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Wednesday 27 November 2002

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des débats
(Hansard)**

Mercredi 27 novembre 2002

**Standing committee on
regulations and private bills**

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

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLS**

**COMITÉ PERMANENT DES
RÈGLEMENTS ET DES PROJETS DE LOI
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Wednesday 27 November 2002

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The committee met at 1005 in committee room 1.

ELECTION OF ACTING CHAIR

Clerk of the Committee (Mr Katch Koch): Honourable members, it is my duty to call upon you to elect an Acting Chair. Are there any nominations?

Mrs Claudette Boyer (Ottawa-Vanier): I nominate Pat Hoy.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): Seconded.

Clerk of the Committee: Mr Hoy, I declare you elected Acting Chair.

The Acting Chair (Mr Pat Hoy): I'll call this meeting to order and call Bill Pr11, An Act respecting the Town of Erin.

TOWN OF ERIN ACT, 2002

Consideration of Bill Pr11, An Act respecting the Town of Erin.

Mr Ted Arnott (Waterloo-Wellington): It's always a privilege to be in attendance at a meeting of the committee on regulations and private bills. Today I'm bringing forward a bill on behalf of the town of Erin. For nine years it was my responsibility and my privilege to represent the town of Erin in the Ontario Legislature, but after redistribution, the town of Erin was taken out of the riding. It is now represented by the member for Dufferin-Peel-Wellington-Grey, who is also the Premier. As all of us know, members of the executive council are prevented by the standing orders from introducing private bills, so I was asked to introduce this one on behalf of the town of Erin.

With me today is Stephen Garrod, who is the solicitor for the town of Erin. I'd like to ask Stephen to come forward and make a presentation on the purpose and scope of the bill so that members are aware of why it's coming forward today.

Mr Stephen Garrod: Thank you, Mr Chair, and members of the committee. We appreciate the opportunity to speak to the committee this morning. As Mr Arnott has indicated, my name is Stephen Garrod and I'm the lawyer for the town of Erin with respect to this matter.

The town of Erin was created five years ago by a minister's order that amalgamated the former village of Erin and the former township of Erin and created the new town of Erin from those two municipalities. This was a voluntary amalgamation which was done, and the minister's amalgamation order at the time provided that all of the former bylaws of the two former municipalities would expire and cease to have any effect at the end of this year, December 31, 2002.

It was anticipated at the time of the amalgamation order five years ago that that would be sufficient time to complete the task of revising all of the former bylaws and updating them. As the material that was filed in support of this bill indicates, a considerable amount of work was done by the new municipality in that regard. More than 50 bylaws were replaced and updated. However, it has simply been administratively impossible for the municipality to complete that task by the time available. In addition, there are number of single-purpose bylaws which really shouldn't expire. They should remain in place and do not need to be replaced and shouldn't expire.

The bill that is before you is a single-purpose bill. It's really quite simple in its effect. It provides that, notwithstanding that restructuring order, the former bylaws of the two former municipalities would continue to have effect until and unless they are repealed by the new municipality. That's all the bill really does. It's very important to the municipality that this bill be passed by the House this calendar year; otherwise they will be in a situation where a number of their bylaws will cease to have effect, and it could create some considerable confusion in the municipality. So we very much appreciate the committee's attention to this matter. If there are any questions, I'd be quite happy to answer them.

The Acting Chair: Do you have any other comments, Mr Arnott?

Mr Arnott: No, I'm just looking forward to the questions and comments of committee members and would ask that they support the bill.

The Acting Chair: Are there any questions?

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): It's great to see somebody coming forward and referencing as part of their preamble the voluntary amalgamation. I think all amalgamations should be voluntary and in keeping with the will of the people. I

take it the amalgamation has gone fairly well, given that the parties came together in a spirit of wanting to be greater together than they were apart, to chart a new course?

1010

Mr Garrod: It has actually been a very successful amalgamation. I think there are a number of reasons for that. One of them is that there was no loss of the name and no loss of identity. The former village of Erin and the former township of Erin were both quite comfortable being known as the town of Erin. The staffing issues were resolved quite easily. Our firm in fact were the solicitors for both former municipalities, so we ended up as the solicitors for the new municipality. The transition was a fairly easy one and it has worked quite well.

