brought in a 30-day delivery rule for goods and services bought from a door-to-door salesperson as part of that protection package, but this is a good rule no matter how the contract was arrived at, whether there was a door-to-door sale or another transaction. Now, under Bill 180, we're proposing to apply it across the board.

Let me give you an example. A consumer might hire a contractor who agrees to install thermal windows in a

house within two weeks' time as part of the contract. So the contractor then puts the insulation off week after week until it's too cold to do the work on time. Under the current legislation the consumer might not be able to cancel the contract even though the service was delayed so long. Under this proposed legislation, if a delivery or performance commencement date is missed by 30 days without the consumer's consent in writing—the consumer would have the opportunity to consent in writing if they thought it was reasonable to delay the contract. If the consumer does not give that consent in writing, then the consumer would have the right to cancel that contract because it was outside of that 30-day window.

The same thing with a 10% estimate rule. This is intended to protect consumers but it also helps businesses. If unforeseen circumstances arise and the delivery or service start date cannot be met, the business should communicate with the consumer so that he or she can make an informed decision on that exchange.

Holding goods for payment: one complaint the ministry hears about fairly often is about unethical movers who hold consumers' goods hostage until exorbitant prices are paid for their services. Early on I'd mentioned that that's number five on the top five scams in the province of Ontario. People trust home movers with their prized possessions. Holding these possessions in an attempt to receive greater payment is a significant violation of that trust. However, that current practice is not prohibited under the current regime of consumer protection legislation.

**Hon Mr Clark:** You're kidding.

**Hon Mr Hudak:** It's true. Our proposed legislation fills this gap, making it an offence to hold a consumer's goods to pressure them into renegotiating the contract.

I could go on but I think my colleagues were looking forward to speaking to this bill as well. I think this is an important piece of legislation for all members of the House who deal on a regular basis in their constituency offices with that senior who has been scammed or that student who got involved in an unscrupulous manoeuvre. This is common practice for us in our constituency offices. I know the members for Kitchener Centre and Peterborough, as well as my other colleagues, probably look forward to adding their own thoughts on the importance of this in solving consumer complaints in their ridings. I know there are others things they want to add about highlights of the legislation that they think are important to their constituents back in their ridings, whether it's in Port Colborne or Lanark county.

Before I conclude, I wanted to thank a number of individuals and groups who played an important role. This did not come out of the air; this came out of a lot of hard work over a number of years to thoroughly address these issues of consumer protection and to bring forward an important piece of legislation.

As I said, it's been 30 or 40 years since anything was done of significance for consumer protection as a whole. My predecessors, Ministers Norm Sterling, Bob Runciman and David Tsubouchi, played a very important

role and did a great deal of work in bringing this legislation to fruition, so I want to thank them. To indicate their ongoing interest, two of those ministers are here this evening to help, to participate and to listen to the debate. So I want to thank them for all the work they did to bring the bill to this point.

Other organizations such as the Ontario Home Builders' Association, the Renovators' Council, the Consumers Council of Canada, the Canadian Finance and Leasing Association—with respect to the different sectors' impact—the Ontario Real Estate Association, the Canadian Vehicle Manufacturers' Association and the Association of Canadian Travel Agencies are among many groups whose input in helping to ensure that high standards are set in their industries played very important roles in bringing this legislation to this point. We look forward to their support, to help this legislation get through three readings and pass into law in Ontario.

Highlights—gold medals, according to the script that's been handed to me—also go to the members for Oak Ridges and Stoney Creek, who have had very important roles.

Also, I wanted to thank the media for their support here. As I mentioned, I was out this summer talking about various consumer scams, the top five scams in the province that played an important role in helping to educate consumers about how to protect themselves. They said the most important item is common sense in these areas. I think the media helped to spread that message and make consumers aware of some of the operators who are out there trying to take advantage of them.

In closing, I would like to say that all of us on all sides of the House will find very important tools in this legislation, if passed, to help out those individuals in our ridings who have been unfairly taken advantage of. We all want to help protect seniors and young people, help them to protect themselves against scam artists and make sure they invest their money in goods and services—or on the Internet—that will benefit them and their families. We all want to have a very strong, safe and secure marketplace and confidence in that marketplace so these businesses can continue to grow and create jobs.

I hope we all agree we need effective, consistent and up-to-date consumer protection laws with strong enforcement mechanisms, and that's what this bill, if passed, will deliver. I hope all members of the House will support it.

**The Acting Speaker:** The Minister of Consumer and Business Services indicated he was sharing his time with two of his colleagues. I next recognize the member for Kitchener Centre.

**Mr Wayne Wettlaufer (Kitchener Centre):** I am very pleased to be able to speak to the Consumer Protection Statute Law Amendment Act, 2002. Speaker, you come from Waterloo-Wellington and part of your riding is Kitchener. Of course, my riding is also Kitchener, and we have another representative who has part of Kitchener, Deputy Premier Elizabeth Witmer. We've all heard many stories from our constituents about



the number of times they've been duped by the bad players—

**Mr Bisson:** Not duped by business. Is that like insurance people?

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**Mr Wettlaufer:** —yes, those, the bad players in business—and the experience they've had with a recent purchase. It's been a bad experience. Seniors who have been overcharged for services sometimes say, "I haven't had an opportunity to review the contract but I was intimidated and I was pressured. I signed the contract without realizing what I was getting myself into and now I can't make ends meet. I can't pay for this meal" or "I can't pay for that meal" or "I've lost my life savings," in the worst-case scenario. Some of them have said that.

It was interesting, Minister Hudak mentioned stories about families that go out and purchase a time-share, thinking, "Yes, I'm doing this great thing. I'm going to be able to spend some quality time with my family." Lo and behold, what they find after signing is that they don't have the week they thought they had. It's not the week they are going to be on vacation. It's not the week their kids are going to be on vacation. They've just made a bad investment.

Believe me, I know first-hand about the pressure tactics that can be exerted by these sales people of time-share projects. My wife and I looked at a time-share a number of years ago and she was all set to buy in.

**Mr Garfield Dunlop (Simcoe North):** But you bought a cottage instead.

**Mr Wettlaufer:** But I bought a cottage instead, I say to the member for Simcoe. What I said was, "No, I want to take time to look at this." You would not believe the pressure they put you under. They say, for instance, "Don't you think enough of your wife and kids that you will buy one of these and spend quality time with them?"

*Interjection.*

**Mr Wettlaufer:** No, there was no way I was having part of that argument.

To the people who might be watching on television tonight, it is quite common at night that we have a little jocularly across the floor. It's natural at night sittings, when we've been working since early in the morning—we all work for the same end, and that is the benefit of our constituents—that we're going to have a little jocularly. So I ask the television audience to bear with us as we have our little fun here tonight.

This is a very important bill. I hope in all seriousness that the members opposite will share our concern about passing this early. I believe you will support this. I honestly don't believe you won't support it. But I also urge you to consider that it's necessary to pass this with some haste.

**Mr Pat Hoy (Chatham-Kent Essex):** Time-allocated.

**Mr Wettlaufer:** I say to the member for Chatham-Kent that if you want to give me a little help, we don't have to impose time allocation. We could very easily move ahead with this, with your full co-operation.

There are so many scams that take place in the marketplace today. We've heard of the high school and university students, particularly the females who have signed up for modelling programs. Lo and behold, they find that after they've signed for some very expensive photos—we'll use that as an example—and some very expensive lessons, the seller isn't delivering the product they thought they were going to get. Not only does this affect them monetarily—and this could be many hundreds of dollars, sometimes thousands of dollars—but more importantly with these young people, it shatters their dreams. It affects them emotionally and for a long period of time. So I ask you to consider this when you're voting on this and also when you're debating this tonight.

I think it's necessary to take into consideration how cumbersome and outdated the present legislation is. The minister mentioned that most of the legislation has existed because of noble things that were done as a result of the needs that were required over the last 30 or 40 years. Well, I'm old enough to be his father.

*Interjection.*

**Mr Wettlaufer:** Yes, I am. I can tell you that much of the legislation that's in place today existed 50 years ago. This is outdated

*Interjection.*

**Mr Wettlaufer:** We're not going to get into that, I say to the minister.

*Interjection.*

**Mr Wettlaufer:** I know, he doesn't want to buy the time-share. I know, he doesn't want to be my son. I can accept that.

What I have found is that inquiries from my constituents that have taken place over the last four, five or six years—I can tell you that I have run into roadblocks. Every time I have a concern I can't address it because the legislation is outdated. We have to do something. So the Ernie Eves government has resolved to pass this bill.

**Mr Bisson:** Say that with feeling: "The Ernie Eves government."

**Mr Wettlaufer:** The Ernie Eves government.

**Mr Bisson:** With feeling.

**Mr Wettlaufer:** It is with feeling. I'm very proud to be a part of this government.

We have resolved to pass this legislation for the benefit of the unsuspecting public—

*Interjection.*

**Mr Wettlaufer:** It is, I say to the member opposite. The member from Timmins-James Bay, I say to you that this is the most comprehensive consumer protection bill in all of North America.

*Interjection.*

**Mr Wettlaufer:** I'm not going there.

The reality is that it's very important.

**Mr Frank Mazzilli (London-Fanshawe):** And Dalton McGuinty is still not up to the job.

**Mr Wettlaufer:** I'm not going there either. I know he isn't. I know that Dalton McGuinty is not up to the job, but I'm not going there.

When we talk about most of the present consumer laws, we talk about the fact that they were enacted 30, 40 or 50 years ago. Most of the present laws that are in place today were actually enacted before Sean Conway, the member from Renfrew-Nipissing-Pembroke, was elected, and you all know how long he's been here.

**Interjection:** Too long.

**Mr Wettlaufer:** I'm not going there either.

Speaker, 30, 40, 50 years ago the service industry was in its infancy. The computer industry was in its infancy. In fact, I believe it was in 1943 that the then chairman of IBM, Thomas Watson, said that there was a world market for maybe five computers.

Putting this all into perspective, that was when these laws were in place. We have to update them, we have to bring them into today's marketplace. We have to build in protection for things like Internet sales. The service industry, much of it being in its infancy 30 or 40 years ago, today accounts for 50% of our GDP. And how much of that is on the Internet?

In the 1950s, when I was a youngster, we had a black-and-white TV.

**Mr Mazzilli:** Really?

**Mr Wettlaufer:** Yes, we actually had television back then, Frank.

The laws that were in place were designed for goods, like the black-and-white TV. No, we didn't have remote control. They were designed for the goods, so if you bought a black-and-white television, for instance, that didn't deliver what it was supposed to, well, the consumer laws were there that you could take that black-and-white TV back to the store and have it repaired or have it replaced. However, if you broke your black-and-white TV and you took it to the repair shop and the repair shop said it was going to cost \$200 to repair, then—

**Mr Mazzilli:** You'd throw them out.

**Mr Wettlaufer:** No, you didn't. They were expensive. You didn't throw them out. They cost \$400. You didn't throw out a black-and-white television. You could take that black-and-white television to the repair shop. If the repair shop said it was going to cost \$200 to repair, you would repair it. On the other hand, if he said it would cost \$400, you would probably elect to not have it repaired; you would buy a new one.

What would happen if he would say it was going to cost \$200 to repair, you contracted with him to repair it and he then repaired it and came back to you and said, "Oops, the bill is \$400. I made a mistake"? You either take your TV and pay the \$400 or you leave it with him. Do you know something? The present legislation in place today, without the new bill, is exactly what we've got today. It doesn't cover the service industry.

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**Mr Bisson:** Is it retroactive?

**Mr Wettlaufer:** I wish.

We've had a service economy boom. We have to upgrade the legislation. The service economy is everywhere. We interact with it daily. I mentioned Thomas Watson's quotation in 1943. Today 64% of Ontario

families have at least one regular Internet user in their home. So there has to be some protection there to allow for the consumer, the average family, to buy goods on the Internet.

How is this going to help? It not only helps them but it also helps the economy because the sellers over the Internet are looking to have their businesses expand. Their businesses will not expand if there isn't protection for the consumer to buy on the Internet. It's simple. What came first, the chicken or the egg? We have to be able to provide some protection here for the consumer so that the consumer will have confidence in the Internet in order to buy products on the Internet, so that the Internet will expand. We in Canada are the leaders among Internet shoppers. We want to continue to be the Internet leader.

Unscrupulous businesspersons are few and far between—a very tiny minority—but they can ruin it for the rest without proper protection.

I've talked at length here. I've expanded somewhat on what the minister has said, but I do want to provide a little bit of time for my colleague the member for Peterborough to be able to get up and speak.

**The Acting Speaker:** The Conservative Party has about 13 minutes left to go in their time, and I recognize the member for Peterborough.

**Mr R. Gary Stewart (Peterborough):** I am indeed pleased to speak to this bill. I've been in business most of my life and I've done business with large and small firms, firms that unfortunately tended to be somewhat iffy in the way they supplied services and products. I have difficulty with that because the unfortunate part in this day and age is that the people who are getting, I guess for lack of a better word, picked upon—"preyed upon" maybe is the better word—are our senior population. I have difficulty because our seniors, who have been major builders of our communities in this great province, are coming out of some of their dealings with the business sector with the short end of the stick.

Certainly customer service and customer protection, I believe, go hand in hand. So I'm pleased to be able to talk to the proposed Consumer Protection Statute Law Amendment Act, 2002, and the potential benefits. I believe there are major benefits in this act that indeed will protect Ontario consumers and Ontario businesses.

This bill, I believe, is good news both for the consumer and businesses in Ontario. It's part of our government's plan to provide excellent protection for customers and to continue this province's leadership in supporting a growing and healthy economy.

The proposed initiatives provide for the harmonization of nine pieces of legislation into a legislative framework that is flexible. I suggest to you that is a very key point: that it must be flexible. There must be protection but there also must be flexibility in this legislation to make sure that we can adapt and prepare for the future.

The problem with most politicians is that we tend to think about as far ahead as yesterday or the length of time that we will be elected, and that is most unfortunate because I believe we, the Mike Harris-Ernie Eves gov-

ernment, are and have been planning for 10 or 15 years out. I think we have to do that. If we don't, we've got some major problems. The unfortunate part of the past is that, again, they planned for a couple of years, and when we got to the end of that, we weren't ready for what we must do and what we had to do. Unfortunately, that makes it difficult for the consumer and for the taxpayer, because they sometimes think that certain ways are going to go on forever.

Under the proposed umbrella legislation, six of Ontario's existing consumer protection laws would be combined into one modern—and I want to emphasize the word “modern”—proposed act to offer greater consistency and to raise the bar for protection in many areas.

Three pieces of proposed sector-specific legislation are also included in this initiative. These involve enormous investments for consumers, probably the most significant purchases most consumers will ever make: their homes, their vehicles and indeed their vacations—major purchases, and we have to make sure that those purchases are well protected. For that reason, we have to make sure that these goods and services are specifically regulated under the Ministry of Consumer and Business Services. Consistency has been maintained throughout the proposal for the change in the Motor Vehicle Dealers Act, the Real Estate and Business Brokers Act and the Travel Industry Act to make the law more comprehensible and fair. Again, I believe “fair” is the word we have to remember for the consumers and businesses. There would be regulation-making authority to establish formal codes of ethics for the professions and develop discipline committees to deal with the breaches of these codes. Unfortunately, sometimes codes of ethics get lost in the way certain people do business, and the consumer is the only one that is going to not benefit in any way whatsoever.

The proposed new Real Estate and Business Brokers Act would foster consumer confidence in Ontario's real estate market. The real estate market probably has been one of the booming businesses over the last three or four years and today, again because of increased jobs, because increased revenues that our government has put into place have made that happen. So we have to make sure that the real estate business is doing what it should do to protect the consumer. It gives consumers better protection and increased rights to disclosure and it also responds to the sector's demand for a modern and flexible statute.

The proposed new Motor Vehicle Dealers Act would include a provision to combat curbsiding. Curbsiders are people who sell vehicles for which registration is required but that are not registered—again a very easy way to bilk people who are looking for a car. Often these are cars that are not very expensive, but many of the people who buy these cars don't have a great deal of money, don't have enough money to buy a new car. You know, it's funny: we humans sometimes have a bit of a tendency to focus on illegal activity rather than on legitimate activity. Well, we are going to protect the people of this province.

Again under the Motor Vehicle Dealers Act, we want to improve disclosure to the customer and we want to enhance professionalism by allowing those magic words “code of ethics” to be the basis of discipline.

The proposed new Travel Industry Act would harmonize provisions for inspection, investigation and enforcement for those in other registration statutes. I know a little bit about this business from my background. Again, it's something the consumer is very vulnerable about. There are those who get into the agency business because they don't have to invest a great deal of money: a phone, a desk, a chair and a few things like that, pay the licence and away they are.

#### 1940

Unfortunately, I can remember back in the old days when the agent was responsible if a wholesaler went bankrupt and didn't supply the service. The unfortunate part of it was that the wholesaler was the one who had all the money, and of course the travel agency would be stuck for six, eight or 10 months for anywhere from \$40,000 to \$100,000 that they had to pay back to the client. Again, the client was protected but the agency wasn't. We have to look at making sure it is a level playing field across the board.

Simply expressed, the new remedies and enforcement options proposed under the bill, and I'm going to list a number of them, are: increased maximum fines and terms of imprisonment—we will make sure that you pay the price if you are involved in illegal activity; uniform limitation periods; authorizing the court to order that a convicted person make restitution; measures to promote fine payment; and continuing to make it easier for consumers and businesses to know what their rights and obligations are by consolidating various statutes. The customer, the consumer, the business must know what those rights are, first of all to do business legitimately and to make sure, again, that the customer is protected.

This means that if the bill is passed, fines would be at least doubled, to \$50,000 for individuals and to \$250,000 for corporations. I can tell you that the first thing the opposition might say, and I hope they don't, is, “It's too high.” Well, it isn't too high for somebody who has a very limited income, very limited resources and is going to get bilked, whether it be for a car, a vacation or, indeed, a house.

Maximum terms of imprisonment would be set at two years less a day, from the one-year maximum in several pieces of current legislation. We will deter these people from taking advantage of the consumer.

Uniform limitation periods for commencing a prosecution would be set at two years across the board.

The court would be authorized to order that a convicted person make restitution.

There would be new measures to promote fine payment. For example, a lien could be registered against a convicted person's property if the fine was not paid.

The Ministry of Consumer and Business Services would have the power to freeze assets and order a business to stop using false or misleading advertising.

The members of this Legislature all know what can happen if advertising, first of all, is not done right. If there's any type of dishonest or misleading information in that ad, it is very easy for the consumer to believe what's in the paper because of how the advertising is done. Because it's done in the media, then it's supposed to be legitimate, and indeed it is. But if the right information is not there, then the unfortunate part of it is that the consumer is going to get jerked, for lack of a better word.

The proposed Consumer Protection Act, 2002, would also require that information must be disclosed clearly and prominently, and not hidden in fine print. The unfortunate part of it, again, is that you like to see the glossy ads and the coloured ads and the big print, but there at the bottom are things you don't take enough time to read that could make the purchase invalid or illegal or whatever, or you may not get exactly what you order.

It also would specify that if the language in a contract provided by a business were ambiguous, it would be interpreted in the interest of the consumer—and why not?

The proposed legislation would provide that an estimate in any consumer agreement must be honoured within 10%. Why not? If these people are legitimate, if they are in business and can make a contract or make an agreement, then surely to goodness they can do an estimate that is very close to what the end result should be. Certainly 10% is not out of line by any stretch. This requirement already exists for motor vehicle repair shops. Why should it not for other businesses as well?

The proposed legislation would provide extra protections in this sector by making it mandatory for repair shops to give customers written estimates—again, too easy to change if you don't have it in black and white. If they fail to do so, the shop would not charge for repairs done unless the consumer authorized in advance a maximum amount they are willing to pay.

Members of the Legislature, I truly hope that you will stand behind this act and that you will support it, because the taxpayers who voted for all of us are the ones we have to protect.

**The Acting Speaker:** Further debate? The member for Essex.

**Mr Crozier:** Tonight we're discussing Bill 180.

**The Acting Speaker:** Pardon me; I apologize. I have to call for questions and comments, if you would indulge me.

Questions and comments? I recognize the member for Essex.

**Mr Crozier:** I want to take a couple of minutes to say to the minister that I agree: we're all in favour of consumer protection. In fact there's little that we do today with our money, unless you're putting it under your mattress, that doesn't involve acting as a consumer. You can put your money in your bank and you're a consumer as far as the bank is concerned. You can go out to the grocery store and buy groceries and you're part of the overall consumer trade. You of course buy cars, goods and services. We're all consumers. We're consumers every day.

This is a very comprehensive bill. It's been alluded to a couple of times tonight that there's little question that we should support it. Certainly to the extent that it goes to protect consumers, I'm quite ready, willing and able to do that. What I do want, though, is for us to have the opportunity to debate the bill, to point out some of the shortfalls that may be in the bill and to discuss those issues that may not be in the bill that we feel should be. Our support of the bill will of course be dependent on the democratic process that is left in this Legislature, that we're given the opportunity to debate and amend it, and then we'll go on from that point and see whether we ultimately can support a bill that truly protects all the consumers in Ontario.

**Mr Bisson:** What has happened? The ungovernment government has come here and is passing regulation. I just find it very interesting that this government over the past seven years has come into this House at every occasion they've had to say that they have to deregulate business, that we should have no concern when it comes to business practices and that in fact regulations are a hindrance to the operation of business in Ontario.

As I sat here tonight, I was really—I wouldn't say "shocked"; I would just say I was somewhat surprised that some of the very people who had been the most vociferous when it comes to taking regulation out of Ontario, because they didn't want to hinder business, are now here preaching the right of being able to pass regulation and legislation in the House in order to regulate business. I just thought it was kind of interesting. It's a really different dialogue that we're hearing from the Conservative benches. I just think finally these guys maybe are starting to understand that in fact you do have to have laws and regulation in this province, and those aren't bad words.

I just say to the government that it took you seven years to figure that out. It's about time you figured out what government is all about. It's not about getting rid of government or taking government out of the face of business, as you put it. It's about trying to strike that balance between the ability of the private sector to do what it needs to do in order to make money and a return on its investment, and the right to be able to protect consumers or to make sure that there's legislation that makes sure that society is not hard done by when it comes to the practice of a business.