Mr McMeekin: I wouldn't be here today if the former town of Flamborough was still there. I couldn't resist the opportunity to just express my admiration for municipalities that actually come together in a spirit of collegiality and what's best for the citizens to chart their own course. I'll support the bill, of course.

Mrs Boyer: You're asking not to seek to have effect after December 31, 2002, but you want it to go on. There is not another fixed date. You don't want another fixed date.

Mr Garrod: No, we think there is good reason why a number of the bylaws should never have to disappear—for example, bylaws that authorize the acquisition of property and those kinds of things. So we're looking for this. In fact, I understand that this is the way a number of subsequent amalgamation orders were drafted, for that very reason.

Mrs Boyer: No problem.

Mr Gill: I also want to commend the town for seeing the light and agreeing that amalgamation is a good thing and coming forward with it. I know many municipalities don't quite see the light till they have to be coaxed a little bit. So I'm quite happy to support this.

Mr McMeekin: Just in response, when we went through the process of looking at amalgamation in our municipality, the independent commissioners appointed by the government came in to help us with that task and told the people of the town of Flamborough their taxes would go down 1.97%. Since amalgamation, in some parts of my community they're up as much as 28%. We had the wisdom to foresee that. Unlike Erin and the good experience they've had, it's no cookie-cutter here. One size doesn't fit all.

The Acting Chair: Is there anyone in the room who would like to make comment to this Pr bill? Seeing none—

Mr Gill: Chair, is there any amendment or anything?

The Acting Chair: No.

Mr Gill: OK.

The Acting Chair: Are members ready to vote?

In respect of Bill Pr11, An Act respecting the Town of Erin, shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall section 4 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Agreed.

Mr Garrod, I want to thank you very much for your participation this morning. I might add that I've visited the town of Erin. We have a wonderful picture of my daughter Erin underneath the road sign and we treasure that very much. Thank you for being here.

Mr Garrod: Thank you very much, sir.

ELLIOTT ACT, 2002

Consideration of Bill Pr9, An Act respecting The Elliott.

The Vice-Chair (Mr Garfield Dunlop): Ladies and gentlemen, I apologize for coming in late. Thank you, Mr Hoy, for taking over for me for the first little while.

The next bill we're dealing with is Bill Pr9, An Act respecting The Elliott, and the sponsor today is a gentleman by the name of Mr Ted Arnott, the MPP for—it's a very busy day for him.

The applicants are Lois Payne, the solicitor for the corporation of the city of Guelph. Do you have any comments, Mr Arnott?

Mr Arnott: Yes, Mr Chairman. It is a pleasure to have a second bill to be considered by this committee today. I am presenting this bill on behalf of the Honourable Brenda Elliott, who is the MPP for Guelph-Wellington. The Elliott retirement residence is situated within her riding in the city of Guelph. It's a coincidence that she has the same name as the—

The Vice-Chair: There's no conflict here for Mrs Elliott.

Mr Arnott: No, I don't think she owns it. With me to explain the bill and the purpose of the bill, as you said, Mr Chairman, are Lois Payne, the city solicitor for the city of Guelph, and also Sherry Currie, who is a lawyer with Gowling, Lafleur and Henderson, who is acting on behalf of The Elliott. Could I ask you to come forward and explain to the committee the purpose of the bill.

We look forward to any questions you may have.

The Vice-Chair: Thank you very much, Mr Arnott. We do have a report back that I should read into the record from the Commissioner of Estates. It is sent to Mr Claude DesRosiers, our Clerk, and it says,

“Re: Pr9, An Act respecting The Elliott.

“Dear Sir:

“At the request of Chief Justice LeSage, Justice G. Bourke Smith and I (the two resident Superior Court justices in Wellington county) have had an opportunity to review the above-mentioned private member's bill and the background material submitted by you.