There are some things in this legislation that I am interested in. I certainly listened to the speech from the minister. I thought he raised a number of points which I can agree with. There are a number of things in this bill, quite frankly, that I think aren't bad things. But I just say again, welcome to government. Finally you guys are figuring out that you have a role to play.

**1950**

**Hon Frank Klees (Minister of Tourism and Recreation):** I want to take this opportunity to commend my colleague the Minister of Consumer and Business Services for bringing forward this piece of legislation which indeed does put in place regulations to protect con-

sumers. I also want to commend my colleagues the members for Kitchener Centre and Peterborough, who spoke to this bill and I thought made some very important points.

The member for Timmins-James Bay obviously hasn't been listening for the seven years that we have been bringing legislation forward.

**Hon Mr Clark:** Selective hearing.

**Mr Klees:** Very selective hearing. What we have said very clearly is not that we're opposed to regulation. We're opposed to red tape. We're opposed to the kind of regulation that stands in the way of businesses doing business efficiently and effectively. What we have said all along is that consumers should in fact be protected, that there are regulations that are necessary and appropriate, but what we have to do is ensure that they are specific, that they are effective, and that they are not going to stand in the way of business doing business in an efficient and effective way.

I know the members opposite feel the same way about this, and I think that's why we're going to have very broad support for this legislation. I believe that consumers in this province deserve to be protected against people and businesses that do things in inappropriate way, and there are those there. This is the role of government. That's why we're here; that's why we're bringing forward this piece of legislation.

Is this legislation perfect? I don't think any of us would pretend that any piece of legislation before this House is perfect. But I commend the minister for taking this initiative, and together as we debate this, I believe that we will do what is right for the consumers of this province.

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** I have to pick up on a comment made by the Minister of Tourism. He made some remark about how he's sure the legislation isn't perfect. I would hope that when members of the opposition, doing their job, are able to focus on areas where there could be improvements made in this legislation, maybe for once the members of the government might look to make it a little closer to being perfect than it already is.

I can think of one area in my riding, and it's in regard to that part of the bill that speaks to licensing and registration. I remember writing a letter to the gentleman who is now the Minister of Transportation, the member for Lanark-Carleton, about tanning beds in this province. I don't know if members of the government are aware that the people of Ontario are not protected when it comes to the operation of tanning beds. Anyone can purchase such a device and offer a service in their home or in their place of business, and not necessarily be required to take any kind of training. So a consumer who would be going in to avail himself or herself of this service might inquire, "What is a safe time for me to be exposed to the rays of a tanning bed?" and yet there's no requirement in this province that would make it necessary for the owner of that device or appliance to have any kind of training and

to offer an informed response to that particular question by consumers.

So I think there are probably areas that should be added to this legislation, and I would hope the members of the government would be open to those suggestions when they're made.

**The Acting Speaker:** Who is going to respond for the government? This is the response time.

I recognize the Minister of Consumer and Business Services.

**Hon Mr Hudak:** I appreciate the comments from the members. We'll look forward to debate from across the floor on Bill 180. I hope at the end of the day we will get all-party support for this important piece of legislation, this significant evolution in consumer protection legislation, as we did for first reading and I hope for second and third as well.

I want to thank as well the members for Kitchener Centre and Peterborough for their comments. They are both very accomplished and well-respected business people in their own right, the Kitchener member from the insurance sector and the member for Peterborough from the travel and tourism industry, who I think pointed out quite eloquently that consumer protection statutes help reinforce the integrity of the industries altogether by weeding out that small minority of bad operators. It helps legitimate operators to grow, prosper and create jobs. The member for Oak Ridges as well, entering into the debate as a successful businessman in his own right, knows that full well. That's why I know I can count on their support for this legislation.

The member for Oak Ridges pointed out quite rightly the difference between red tape and regulation. In fact, these laws currently do exist, as I said in my comments. It's just that they exist in a form from the 1960s and 1970s, when colour TVs were a luxury item, as I indicated. That's why it's important to update these laws, to bring them into today's reality with respect to the services sector, the Internet economy, and to make sure they're flexible enough.

As I said, scam artists by their nature are creative and they're always morphing their scams into a new area to try to stay one step ahead of the law and the legislation. That's why it's imperative, why the Ernie Eves government says fundamentally that this law, the new legislation, must be flexible enough so when that next version of the scam comes forward we can chase down the criminals and put that business right out of business.

I appreciate the comments from the member for Timmins-James Bay and I like to hear the 30-day rule as well would apply. So if the member offers a plane ride, for example, to somebody to see over the Kam Kotia mine site, he would have to do that within 30 days or the contract is cancelled.

**The Acting Speaker:** Now we have further debate. I turn to the opposition side and would recognize the member for Essex.

**Mr Crozier:** Thank you, Speaker. We're here this evening to open second reading debate on Bill 180, An

Act to enact, amend or revise various Acts related to consumer protection. It's a very comprehensive bill, I say to the minister, and he and his staff have covered a number of areas. It's a bill that's some 162 pages long and covers a wide variety of consumer services in the province.

I reiterate that if we take a dollar out of our wallet, in some way or another we are acting as a consumer. In everything we do today, in one way or another we act as a consumer, from the point of putting money into the bank to the point of taking money out and spending it on any goods or services that we may choose. So to the extent that this act addresses the needs of the consumers in the province, why certainly we will want to support it. There are some areas that are of concern to me and will be of concern to my members throughout debate, and I would even think and hope from time to time that the members opposite on the government side would have heard from their constituents where there are consumer concerns that they have.

For example, the acts that are consolidated into this act include the Business Practices Act, the Consumer Protection Act, the Consumer Protection Bureau Act, the Loan Brokers Act, the Motor Vehicle Repair Act and the Prepaid Services Act. There are, among others, some professional sectors that are regulated when it comes to this act: the Motor Vehicle Dealers Act, the Real Estate and Business Brokers Act and the Travel Industry Act. I would even note that the Toronto Islands Residential Community Stewardship Act is amended by this act, but it's a technical change. The Real Estate and Business Brokers Act is changed to the Real Estate and Business Brokers Act, 2002. So there are a multitude of things that we're going to have to deal with in this legislation. That's why I encourage the government to give their members as well as ours every opportunity to debate this and that when it is sent to committee we have the opportunity to amend the act, where we feel necessary, so that in the end, yes, we can all make it better for all consumers.

#### **2000**

I'm going to go through some of the areas, because we have a fair amount of time tonight to get into this. I'm going to touch on some of the general areas that this legislation covers.

The unfair practices provisions apply to leases other than leases of real property. There are increases in the number of examples of unfair practices, and I think that's a good part of the act, Minister, where we can make it more comprehensive: misrepresenting purposes of charges; misrepresenting time at which goods or services will be available, delivered or performed. I think those are good parts of the act.

It establishes implied warranty for fitness of services, like the currently implied warranty for fitness of goods. We can support that.

It covers class actions, where suppliers will not be able to prevent consumers from attempting to deny the right to proceed with a class action. Class action is something that's new to us, I think, here in Canada, certainly new to

me; one, though, that I think is a way where we can protect a number of consumers with one action, and each of those consumers can certainly limit their expense.

The minister has covered the time-sharing and the 10-day cooling-off period for time-share transactions. It kind of interested me. This is just an aside, because at the beginning of this debate things were rather light in nature, but the member from Kitchener Centre, I don't know, he's going to have to go home and answer this tonight, because he essentially said that he was sharp enough to avoid these time-share things, but that it was his wife who wasn't. I heard the story the other way around, that it was his wife who had to caution him about it. Then he went on. Not only did he take his wife to task over time-shares, but he said that females are generally the ones who are caught in modelling scams. Well, I know of one or two people in this House who are of the male gender who no doubt would qualify for those modelling deals as well.

We're going to cover unsolicited goods. Consumers will be protected from charges for unsolicited goods, and that's great. I believe that should be part of our protection.

The Internet is one that is really interesting. I know that this legislation makes an intent to put some reins on the Internet. Sellers must provide information in a format that the buyer could retain. The problem with the Internet is, as we all know, that it's worldwide. Consumers can now buy materials, goods, maybe even services from around this world. In fact, my colleague from Chatham-Kent was saying that there are something like nine million new Web sites or e-mail addresses or contacts that you can make on the Internet every day—nine million new a day. So anything we can do to control the purchase of goods on the Internet I'm in favour of, but I'm going to be interested to see exactly how we're going to accomplish this.

Payments: consumers can recover payments received by suppliers in contravention of the act as if the transaction had never happened. The agreement, related agreements, related guarantees and security come under this. What I wonder is if this means that the reversal of interest charges incurred because of payments taken in contravention of the act and credit rating damage can be incurred because of it. So these are questions we're going to have to try and answer throughout the debate.

Restitution: courts will be authorized to require compensation. That's good. We'll have to have some idea, since I'm not a lawyer, of the extent to which consumers have to go to get this restitution. Do they have to hire a lawyer? Will lawyers advise them of the likelihood that they're able to recover?

The act, any act, is written on a piece of paper. The real test of the act is how well it protects consumers and how it minimizes the expense of accessing that protection.

That's something we should discuss. Perhaps government members, as we go through this debate, can provide us with the information.

Certainly we agree with the cooling-off period. It's kind of interesting—whether it's 10 or 30 days—one of my colleagues suggested perhaps after an election there should be a 30-day cooling-off period in which we get to take our vote back if we're not happy with the way things turned out.

The delivery rule that goods or services must be delivered or commenced within 30 days or the consumer may cancel the contract: that's a good part of this act.

I had a constituent who had signed up for home renovation. It was well into six months before this builder, the home renovator, even appeared ready to begin the construction. What this constituent would have liked is just what this bill is going to deliver, and that is the opportunity to say to that particular home renovator, "No thanks. You didn't start in 30 days. I'm going to go out and get somebody else." I like that.

Estimates are required to be binding and can't go above 10% of the estimate: there are probably many of us in this Legislature who have experienced that, where we got a bit of a billing shock when we thought we were going to get something done for a reasonable price and it turned out not to be so reasonable.

I'm going to get into some of these areas in a little more depth, but negative option billing certainly is one of them, and that is that demanding payment for unsolicited goods and services would be illegal.

When it comes to maximum fines, there was a suggestion that maybe we would somehow think that these maximum fines were too much and should be reduced. Certainly not. I think that adequate fines are the real deterrent so that people don't even get in trouble in the first place because the goods and services that are provided—the provider knows full well there's going to be an extreme penalty: individuals at \$50,000 and corporations at \$250,000.

There's one part of the bill that I'm going to touch on at the outset. I'm not a lawyer and, as I look around, I don't know whether we have any lawyers—yes, we do. The Minister of Transportation is an engineer and a lawyer. The only thing he isn't is an accountant and I don't know whether my profession would allow him into that or not.

Under the term of "searches"—and there are a number of places in this bill. It's really interesting. I've come across four or five, but in exigent circumstances a search of premises other than the premises that are a dwelling may be done without a warrant. I have a little problem with that. If somehow, uncontrolled, we're going to allow someone to search my property—it may not be my dwelling—

*Interjection.*

**Mr Crozier:** That's what it says. They don't have to have a warrant, and that's what I'd like to know. To me, if someone can come in and search my property, notwithstanding it's not my dwelling, without a warrant, I want to be sure that's not one of my rights that's being—

**Hon Mr Clark:** Only if you're in danger.

**Mr Crozier:** "Only if you're in danger": it really doesn't say that. In fact, the definition of the word—and

I'll attempt to find it here—oh, yes, here it is. The definition is, "requiring immediate aid or action." It doesn't say whether you're in danger. It just says, "requiring immediate aid or action." I want us to be very careful that this exigently—there I am; I'm having trouble with the word because I've never heard of it before. I want to be very sure that doesn't infringe on anybody's right, and I'm sure we'll be able to get that assurance as we go along. Those are some of the areas of the act that are covered that we're going to be able to debate over a period of time.

**2010**

There's one place the act doesn't cover and it's of interest to me. Under "Application," section 2, it says, "This act does not apply to the supply of a public utility or to any charge for the transmission, distribution or storage of gas as defined in the Ontario Energy Board Act, 1998, if such charge has been approved by the Ontario Energy Board." Therefore it covers marketers of gas and retailers of electricity. It applies to the transaction with a gas marketer who is a supplier and with a retailer of electricity who is a supplier.

I want people to understand clearly what this act doesn't cover. I'd like to suggest to the minister this evening, since he brought up the top five scams that they were able to determine through some survey in Ontario that in their view are the top five scams, what I consider the top five scams are and that this act doesn't address. Hydro rates are one; retroactive charges for natural gas are another; gasoline prices, especially before a long weekend; Visudyne, where the ministry was going to cover it but we find that you have to be 50% blind before you can get that coverage; seniors' care copayments; and I could get into auto insurance as another one. These are areas that I wouldn't necessarily call scams, but certainly in the eyes of the consumer they verge on being very, very unfair. I would have hoped that this legislation would cover some, if not all, of those areas.

I'll start with the third item on my list: gasoline prices. Gasoline prices are a very price-sensitive issue. It's one that I get calls on constantly from consumers. They are complaints I get and that I would imagine government members get when the prices go up before long weekends. So I say to the minister that I would have liked to see in this legislation that he had taken his own government members' advice. Back in June 2000 a report was presented to the Honourable Mr Runciman, the Minister of Consumer and Commercial Relations at that time, which is now consumer and business relations, the Ontario Gas Prices Review Task Force report, *Fairness at the Pump*. I took that report, since it hadn't been acted on since 2000, and drafted a bill, a consumer protection bill, and I would be more than pleased if it would be included in this legislation. In fact, we're looking at the amendments we could make to this legislation that would make it even more comprehensive when it comes to consumer protection.

What we would suggest this would do: that they would require every gasoline retailer to advertise a

change in the price of gasoline at the retailer's gas station at least 72 hours before actually changing the price. What could be fairer and what could be more protective of a consumer? The consumer then would have the opportunity to go to that retailer and say, "Hey, I'm going to fill up my various one, two or three vehicles before the price goes up."

This bill I've presented, that I hope the minister will consider including in his protection bill, would also require gasoline retailers to indicate on their price signs what portion of the price is dedicated to tax. That's now indicated in most gas stations at the pump, but that would put it right out in the public view. They'd know the net price they're really paying to that gasoline retailer and in turn to the gasoline supplier.

The suggestion I would make to be included in this bill would require gasoline retailers affiliated with major gasoline retailers to indicate their affiliation on the signs at their gas stations and on the receipts issued at the gas stations. I think back to 1998 when then Premier Harris said, when gasoline prices were skyrocketing, "I'm going to bring those big retailers to heel." He was going to make them account for those outrageous prices and he was going to do something about it. Well, this would give the consumer the opportunity to do something about it, because if they didn't want to deal with one of the major oil companies, why, they could go to some private retailer and deal with that individual.

Fourth, I would suggest it would be appropriate to include in this legislation that large oil companies that produce, refine and market gasoline file segmented earning reports to the Minister of Consumer and Business Services.

There are just four suggestions from what is a government report, the Ontario Gas Prices Review Task Force, its own government members. You will no doubt recall, as I do, that the members of that committee were John O'Toole MPP, who was a co-chair, Joe Tascona MPP, a co-chair, Ted Chudleigh, a member of the task force, and Dan Newman, also a member of that task force until March 2000. I can't think of anything better, Minister, that would make your government members happier than to take the advice of this gas prices review task force and put it into legislation. I would be happy, notwithstanding the fact that I've proposed a private member's bill on this.

Hydro rates: I'm sure that the minister, with the resources he has in his ministry, would be able to do something to help today's consumer when it comes to hydro rates. The rebate was mentioned by my colleague from Brant, that consumers actually get the rebate it has been suggested we're going to receive, and get it sooner than later, because there's a cold, harsh winter coming. I know they would welcome this rebate. Perhaps in this consumer protection, at the direction of the minister, this rebate for these extremely high hydro rates could be included in that. Perhaps in this consumer protection there could be some advocacy, some regulations, that would in some way or another satisfy the consumers that

they were getting fair value for their money, because that's another issue that takes up a great deal of time in my constituency office these days: answering on behalf of the government that they promised lower rates, but they're not getting them.

Unlike the gasoline retailing, where we had specific suggestions, what we're willing to do, at least I'm willing to do, is work with the government when it comes to these high hydro rates.

#### 2020

Third on my top five list of consumer concerns are retroactive natural gas prices. I say to the minister, in protecting the consumer, not only the residential consumer but the business—there are greenhouses in my area and in the area of my colleague from Chatham-Kent Essex that will be paying tens of thousands of dollars in retroactive natural gas prices. We have public institutions like school boards that somehow or another are going to have to find literally, in some cases, \$100,000 to pay for retroactive natural gas prices.

I would think that as the consumer advocate, as the minister at the cabinet table who stands up on behalf of consumers, this minister would be able to convince, if that's the word, his cabinet colleagues and the Minister of Energy to use their authority to back off from this horrendous increase that's going to be put on seniors, that's going to be put on the disabled, who are on fixed incomes, that's going to be put on the backs of many of the poor.

I would think that anybody who lives particularly in the service area of Union Gas would be hearing the same thing I am, and this is only one e-mail out of thousands we have received and petitions that have been signed by thousands: "I am writing this letter to show my displeasure with the retroactive \$120 charge being imposed on the citizens of your constituency." This is addressed to me. "Personally, I find this charge to be offensive and preposterous." This consumer says, "I was not a Union Gas customer when the charges were incurred." I think I was able to assure that consumer that since he wasn't a customer at the time it was made retroactive, he wouldn't have to pay it, but it is indicative of the way they feel. They don't even understand, from the information they've been given, whether if they were consumers at the time they have to pay or whether they have to help somebody else pay.

The point of this is that it is a consumer issue that's on the top of everybody's mind today. They feel helpless, and all they want is some help, and I can't think of anything better, any person better, than the Minister of Consumer and Business Relations to help them with this.

I want to talk for just about a minute or two about the next consumer concern. I hesitate to put them even in the light of a consumer when it comes to medical needs, but the government, in fact, when it comes to education, has referred to students as clients, so I guess I can take the word "consumer" and apply it to a particular part of our society who had some hope, a few months ago, when they were led to believe that they were going to get a



certain treatment that would be paid for. Now we find that not only the majority of them but in fact 80% to 90% of the patients who need this potential treatment aren't going to receive it.

The people of the province feel they need some protection in that area, where they're led to believe something, much the same as they are when it comes to false advertising or when it comes to pressure tactics—when they're led to believe something and then they find out later that it's not the case. These are consumers who feel left behind. In this case, when it's the need for Visudyne, they have to be 50% blind before they can get their help. Presumably, in this bill you'd have even more protection for somebody who was led to believe they could get that kind of help.

Seniors: we could go into a number of areas. I've touched on gasoline pricing. I mentioned that auto insurance rates weren't part of the top five but are very close to the top five. These are areas where seniors who are on fixed incomes feel most vulnerable as consumers. Earlier this summer, we found seniors who were in nursing homes were going to have to be co-payers. They were going to have an increase in their fees to stay in nursing homes. It's that kind of person who needs some protection, whether the Ministry of Consumer and Business Services has to protect them from the Minister of Health or whether he has to be an advocate to help them in any area.

**Mr Wettlaufer:** Are you still talking?

**Mr Crozier:** I am indeed, but I haven't yet brought my wife into it or most of the females in the province, so I'm doing OK.

They feel they need some sort of advocate, and I think the Minister of Consumer and Business Services can be that advocate.

Take auto insurance, for example. I will add it to the list. I'll make my list have six serious concerns about consumer issues. The government told us that they were going to make insurance rates more fair and equitable. I sent the Minister of Finance my own insurance policy this summer, on renewal. You won't believe it, but it's true. My insurance went up 46.7%. I immediately called my broker and said, "Obviously my insurance company doesn't want my business." The risk hadn't changed—no tickets, no change in vehicle, no change in driver status, nothing, no change in risk whatsoever—and my insurance went up 46%.

I suspect, and I've looked into it, that that's not indicative of the whole market. That may have been my particular insurance company. But increases in the range of 20% aren't unusual. What consumers are feeling is, "What can we do? Here's a service we have to have, because it's illegal to drive without it, yet there's nobody to go to to give us any help." So I went to the Minister of Finance.

Actually, I could have written my own reply, because 9/11 was one of the things that was blamed. Well, I'm led to believe that 9/11 certainly has had a serious effect on much of the reinsurance market, the market worldwide

and the commercial market. I'm also led to believe that it doesn't have the effect on personal lines—on auto and homeowners—that some of us might be led to believe. Also, I was told there are pressures on insurance rates and there is fraud in the system—absolutely I can believe there is—and there is a great of pressure in the accident benefit area. My point is, I could have written that reply.

What I am saying to the Minister of Finance and as well to the Minister of Consumer and Business Services is that the only thing that matters to the consumer is, "Who can I go to for help? Who is going to protect me from this kind of thing?" Those are some of the answers they're looking for in Bill 180 that we haven't yet been able to find. I don't know whether the minister will have some suggestions after we debate this bill or not, but I certainly hope so.

One other area I'd like to touch on, that this bill touches on in fact, is negative option billing. I'm pleased that there is something in this bill on that. I can give you a couple of examples. You'll recall a few years ago where there was quite an uproar because of the fact that certain cable services were going to be charged through what we would call negative option billing. As many of our consumers know, that is where you have a service being provided and there is either an increase in that service, ie, additional channels in terms of cable television, or it might be bank services where they give you more than you ask for, but the problem is they're going to charge you more for it as well.

**2030**

I had an example just within the last few days—and those in the Metro area will understand this—where a young college student signed up for a yearly pass on the TTC, used it while she went to university last year, but has since graduated and moved back home. She doesn't live in Toronto any more. She got billed, without a word to her, without asking, for another year's service on the TTC. We called the TTC and they said, "We just automatically renewed it," but she hadn't asked for this service. It took a lot of—I won't say unkind words—strong words to finally get the TTC to agree that since this newly graduated student hadn't asked for it, she didn't have to pay for it. I don't know how many users of the TTC may fall into that and may just give up.