“In our capacity as Commissioners of Estate Bills, Justice Smith and I have considered particularly the provisions of section 5(2) and 8 of the bill.

"I wish to advise that we agree that there is no reason why, in our view, the bill, and in particular sections 5(2) and 8 thereof, should not pass into law.

"If you have any questions or further requirements, please do not hesitate to advise."

That's signed by Justice Herold and Justice Smith.

So carry on, please. Do you have some comments?

Ms Sherry Currie: Good morning, Mr Chair and members of the committee. On behalf of Ms Payne and myself I would like to thank you for hearing us this morning with respect to this bill. I am counsel for The Elliott, and just by background, The Elliott is a seniors' residence in the city of Guelph. It currently has in excess of 300 residents and provides a range of levels of care in three buildings on approximately eight acres of land, which is owned by the city of Guelph.

There are some housekeeping-type amendments in the bill, but really the rationale—there are three major things that the bill does.

The first one is it clarifies the relationship between the city of Guelph and The Elliott itself. It specifically answers the question, is The Elliott a local board of the city? The bill provides that, yes, it is a local board. There are, however, some exceptions to that, the major one involving the auditors.

The bill provides that The Elliott will still be the party appointing the auditor and receiving the auditor's report but that information will be passed on to the city of Guelph within a short period of time after it's received.

One of the other issues concerning the relationship between the city of Guelph and the Elliott itself has to do with The Elliott's powers to borrow money, to create mortgages, bonds, debentures and that type of thing. Under the existing legislation the city's consent is required for all of those things. Under the proposed bill it will only be with respect to the borrowing power that the city's consent would be required.

1020

On the issue of the local board status of The Elliott, there is one proposed amendment that has come out of our consultations with the Ministry of Municipal Affairs and Housing. The bill, as it presently reads in clause 5(2)(b), would give The Elliott investment powers pursuant to provisions of the Trustee Act. In discussions with the ministry and between Ms Payne and myself, it has been agreed that it would be appropriate to remove that section. The Elliott being a local board would then, in our belief, be governed by the normal Municipal Act provisions concerning investments. That is acceptable to The Elliott, and my understanding is, it's acceptable to the city of Guelph as well. That's the first major rationale behind the bill.

The second purpose of it is to do some things with respect to the composition of the board of trustees of The Elliott itself. The first thing it would do would be to allow up to one third of the members of the board to be non-residents of the city of Guelph. The Elliott serves residents of the city of Guelph and surrounding areas. It's the intention to broaden the base of membership on the

board by allowing at least one third to be from surrounding areas.

The other thing it does with respect to the composition of the board is it allows or incorporates a process whereby a nominating committee of the board of trustees can have some input into the appointment process. Appointments would still be done by the city of Guelph, but there would be this recommendation process which would be incorporated.

The final major thing the bill does is it refers to a lease of the lands which is going to be executed between the city and The Elliott. The Elliott's buildings are currently situated on city-owned lands, but this will formalize the relationship between the two parties.

Those, in my view, are the major features of the bill. I should perhaps let Ms Payne comment as well and then any questions you have we'd be happy to answer.

The Vice-Chair: Thank you very much. Are there any other interested parties who would like to make any comments before I get to the committee?

Ms Payne, would you like to make comments?

Ms Lois Payne: Simply to say that the city is a co-applicant for this legislation and supports it fully and confirms the summary Ms Currie has presented to you.

The Vice-Chair: OK. Is there anyone here from the ministry who would like to make any comments?

Interjection: I think the ministry is satisfied.

The Vice-Chair: Committee members, any questions? This is going very quickly.

Mr Arnott: It's my intention to move the amendment that has been discussed when we get to it.

The Vice-Chair: Yes, we'll get to that in just a moment here and we go to clause-by-clause.

Are members ready to vote on this? OK.

Shall section 1 carry? It's carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall section 4 carry? Carried.

We have an amendment to section 5.

Mr Arnott: I move that clause 5(2)(b) of the bill be struck out.

The Vice-Chair: You've all heard that motion. Is that agreed? OK.