I remind the minister that even though I'm pleased to see that this kind of problem is being addressed in this legislation, he's bringing it forward in 2002, when on October 9, 1996, six years ago, I introduced a bill that would have prevented negative option billing, a very simple bill to extend the scope of protection provided to consumers under the Consumer Protection Act to include protection from the practice of negative option billing with respect to the provision of services. I say good for you, Minister. The point is, I introduced this bill six years ago. Back to the humorous aspect of it: the minister thanked everybody under the sun over there, but I would have humbly thought he could have thanked me for having reminded them six years ago that we needed this kind of legislation.

Anyway, there you have it. You have five or six areas where I feel the bill falls short in what it's intended to do and what consumers want it to do. We all want better consumer protection, and who most of all than the consumers themselves? As we go through debate on this bill, I may even, at another time, have one of my colleagues bring up the fact that some years ago, 1975, to be exact, when gasoline prices were skyrocketing, then Premier Bill Davis brought in an act to provide for an interim freeze in the price of certain petroleum products. So there's a multitude of things we can do to protect consumers that aren't in this bill.

Little Prince Edward Island has legislation that protects consumers from being gouged at the pump. If they can do it, we can do it. If it's within their authority as a provincial body to do it, we can do it. So I ask the minister to relook this bill. As my colleague Mrs Dombrowsky suggested earlier, there is a way to make this bill that is admittedly not perfect—a government member said that—at least better. I would ask the minister, as we go along, to consider the protection of consumers when it comes to electricity, when it comes to natural gas prices, when it comes to gasoline prices, when it comes to the services that the Ministry of Health is providing, Visudyne in particular, and when it comes to the treatment of seniors in a number of areas.

I thank you for your indulgence. I know we've only touched the surface on this bill and that there are others who want to speak to it, particularly my colleague Mr Parsons from Prince Edward-Hastings. With that, I'll rest my case.

**The Acting Speaker:** Did you intend to share your time with the member for Prince Edward-Hastings? Is that what you're saying, Mr Crozier?

**Mr Crozier:** Yes.

**The Acting Speaker:** OK. I will turn to the member for Prince Edward-Hastings.

**Mr Ernie Parsons (Prince Edward-Hastings):** I'm pleased to speak to this bill, but before I start, I have a four-year-old and a five-year-old at home who don't like me being away at night, and I don't like being away from them at night. My wife has told them that they could stay up until I started to speak. So guys, it's bedtime now. I'll give you a phone call in the morning, but go to bed.

*Interjections.*

**Mr Parsons:** No, they need to go to bed before I speak, because I don't want them learning bad habits.

**Mr Dave Levac (Brant):** Trust me. Give them five minutes and they're already asleep.

**Mr Parsons:** That's right. Linda, if you let them watch, they may go to sleep.

Anyway, this is a serious matter. I really need to speak to Bill 180, An Act to enact, amend or revise various Acts related to consumer protection. As so many of my colleagues have said previously, there is some very good material in here, material that maybe took seven and a half years to get into legislation, but good material. I notice it's called the Consumer Protection Act. That does ring a bell with me. I believe this Legislature passed a

Taxpayer Protection Act, but I'm not sure that—in fact I know we haven't followed everything in it. So I hope we adhere to the Consumer Protection Act much better than we do to the Taxpayer Protection Act.

Looking at this bill, again this is a fairly massive bill—sorry, I'm of an age that I have to put glasses on—of 162 pages.

**Mr Bisson:** On a point of order, Mr Speaker: It's Mrs Parsons on the phone. They won't go to bed.

**The Acting Speaker:** That's not a point of order.

**Mr Parsons:** I'll look after that on Thursday when I'm home. They'll be tired by then.

A bill this size that affects so many people in this province just begs for the public to make comments on it. I'd like to make a suggestion that when the government puts forward a bill like this, it be translated into English. I think it would be nice if we could have a document available that would say, "This is what it means" in layman's language. It is a bit of a challenge to understand.

Look, for example, at a section here: "This act does not apply to the supply of a public utility or to any charge for the transmission, distribution or storage of gas...."

"(4) Despite subsection (3), this act applies to a transaction with,

"(a) a gas marketer who is a supplier; and

"(b) a retailer of electricity who is a supplier."

What exactly does that mean: it applies, but it doesn't apply? I really think, as part of the Consumer Protection Act, that there should be a requirement that the bills this House debates be in a form that the public could understand. If we need to have the contracts coming from industry be understandable, we need the bills from government to be understandable.

Sticking with that particular section, it says, "This act does not apply to the supply of a public utility or to any charge for the transmission, distribution or storage of gas as defined in the Ontario Energy Board Act, 1998, if such charge has been approved by the Ontario Energy Board." So in this case, taxpayers and customers are protected by the Ontario Energy Board Act. My question is, who protects us from the Ontario Energy Board?

I cannot think of any item in the world I could purchase, a fridge or a stove or a car, where two years later the seller could come to me and say, "I didn't get enough for that refrigerator two years ago. You owe me so many more dollars." I could say, "No, I'm not going to give it to you, because we paid in full and I got a receipt." I think about the customers of Union Gas who paid for the gas each month, got a receipt that said "Paid," got a receipt that said they had met their obligations, and now they're getting a bill. It was going to be \$40 a month for three months, and now it's \$20 a month for six months. That still comes out to the same total. And instead of starting it in December they're going to start it in January, so they're waiting until the bills go high in January with the cold weather perhaps; I don't know. The fact is, these people paid for the gas.

**2040**

In the case of the refrigerator, I could say, "No, I'm not going to pay you for the refrigerator. My bill says

'Paid'." In the case of the customers of Union Gas, if they don't pay the surcharge or the backdating, the gas is cut off, so they don't have a lot of choice. The Ontario Energy Board approved their going after people to capture money for a commodity that had already been paid for. I don't understand that, and I think it's wrong.

We have examples in here of protection for consumers, and I would suggest to you that consumers urgently need protection from gasoline companies. I know what is being said, that it's an open, competitive market and that there is no collusion between the various gas companies. I hear that, but then with my own eyes I notice, when I drive by a set of gas stations, that they all have the same price, and when one goes up, the others all go up within the hour. We deal in litres. I see gasoline prices jump by seven cents a litre, but if we think in terms of gallons, that's a 31-cents or 32-cents-a-gallon jump instantly. From time to time I have an occasional need to be in the United States, and I notice that when their gasoline prices move up they move up one or two cents a gallon. Ours move up 32 cents a gallon instantly. I notice when I drive through the US that there'll be a gas station selling gas at \$1.27 and another gas station across the road at \$1.35. I don't see a seven-cent variation in Ontario.

This government established a group called the gas-busters. They were going to bring the gas companies to their knees and they were going to produce a fairness in gas. I think they got their mission backwards, because I would suggest it's worse instead of better. So consumers continue to need protection from gasoline costs. It's not there. I represent a rural community where you drive to work and you drive to shop. Not everyone can live in an urban area. Thank goodness our farmers stay on the farm, though in ever fewer numbers. So a way of life for rural areas is the fuel costs, and they get no protection for that.

In fact, I'd suggest consumers could use protection in terms of the quality of gas that this province allows. We have extremely dirty gas in Ontario. We are paying good money to automobile companies for equipment that they're putting on to clean the air, and rightfully so. Yet the government could very simply solve it by bringing in place the gasoline standards that exist in much of the rest of North America. We should be ashamed of the quality of the gas. The people of Ontario need protection not just from the gasoline companies but from the gasoline itself.

We need protection—and I see in this act—from energy marketers. I have had a young man come to my door and indicate to me that he's from Ontario Hydro. He wanted to see my electric bill; he was going to check that I had filled out a form correctly, and if I hadn't filled it out he was going to help me fill out the form. There is no Ontario Hydro any more. There's Ontario Power Generation, there's Hydro One, but there is no Ontario Hydro. When I questioned him, he decided to leave relatively quickly. So we're seeing some protection in the bill from the energy marketers coming to the door, and good for the bill.

One clause in there that sounds good is dealing with Internet agreements, that people who purchase goods

over the Internet will have certain protections. Although that sounds wonderful, my question and challenge is, how will it work? Because the great thing about the Internet is that you can buy items from anywhere in the world now. I bought a part for a car a couple of months ago and it turned out to be out in BC. I had bought the car locally but there were some problems with it. The member for Brant will understand what I'm saying. I purchased a part off the Internet, sight unseen, from an individual in British Columbia. He turned out to be a most honourable gentleman. I sent the money out first; he sent the item. Everything was great. But suppose he hadn't shipped the item to me? Suppose a company on the other side of the world billed my credit card and didn't deliver? What is Ontario going to do? What will our authorities do? What will we do when the money has gone to the other side of the world? The Internet, I'm afraid, is a bit of a monster. Certainly I applaud some attempt to control it, but the reality for Internet transactions is that it's still a little bit "Buyer beware," much the same as previously when people would phone a 1-800 number and read their credit card number over the phone to a stranger at the other end. I don't think it will be as good as it sounds.

I think there should be consideration given to a Consumer Protection Act that would protect—perhaps we shouldn't call it consumer; we could call it a citizen protection act—citizens from their government. There is increasingly a need for that. I can think of a number of things that have happened just in my short time as a member that convinced me that people needed protection.

Our seniors need protection from being ripped off on their long-term-care beds. We saw a government attempt to bully through, after the House had adjourned—I believe it was in June. The following day it put in a 15% increase to seniors on their long-term care. You can't get much more vulnerable than seniors in long-term-care beds. People have been good citizens all their lives, raised their families, paid their taxes, did everything right, and suddenly they're hit with 15%. I can appreciate the government saying, "Nobody is going to be thrown out on the street," and I'm not aware of anybody thrown out on the street, but I am aware of seniors who had been in a private or semi-private room and had a certain quality of life that was fairly compatible to the way they'd been living. I think all of us appreciate that going into a long-term-care facility is a major change in life-style. So here we have seniors in a long-term-care facility hit with this increase, and because of the increase that they couldn't afford, they have been moved and are now, even to this very minute, in wards.

I had a gentleman in to see me to discuss his mother, in her late 80s, who had been in a private room and could not afford the increase. She is now in a ward where the resident next to her basically yells and screams 24 hours a day. This poor individual has to tolerate that because of the increase.

I know the increase was scaled back, but the increase was scaled back to 7% the first year. I don't believe any

seniors had an increase of 7% on their old age pension. I know they haven't; on any pension they haven't had that increase. So they're dipping into savings, or, if they don't have savings, they've suffered a lifestyle loss. Citizens need protection from the government unilaterally moving like that: no consultation, no hearing, simply it's going to be 15% more.

Our young people need some protection against the government's fiscal decisions that could cost them a career. I'm referring specifically to the issue of the double cohort. We're going to have two classes graduate this spring looking to get into college or university next fall. I can't imagine being one of the 7,000 students who have done everything right—it used to be in Ontario that if you were a good student and you worked hard you could go to college or university. Now you've got to be a good student, work hard and come from a rich family. On top of that, you still might not get in.

Right now, universities have a qualifying mark. For example, when my son went to Queen's for engineering, no student below 84% got into engineering that year. Any student below 84% was considered to be not qualified. Granted, they were an Ontario scholar, granted they were a very bright individual who would have contributed to the province, but they didn't get in. Now we're going to see students with far higher marks denied, solely because the savings that were supposed to accrue from the ending of what we traditionally called grade 13 did not go into making the double cohort work. We've known for years that this double cohort issue was coming. People have kept their heads buried in the sand hoping it would go away, but it's now coming. We in opposition are receiving calls from parents and students; I know members in government are.

#### 2050

So there are a number of things that clearly indicate that citizens need a kind of a charter of rights or a citizen protection act.

Environmental assessments: we passed legislation that prescribes environmental assessments. My issue on this very clearly is with garbage dumps. Garbage dumps are one of the major issues facing our society. Certainly energy is one, and health and education. But garbage dumps are not very glamorous. We don't want to talk about them; we'd like to just kind of ignore them. It was awfully tempting to take the garbage from this particular community and truck it off to Michigan, but the reality is, garbage dumps present challenges.

So it is absolutely critical that we do a full environmental assessment of every possible implication of a new garbage dump, but far too often—and I'm thinking about the dump in the greater Napanee area, the Richmond township landfill site, where the government has allowed the applicant, a large American garbage firm, to shortcut the environmental assessment process: "You don't even need to determine whether there's need for a dump or not. If you want a dump, there must be a need for a dump," seems to be the attitude.

The public needs assurances and guarantees from this government, with penalties; if the government does not follow a prescribed process, there has to be penalties. For the people in my community, if leachate from the dump enters the groundwater, they pay an awful price for I don't know how many generations. It is so simple to take water out of a lake and clear it, but water that rural Ontario depends on—my community lives on wells, my community lives on groundwater, and to abbreviate the assessment process is simply wrong. The citizens need protection from their government, that their government will stick to it.

Citizens in Ontario need protection from the government's on its family responsibility act. The government needs a covenant with people who are divorced and have money being funnelled through to them. The government said, "We will collect the money and pass it on to you, and we will enforce it; we will hunt down people in arrears. This is what we will do." If any other firm, a fitness club or a bank, came to us and said, "You pay this money and we'll do this for you," we think they should be hounded and chased, but this government doesn't feel any shame for the fact that these people who pay taxes now need this service.

I continue to try to get my mind around the fact that the victims of the government not enforcing the orders through the Family Responsibility Office are children and in most cases women—not always. How could we deny children the money they need for food, for clothing and for shelter? Yet the government does. The government is in arrears, recognizes that \$1.2 billion is in the wrong pockets. The government made a commitment to find that money and flow it. I can appreciate that it's hard to find the individuals who are in default, but I am intrigued that the Toronto Star can take a typical case, put a reporter on it, find the individual the next day and go and interview them and it's reported in the paper the next day. But we're not able to find 75% of the people who are supposed to be paying money.

If you owe money to Highway 407, they can find you, because they'll take your driver's licence away. That's no problem at all. But if you're not providing the food for your children, the government can't find you, just can't seem to locate you. So again, citizens urgently need protection from their government.

The citizens need an absolute, firm commitment that the government will honour its commitment to have universal medicare. We're seeing a gradual erosion. We're seeing a government that stood for universal medical care but now, bit by bit, you can have user fees for this, you can have user fees for that. We need MRI units in Ontario, yes we do. I know it's a new technology and I know this government has considerably expanded it. But the focus now is to have private operators do it. Assuming that they're going to pay the people the same amount of money, or they won't leave public service to work in private, and assuming the machines will cost essentially the same, what's the purpose of having these private MRI clinics other than to make them available to

the wealthier? The quality of your health care in Ontario is going to depend, very shortly, on the amount of money you have in the bank. That again defies all that we stand for in Ontario.

This act that has taken seven years to put together to provide protection for the citizens of Ontario still leaves them vulnerable on so many other things. The government guarantees good education; doesn't deliver it. The government guarantees good health care; doesn't deliver it. This government guaranteed—well, actually, they guaranteed a couple of times that they'd pass an Ontarians with Disabilities Act. Now they passed an Ontarians with Disabilities Act that, well, sounds good, but it doesn't really apply to anything.

Some US states have a truth-in-advertising law, where companies can be fined if they do not do what they're saying publicly they do. We need kind of a truth-in-legislation act in Ontario that would say that a government bill has to deliver more than a title.

We have some of the greatest titles in North America that have gone through this House. We've got a Taxpayer Protection Act that we found out doesn't protect taxpayers. We have a whole series of acts. We have an Ontarians with Disabilities Act that basically says, "There are Ontarians with disabilities, and we recognize that." Well, thank you, but do something for them.

So the bright lights who come up with the titles of the bills, put them to work and have them come up with a bill that will guarantee to the people of Ontario that you will deliver what's in there.

On the other hand, the good thing is that there's report time coming. The people of Ontario, when they can't get into the hospital, when they can't afford their hydro bill and they lose their apartment, when their son or daughter can't go to college, they're going to issue a report card.

#### *Interjections.*

**Mr Parsons:** Yes. Well, you can laugh now, but you're kind of whistling in the dark, I'm afraid.

Speaker, I think my time's exhausted. Good start, but not a finished bill.

**The Acting Speaker:** Questions and comments?

**Mr Michael Prue (Beaches-East York):** I listened with some intent to the speakers from Essex and from Prince Edward-Hastings, and much of what they had to say made sense. I do think, though, and I do agree with some of the members opposite, that toward the end, the speaker from Prince Edward-Hastings did deviate a little from the bill itself.

**Mr Parsons:** You should have spoken up.

**Mr Prue:** But he started off very well, and there were a couple of points that need to be focused on and I hope to focus on in my own speech, and that is when he said a very telling phrase, and that was talking about the Ontario Energy Board: "Who is going to protect the consumers from that board?" Certainly this bill is not going to protect them.

He went on to talk about the real problem that consumers throughout this province are having in a whole variety of issues. I agree that all of that which is

contained within the bill is important and all of that which is contained in the bill will in some way help consumers, save and except that the consumers appear to be most angry and most gouged around several key areas.

One is the payment to gas companies, where they feel they are being ripped off because they're now being asked to pay for energy that was used some two years ago. The various gasoline companies, at will, will hike gasoline prices, usually on the day before a long weekend. And last but not least, and certainly most importantly—I think all members in the House will agree—and that is on the electricity charges that are coming now home to roost to all of the consumers who had been promised lower electricity charges throughout these many months by people in this Legislature, only to finally get the bill. Even those who thought they were protected because they signed on the line with a door-to-door salesperson are seeing that in fact they are not protected because of all of the additional charges that are contained, that an ordinary bill which last year would have cost them \$150 is now costing them \$250, even though there has been no increase in usage.

Consumers are screaming out for protection. I commend the government for protecting them in a little way, but we intend to give this bill much more teeth before it's over, to protect all consumers.

**2100**

**Hon Mr Hudak:** I'm pleased to rise again. I appreciate the comments from my colleagues across the floor. I look forward to the third party's comments.

I just wanted to provide some clarification on a couple of the issues they brought up with respect to public utilities, and the hydro sector in particular. I know it's an important issue to your constituents. They ask why that was not incorporated in parts of the act. I think members will remember that we did bring forward a piece of legislation this past summer called the Reliable Energy and Consumer Protection Act, 2002, which has gone through all three readings and passed in the House. I would just remind members that that area did cover this particular sector. In fact, the same consumer protection principles that exist in this bill similarly reside in that previous bill. I want to thank the staff at the Ministry of Consumer and Business Services who worked hand in hand with the Ministry of Energy to ensure that those protections exist.

Let me give you an example. Just as we are eliminating negative option billing in Bill 180, so too we eliminated negative renewal options in energy protection, a similar concept. Just as we have a 30-day period to cancel contracts if not satisfied, similarly that right to cancel in 30 days is in that act. That act as well has a 15-day cooling-off period before a new contract can be reaffirmed with a door-to-door salesperson of energy. Also, we're requiring retailers and marketers to provide consumers with written copies of contracts within a set period, specifying the retailer's responsibilities, cancelling contracts etc.

The point is that these important consumer protection pieces, as we update the laws from the 1960s and 1970s,

reside not only in Bill 180 but also in that important sector. I think all members of the assembly have brought examples forward of consumers who were put into unfavourable contracts. That's why that bill was brought forward by my colleagues, and similar principles reside in Bill 180, which we're having second debate on today.

**Mr Levac:** I appreciate the opportunity to make a comment, short as it will be, on the members for Essex and Prince Edward-Hastings. First, I want to assure the member for Prince Edward-Hastings that his kids are asleep, absolutely.

*Laughter.*

**Mr Levac:** You caught on.

He did make some valid points that, I want to assure the House, should be listened to very carefully. He mentioned FRO, the Family Responsibility Office, in terms of protection for our children, and mostly our women in Ontario. Some \$1.2 billion of uncollected money is nothing to scoff at. There are 230,000 children not receiving those monies, and the government has been struggling with this since 1995. We need to protect them much better than we are presently doing, and I would encourage the government to step forward and present us with initiatives that are definitely going to get those people taken care of because that is a shameful record that no one should take pride in, and they actually should be working diligently to solve that problem. The member brought it up in a case of protection because that's consumer protection, for sure, at its best.

The member from Essex brought us five points, and then he added a sixth, two of which I've been very active in my riding about, and one of those is the 15% increase to long-term-care residents. They are exasperated in terms of trying to get a justification and action on that. When the government stands up and says it takes claim for a \$100-million investment, \$50 million of that is taken from their pockets, out of the 15%—that's out of their pockets and you're taking credit for it. So the reality of the day is that the government on that side is taking credit for a lot of money that is generated out of a 15% increase on senior citizens. That's not protecting our senior citizens at all, and shame on them for taking credit for doing it.

On macular degeneration, when the government of the day was presented with the bad situation it had, it said, "Yes, we're going to take care of them." They wouldn't retrofit it back to April 2000 nor would they take care of them. Now you have to be 50% blind before you get that coverage. Shame on the government. That's not protection.

**Mr Bisson:** I thought the presentations made by both the members were interesting because they raised a number of points, many of which I think we all take seriously in this Legislature. There are some unscrupulous business practices out there and, quite frankly, something has to be done about it, and I give the government credit for what it has done here. I don't think it goes far enough in some areas, but it is certainly a good start.

I would hope that the government would allow the bill to go to committee. I would hope that it would be

allowed to travel in the intersession this winter. That would give us an opportunity to speak to consumer groups and also to some of the business people about what can be done to put a little bit more teeth into this bill. I know one of the complaints I've had from some of the people who have written to me is that there are not enough teeth in this legislation in some of the areas and we should try to do something in order to give those who need protection a little bit more comfort, that those who are doing unscrupulous practices would actually, in fact, have some sort of repercussion for that. Maybe that in itself would be a deterrent.