Shall section 5, as amended, carry? Carried.

Shall section 6 carry? Carried.

Shall section 7 carry? Carried.

Shall section 8 carry? Carried.

Shall section 9 carry? Carried.

Shall section 10 carry? Carried.

Shall section 11 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill, as amended, carry? Carried.

Shall I report the bill to the House? Agreed.

Thank you so much for attending here this morning. Thank you, Mr Arnott, for your efforts in these two private members' bills. You're right into private members' bills or Pr bills.

MUNICIPALITY OF CHATHAM-KENT
ACT, 2002

Consideration of Bill Pr12, An Act respecting the Municipality of Chatham-Kent.

The Vice-Chair: The next order of business is Bill Pr12, An Act respecting the Municipality of Chatham-Kent. We're fortunate enough today to have our sponsor, Mr Marcel Beaubien, here, along with the applicant, Brian Knott, the director of legal services for the municipality of Chatham-Kent. Do you have some opening comments, Mr Beaubien?

Mr Marcel Beaubien (Lambton-Kent-Middlesex): Thank you very much, Mr Chair. It's a pleasure for me and an honour to have the opportunity to introduce Bill Pr12, which is An Act respecting the Municipality of Chatham-Kent, 2002. I would also like to point out that my colleague, Mr Hoy, from Chatham-Kent, and I both have the honour and pleasure of representing this particular municipality. To Mr McMeekin, this restructuring process certainly was not on a voluntary basis. It was imposed by the province a few years ago. I'm sure there was a very interesting debate at that time. There continues to be a debate, but from my perspective, it seems to be working quite well.

I have with me Mr Brian Knott, who is the director of legal services and who will be making the presentation. I would also like to point out that I will move an amendment to section 1 of the bill.

The Vice-Chair: Yes, we have that. Thank you very much, and carry on, please.

Mr Brian Knott: Good morning, Mr Chair, and members of the committee. My name is Brian Knott, director of legal services with the municipality of Chatham-Kent.

Similar to the Erin proposal that you had before you earlier this morning, the bill that is being sought is to have an amendment made to the restructuring order which brought into play the incorporation of the municipality of Chatham-Kent under a restructuring order that was effective January 1, 1998. Twenty-two municipalities became the municipality of Chatham-Kent. The order itself provided that the bylaws of the various municipalities would continue into force and effect for a period of five years, ending December 31 of this year.

The task of putting together the consolidation of these bylaws has proven to be a very onerous task considering there were 22 different variations on a theme that we

were dealing with. What we are seeking is that there be an extension to that time period for a further two-year period to allow us to complete the consolidation process. All the bylaws are, in fact, being reviewed and are nearing completion, but we felt we needed more time to allow for that consolidation process to be completed.

If there are any questions, I'd be happy to answer them.

The Vice-Chair: Are there any questions from any other interested parties here today? From the Ministry of Municipal Affairs, anything?

Interjection: It's acceptable, sir.

Mr Pat Hoy (Chatham-Kent Essex): Would you happen to know how many bylaws are in question here, or would you even hazard a guess?

Mr Knott: The approximate number of bylaws that we had to start dealing with would be in the range of 70 to 100 bylaws, and each municipality has variations on those bylaws. Some of them are single-purpose types of bylaws; others are more generalized.

What we're trying to do is to provide some commonality throughout our community in terms of having one bylaw apply to all the communities and all the citizens.

The Vice-Chair: Other questions from any other committee members. OK, are the members ready to vote on this then?

I understand we have an amendment for section 1.

Mr Beaubien: That's correct. I move that the definition of "restructuring order" in section 1 of the bill be amended by striking out "The Corporation of Chatham-Kent" and substituting "The Corporation of the Municipality of Chatham-Kent."

The Vice-Chair: You've all heard that amendment. Are there any questions? All in favour? That's carried.

Shall section 1, as amended, carry? Carried.

Shall sections 2 to 5 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill, as amended, carry? Carried.

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

Thank you very much, everyone. It has been a great morning.

The committee adjourned at 1030.

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