The other thing the member talked about was insurance. Listen, we're getting it, I think, in all constituency offices. I can't speak for all members but I know in my constituency offices, all four of them in the riding, my oh my, the phone calls we've been getting over the last six months are really scary. I've got trucking firms that have shut down. They can't afford to renew their insurance. Basically the insurance companies have decided they're not in the business of insuring certain kinds of truck transportation and, as a result, they've put those people into the Facility market and in some cases they can't even get in. As a result, I've got some people who have seen their insurance go up not by 100% but go up by over 200% and thus close those people down. Plenty of drivers are finding all kinds of problems. If you ever had a claim or more than two claims in the last five years the insurance companies are saying, "Off to the Facility market you go." Homeowners with the same kind of thing: I had one woman who couldn't get insurance because nobody would insure her because she had three claims in a three-year period. Clearly something has to be done, and it's not done in this legislation on the insurance point.

**The Acting Speaker:** The member for Essex has two minutes to reply.

**Mr Crozier:** For the comments from the members for Beaches-East York and Timmins-James Bay, to the minister for his comments, to my colleague from Brant and also for sharing my time, the member for Prince Edward-Hastings, I want to thank them all.

I'm looking forward to the rest of the debate, to others who may have suggestions to the minister, and I'm confident that in his consideration of the bill as it moves forward he will take the suggestions we've made into consideration.

I think if there were two areas I'd like to emphasize from my comments, there's one that affects all consumers of all ages and that is when it comes to the provision of gasoline in this province and the fact that consumers too often feel they're being gouged at the pumps. I point out that obviously the government has felt that in the past, if in fact the committees, the gas-busters and others, looked at gasoline pricing and suggested to the government some ways that it might be controlled, regulated and supportive of consumers' concerns—that they'd look at that is one area in particular. The others are those areas of consumer goods and services that

affect the elderly in our society who are more often taken advantage of. I would encourage the minister to look in those two areas in particular.

**The Acting Speaker:** Further debate?

**Mr Prue:** I just want to clarify for the record: I believe that I am taking just 20 minutes here and standing down the lead until tomorrow. That has been agreed to?

**The Acting Speaker:** Are you asking for unanimous consent to stand down the opening speech for your party?

**Mr Prue:** Yes.

**The Acting Speaker:** Is there unanimous consent? Agreed.

**Mr Prue:** Then tomorrow, or on the next date that this is called for hearing, you can hear the wit and wisdom of the member for Hamilton West.

I am delighted to stand up for 20 minutes here tonight and talk about this particular bill because it is a bill whose time is probably long overdue in a number of respects and it is a bill that we in this Legislature need to pass to protect the many vulnerable people in our society who are quite regularly preyed upon by unscrupulous business practices. I would just like to relay a few of those stories that have come across my desk and one actually which personally happened to me last night, which I consider unscrupulous, that I'm hoping this bill will help to resolve.

Two days ago I got a phone call from a government of Ontario employee who called to alert me to what she felt was senior fraud in our neighbourhoods. Her mother, who is some 76 years old, who lives alone, was visited by a vacuum cleaner salesman. I haven't seen one of these guys for a long time. But he was making the rounds in our neighbourhood and attempting to sell vacuum cleaners which, to my way of thinking, were horrendously priced. He came to this poor unsuspecting woman and he offered her a vacuum cleaner that regularly retails for \$2,600, which he was discounting by \$1,000, and she could have it for \$1,600 if she acted immediately upon this day.

2110

**Mr Bisson:** What kind of vacuum cleaner is that?

**Mr Prue:** I don't know. It must be a tremendous vacuum cleaner for that kind of price.

He talked to this poor woman for about an hour and he finally, by cajoling her and telling her stories and the fact that his own mother had purchased one of these vacuum cleaners and was very happy with it, convinced her this vacuum cleaner was, I guess, something in her dreams.

**Mr Bisson:** It's still in her dreams.

**Mr Prue:** Yes. The vacuum cleaner was delivered the next day. Her daughter did not know anything about it, her family did not know anything about it. When the old lady attempted to use the vacuum cleaner she found out that it was not possible because it was not one of these light-weight vacuum cleaners that one can see on television, where you can lift it up and down the stairs and that costs a couple of hundred dollars. It was a big, giant old clunker which she could not move around.

When her daughter found out, of course, she immediately tried to get her mother out of the contract. But these guys are pretty shifty and they're pretty swift and they're pretty smart and it took a government of Ontario employee, who is quite an intelligent woman in her own right, a day or two to actually locate this company. Yes, they did have a bricks-and-mortar address and she was able to finally take the vacuum cleaner back, with her mother in tow, to try to negate the contract. The company was singularly unwilling to accept and said that they had a signed statement. They would not listen about the 10-day cooling-off period; they would not listen to the 30-day period; they would not listen to anything.

The woman in the end was forced to leave the vacuum cleaner on the front stairs of this bricks-and-mortar company. She hopes, and I hope for her sake too, that will be the end of the matter. If it is not, you can see a 76-year-old woman who lives alone being subject to a court case and lawyers and letters and any number of other things because she unwisely signed her name to a vacuum cleaner that she did not need, that was far too large for her purposes, that she could not lift. Quite frankly, it ended up being a \$1,600 vacuum cleaner. I doubt that any of the major chains in this country sell vacuum cleaners at anywhere near that cost. It is just one story that I hope this legislation will fix.

I have another story of an immigrant couple who came in to see me, and I don't know whether this legislation will fix it or not, because there's nothing that I can see in the body of this legislation about people who get ripped off by immigration consultants or people who are out there preying on new immigrants or their families or people who are desperate to be reunited with loved ones.

In this province and in this country it is possible for literally anyone to hang a shingle outside their door and say that they are an immigration consultant. These consultants prey on recent immigrants or people who do not understand the legislation and they promise, for \$1,500 to \$2,000, to take cases that are clearly not allowable in law. The money is paid up front and there is generally and almost universally no recourse to getting that kind of money back. If the law is going to protect consumers and is going to protect people from fraudulent claims or spurious claims made by people who are practitioners of immigration law or policy, then it would seem to me that they should be licensed and that there should be a compendium or a companion step to much of this to regulate any people who offer a service. I don't see that in here, although the legislation talks about goods as well as services.

That brings me to a third story, and again it's one of these so-called experts who hang shingles outside. There are many of them now in the city of Toronto who claim to be experts on tenant law and on the Tenant Protection Act. They will take the money of tenants who believe they are being unjustly done to in terms of evictions or above-guideline increases or the wrath of their particular landlord and will offer to go with them to the tribunal to represent their interests. These people, again with no

qualifications whatsoever, will ask for exorbitant sums of money, anywhere from \$1,000 to \$2,000, to take on a case in order to represent and who really have no expertise whatsoever. There is virtually no way that those consumers who have been, I would suggest, bilked by going to one of these fly-by-night operators can ever get their money back. I'm not sure whether it's in the legislation or not. It's quite complex and I'm hoping that over time the minister might be able to detail whether or not tenants are going to be protected in this area.

We also have, and we've heard this from some of the other speakers, the whole scenario about people signing up for hydro and gas contracts. What I heard only just a few days ago is that one of my constituents, one of my friends, signed a hydro contract thinking it was a good idea only to subsequently find out that she also had a gas contract at the same time, which she was unaware of. The person who came around selling the hydro contracts also slipped in a gas contract, "Sign here, sign here, sign here," and the poor unwitting person who signed was signing not one contract but two. I would hope that there would be something in the legislation that will ensure that people who think they are signing one contract and subsequently find out they've signed a second one can at least get out of it.

That brings me to the last one, which happened to me last night when I got home. I got a phone call from one of the major banks, and I know that we cannot regulate them; they're federal institutions. But just to warn people what's happening, about a week before I got a letter in the mail saying, "Congratulations." They had given me a 30-day free service on my banking card, which normally would cost \$20 a month, for me to have insurance if someone stole my bank card or if someone used it fraudulently. It was a 30-day free service for which there was a normal charge of \$20. Yesterday I got phoned by some company that was hired by the major bank and told, "That's a great service we gave you for free and we're just phoning up to confirm that you want to continue with this service for only another \$20 a month for the rest of your life, and isn't it really great?" When I told him I wasn't too interested, he wanted to make sure that I still wanted my 30-day free service, which I hadn't signed for. I told him I wasn't interested.

But this is the kind of scam that comes out of a credit card with people phoning me. I am sure there are many hundreds of thousands of people who think they're getting a free service who don't understand where that extra \$20 billing at the end of the month comes from. Again, I know that we may not be able to regulate the banks, but if the banks are doing it, I believe that just about everybody in the world is going to try this kind of thing: to give a free service and then expect you to pay to continue it thereafter.

The reality is that these scams grow daily. As fast as government can regulate people to try to stop them there will be people who are smart enough to think of a new one to get around it. I am firmly convinced that as long as there are honest people in government trying to stop it, there will be dishonest people outside of government

finding new loopholes, new ways to get around it. Perhaps our job is impossible, but I commend the government anyway for giving it a try.

**Hon Mr Clark:** Try to think positively.

**Mr Prue:** I'm thinking positively. I think I'm speaking positively too.

As some of the speakers have previously said, we have scams now on the Internet; we have scams in leasing in small print; we have scams on the telephone; we have scams of door-to-door salesmen, we have scams in stores; we have scams literally everywhere, and the consumer needs to be protected.

I commend the government for at least making that first attempt to protect consumers, but there are two areas—and I don't even think I'm going to get into the hydro issue tonight because I've only got nine minutes and 19 seconds. But there are two issues that I would like you to consider for this bill when you are attempting to improve it, when I hope it goes to committee, when I hope it goes to clause by clause, when I hope it goes to public discussion.

#### 2120

The first is the whole issue around fringe banking. Fringe banking is something that you will see on the corners of almost every town, of every city, of every pretty-large village in this province, and that is the place where it says, "Cheques cashed. Need a loan till payday?" I think that we have all seen those. You see this kind of fringe banking where someone goes in who has a job but who doesn't get paid until Friday. They charge hugely high fees. They charge unfair collection rates. They charge interest rates which border on usury.

If you calculate all of these fees, if you calculate all of the collections and all of the interest rates, you will find out that in some cases people are paying up to 500% interest per year for loans that they take out for two or three days. They don't take it out for a whole year; they only take it out for two or three days or for a week. But it is not unusual for people to end up paying 10% of that cheque which they get at the end of the week which they have already signed away in order to borrow the money. That's 10% per week. That works out to pretty close to 500% per year in charges from these fringe banking groups.

Who do they specifically deal with? Mostly they deal with people who live on the margins, people who live from one paycheque to another, people who find it difficult, through no fault of their own on occasion, and they run out of a couple of bucks just before payday. It might be at the end of the month. They may have to pay their mortgage; they may have to buy groceries for the kids. They go in there, they do that, and there it is.

The federal laws say that you can't charge more than 60%, but they get around this whole federal act by using fees and collections and interest rates together. What I'm suggesting to the minister opposite is that he have a look at this whole fringe banking system to see whether we can tighten them up, because if consumers ever needed protection, they need protection from these fringe bankers.



There's a second one—we probably don't realize how much money is being made and where the protection is needed—and this is from the ATMs. Not the ATMs that the major banks run—

**Mr Bisson:** Tell them about the Moosonee one.

**Mr Prue:** OK. When you go into an ATM that is not regulated by one of the major banks or one of the public lending institutions or by any of the larger credit unions, you can end up paying huge amounts of money. The banks are regulated federally, but these white-label ATMs can be and should be, and I think are, regulated by provincial statute.

Gilles Bisson and I went to Moosonee. Gilles Bisson needed some money and he couldn't get any because there was no ATM in the CIBC. But there was a white-label ATM in Moosonee.

**Mr Bisson:** In the corner store.

**Mr Prue:** In the corner store. I'm going to let him tell you how much he had to pay.

**Mr Bisson:** Seven bucks.

**Mr Prue:** He had to pay \$7 to take \$100 out. That is just outrageous, the cost that somebody in a community like that, that has no other ATM, that has no other source, has to pay \$7 to take \$100 out. That's 7% immediately. It needs to be regulated.

In that one, at least they told him that he was going to have to pay \$7.

**Mr Bisson:** Where was I going to go?

**Mr Prue:** There was nowhere else to go. But in many places they do not even tell the consumer how much they're going to be charged. The fees are not printed up front. There is no security for the PIN numbers. We all know that you go to one of these unregulated machines, you put your card in and there's no regulation to secure the PIN numbers or recourse if there are any errors. Had Gilles not got the \$100 out of the machine, plus the \$7 that he was charged, then he would have had a very hard if not impossible time to get his money back, had it not spit out the currency. There is literally no recourse; there is no legislation that allows for it. The consumers need to be protected from these white-label ATMs. I did not see anything in the legislation that talked about it, but I'm sure the minister, in discussions with his staff, will see that there is a huge need for these to be regulated as well.

I've only got just under four minutes left. I guess I have time just to talk about some of the hydro scams that are going on out there.

We do know that these were almost legendary six months ago, with people going from door to door selling hydro and saying, "You have to sign up here and we're going to protect you." In fact, I guess in benefit of hindsight, when we look back, signing up for six cents per kilowatt hour seemed to me to be a huge increase from 4.3 cents, which had been regulated. It looked huge in those days; it does not look nearly so large today. But the consumers were gouged many times because what they

were not told about was not just the rate that was six cents per kilowatt hour, but all the other little fees that would accompany the new hydro bills. People did not realize when they were signing that they were signing for anything except six cents, and they did not realize until today, when they're starting to get those hydro bills, that there is a whole range of prices built into those hydro bills of which they were not aware.

So even though they felt they were being protected, and many people in Toronto still feel to this day that they are being protected, the reality is that they are not. The consumers need to know what the bottom line is. Always, the bottom line must be told. Not only in hydro bills, but in everything else, the bottom line, the cost, whatever is there, has to be there. It is not enough to tell the consumer that, as in the case of hydro or gas bills, you're going to pay so much per kilowatt hour or so much per cubic metre of gas. You need to be told what the final cost is going to be and all the additional governmental and non-governmental sums that are added into it. Everything from administration fees to taxes—people need to know what those are. Any bill that is going to protect consumers must include that as well.

We in the New Democratic Party believe that all of this door-to-door selling of energy commodities should be outlawed. In fact, Howard Hampton introduced Bill 73 some many months ago to ban the practice. We still think that is the preferred option. We would invite the minister to ban this kind of high-pressure, door-to-door sales of things like energy, like natural gas, like electricity.

Having said that, and I guess I've only got about a minute left, I would like to, again, go back to where I started, and that is commending the minister for taking that first step of protecting consumers in this province. There is much that is good about this bill. This bill could be a truly great consumers' bill if it goes in several other directions that I believe, and the New Democratic Party believes, are essential. I've tried to outline those in just 20 minutes: the fringe banking, the white-label ATMs, the whole issue around door-to-door sales of energy. If those can be captured within this bill, then consumers can be protected, particularly the old and the vulnerable. Of all the people who get ripped off by these systems, it is most heartbreaking to me, as a politician, as a former municipal councillor and a mayor, to see the number of senior citizens who are subject to these fraudulent schemes, these get-rich-quick scam artists. They need our protection. They need to be protected from the fraud, and whatever bill will protect them from fraud and allow their families to assist them in the long term will benefit all of us. Thank you very much.

**The Acting Speaker:** It being 9:30 of the clock, this House stands adjourned until tomorrow at 1:30 pm.

*The House adjourned at 2129.*

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**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

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Don Valley East / -Est	Caplan, David (L)	Kitchener-Waterloo	Beaubien, Marcel (PC)
Don Valley West / -Ouest	<b>Turnbull, Hon / L'hon David</b> (PC) Associate Minister of Enterprise, Opportunity and Innovation / ministre associé de l'Entreprise, des Débouchés et de l'Innovation	Lambton-Kent-Middlesex	<b>Sterling, Hon / L'hon Norman W.</b> (PC) Minister of Transportation / ministre des Transports
Dufferin-Peel- Wellington-Grey	<b>Eves, Hon / L'hon Ernie</b> (PC) Premier and President of the Executive Council, Minister of Intergovernmental Affairs / premier ministre et président du Conseil exécutif, ministre des Affaires intergouvernementales	Lanark-Carleton	<b>Runciman, Hon / L'hon Robert W.</b> (PC) Minister of Public Safety and Security / ministre de la Sécurité et de la Sécurité publique
Durham	O'Toole, John R. (PC)	Leeds-Grenville	<b>Cunningham, Hon / L'hon Dianne</b> (PC) Minister of Training, Colleges and Universities, minister responsible for women's issues / ministre de la Formation et des Collèges et Universités, ministre déléguée à la Condition féminine
Eglinton-Lawrence	Colle, Mike (L)	London North Centre / London-Centre-Nord	Wood, Bob (PC)
Elgin-Middlesex-London	Peters, Steve (L)	London West / -Ouest	Mazzilli, Frank (PC)
Erie-Lincoln	<b>Hudak, Hon / L'hon Tim</b> (PC) Minister of Consumer and Business Services / ministre des Services aux consommateurs et aux entreprises	London-Fanshawe	<b>Tsubouchi, Hon / L'hon David H.</b> (PC) Chair of the Management Board of Cabinet, Minister of Culture / président du Conseil de gestion du gouvernement, ministre de la Culture
Essex	Crozier, Bruce (L)	Markham	Sampson, Rob (PC)
Etobicoke Centre / -Centre	<b>Stockwell, Hon / L'hon Chris</b> (PC) Minister of the Environment, government House leader / ministre de l'Environnement, leader parlementaire du gouvernement	Mississauga Centre / -Centre	
Etobicoke North / -Nord	Hastings, John (PC)		
Etobicoke-Lakeshore	Kells, Morley (PC)		
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)		
Guelph-Wellington	<b>Elliott, Hon / L'hon Brenda</b> (PC) Minister of Community, Family and Children's Services / ministre des Services à la collectivité, à la famille et à l'enfance		

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Mississauga East / -Est	<b>DeFaria, Hon / L'hon Carl</b> (PC) Minister of Citizenship, minister responsible for seniors / ministre des Affaires civiques, ministre délégué aux Affaires des personnes âgées	Scarborough Centre / -Centre	Mushinski, Marilyn (PC)
Mississauga South / -Sud	Marland, Margaret (PC)	Scarborough East / -Est	Gilchrist, Steve (PC)
Mississauga West / -Ouest	Snobelen, John (PC)	Scarborough Southwest / -Sud-Ouest	<b>Newman, Hon / L'hon Dan</b> (PC) Associate Minister of Health and Long-Term Care / ministre associé de la Santé et des Soins de longue durée
Nepean-Carleton	<b>Baird, Hon / L'hon John R.</b> (PC) Minister of Energy, Minister responsible for francophone affairs, deputy House leader / ministre de l'Énergie, ministre délégué aux Affaires francophones, leader parlementaire adjoint	Scarborough-Agincourt	Phillips, Gerry (L)
Niagara Centre / -Centre	Kormos, Peter (ND)	Scarborough-Rouge River	Curling, Alvin (L)
Niagara Falls	Maves, Bart (PC)	Simcoe North / -Nord	Dunlop, Garfield (PC)
Nickel Belt	Martel, Shelley (ND)	Simcoe-Grey	<b>Wilson, Hon / L'hon Jim</b> (PC) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Nipissing	McDonald, AL (PC)	St Catharines	Bradley, James J. (L)
Northumberland	<b>Galt, Hon / L'hon Doug</b> (PC) Minister without Portfolio, chief government whip / Ministre sans portefeuille, whip en chef du gouvernement	St Paul's	Bryant, Michael (L)
Oak Ridges	<b>Klees, Hon / L'hon Frank</b> (PC) Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs	Stoney Creek	<b>Clark, Hon / L'hon Brad</b> (PC) Minister of Labour / ministre du Travail
Oakville	<b>Carr, Hon / L'hon Gary</b> (PC) Speaker / Président	Stormont-Dundas-Charlottenburgh	Cleary, John C. (L)
Oshawa	<b>Ouellette, Hon / L'hon Jerry J.</b> (PC) Minister of Natural Resources / ministre des Richesses naturelles	Sudbury	Bartolucci, Rick (L)
Ottawa Centre / -Centre	Patten, Richard (L)	Thornhill	<b>Molinari, Hon / L'hon Tina R.</b> (PC) Associate Minister of Municipal Affairs and Housing / ministre associée des Affaires municipales et du Logement
Ottawa-Orléans	<b>Coburn, Hon / L'hon Brian</b> (PC) Associate Minister of Municipal Affairs and Housing / ministre associé des Affaires municipales et du Logement	Thunder Bay-Atikokan	McLeod, Lyn (L)
Ottawa South / -Sud	McGuinty, Dalton (L) Leader of the Opposition / chef de l'opposition	Thunder Bay-Superior North / -Nord	Gravelle, Michael (L)
Ottawa West-Nepean / Ottawa-Ouest-Nepean	Guzzo, Garry J. (PC)	Timiskaming-Cochrane	Ramsay, David (L)
Ottawa-Vanier	Boyer, Claudette (Ind)	Timmins-James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Oxford	Hardeman, Ernie (PC)	Toronto Centre-Rosedale / Toronto-Centre-Rosedale	Smitherman, George (L)
Parkdale-High Park	Kennedy, Gerard (L)	Toronto-Danforth	Churley, Marilyn (ND)
Parry Sound-Muskoka	Miller, Norm (PC)	Trinity-Spadina	Marchese, Rosario (ND)
Perth-Middlesex	Johnson, Bert (PC)	Vaughan-King-Aurora	Sorbara, Greg (L)
Peterborough	Stewart, R. Gary (PC)	Waterloo-Wellington	Arnott, Ted (PC)
Pickering-Ajax-Uxbridge	<b>Ecker, Hon / L'hon Janet</b> (PC) Minister of Finance / ministre des Finances	Whitby-Ajax	<b>Flaherty, Hon / L'hon Jim</b> (PC) Minister of Enterprise, Opportunity and Innovation / ministre de l'Entreprise, des Débouchés et de l'Innovation
Prince Edward-Hastings	Parsons, Ernie (L)	Willowdale	<b>Young, Hon / L'hon David</b> (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Renfrew-Nipissing-Pembroke	Conway, Sean G. (L)	Windsor West / -Ouest	Pupatello, Sandra (L)
Sarnia-Lambton	Di Cocco, Caroline (L)	Windsor-St Clair	Duncan, Dwight (L)
Sault Ste Marie	Martin, Tony (ND)	York Centre / -Centre	Kwinter, Monte (L)
		York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

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

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

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