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Monday 7 June 2004

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des débats
(Hansard)**

Lundi 7 juin 2004

**Standing committee on
general government**

Greenbelt Protection Act, 2004

**Comité permanent des
affaires gouvernementales**

**Loi de 2004 sur la protection
de la ceinture de verdure**

Chair: Jean-Marc Lalonde
Clerk: Tonia Grannum

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Monday 7 June 2004

Lundi 7 juin 2004

The committee met at 1534 in room 151.

GREENBELT PROTECTION ACT, 2004

**LOI DE 2004 SUR LA PROTECTION
DE LA CEINTURE DE VERDURE**

Consideration of Bill 27, An Act to establish a greenbelt study area and to amend the Oak Ridges Moraine Conservation Act, 2001 / Projet de loi 27, Loi établissant une zone d'étude de la ceinture de verdure et modifiant la Loi de 2001 sur la conservation de la moraine d'Oak Ridges.

The Chair (Mr Jean-Marc Lalonde): I would call this meeting to order. We will resume debate on motion number 1, which was moved by Mr Delaney. Mr Hudak had the floor. I would just ask that we try to get co-operation to get this going. I don't want to rush it through. I want to give everyone a chance to debate this or have questions, so I will pass this on to Mr Hudak.

Mr Tim Hudak (Erie-Lincoln): I do my best to be co-operative and at the same time bring issues of concern of the different deputations or other stakeholders, as well of course as constituents, since my riding is dramatically impacted by this bill, and there may be other members as well whose ridings are directly and significantly impacted by this bill. I will do my best to balance both of those issues.

I think I actually got through most of the questions I had with respect to amendment 1 on section 1 of the act with respect to defining "urban uses." I made every effort to get a number of items protected with respect to existing uses that are quite common in the greenbelt area to date, such as greenhouses, value-added agricultural and recreational uses, and other small tourism uses, like bed and breakfasts, for example. However, most of my amendments—all of my amendments, sadly—did not pass, as well as Ms Churley's particular amendments.

I think there is something that is good in here, as I mentioned, in terms of adding things like mineral aggregate uses. I can understand from my questions last time on forced uses and conservation uses why the government had put those forward. So I think there is improvement in this section, but not to the degree that I think adequately reflects what would be a truly functioning greenbelt area, and in particular how it addresses agricultural issues. So upon reflection through the

weekend, I think I will have to vote against this particular amendment the government has brought forward.

The Chair: Thank you, Mr Hudak. Ms Churley.

Ms Marilyn Churley (Toronto-Danforth): Just briefly, if I recall correctly—it feels like déjà vu all over again all of a sudden—at the last meeting we did vote on my amendment, did we not, and it lost? Am I correct in that?

The Chair: It lost. That's right.

Ms Churley: Sadly, therefore, I just want to make it clear that I will be voting against this section because of the concerns I outlined in my amendment. In my view, this is a clear gift to the pits and quarries. As Mr Hudak pointed out—not that I agree with him by any stretch of the imagination—there seems to be some cherry picking in terms of, for instance, golf courses being left off, which I support, but at the same time the pits and quarries being in. So I have a real problem, as I stated earlier, with the justification for who's in and who's out and the detrimental impact that pits and quarries can have, and also not knowing how many are in the pipeline and how much land is going to be affected. Therefore, I will be voting against this, and I would ask for a recorded vote.

The Chair: Any other comments or questions? If not, I would proceed with the vote on the government amendment. In favour?

Ms Churley: I asked for it to be recorded.

The Chair: Yes, a recorded vote, please. I'm sorry.

Ayes

Arthurs, Delaney, Duguid, Parsons, Van Bommel.

Nays

Churley, Hudak.

Ms Churley: For different reasons.

The Chair: The motion is carried.

Ms Churley: I just wanted to be clear here.

The Chair: Shall section 1, as amended, carry? Against? Two against. It is carried.

Mr Hudak: Recorded vote, Chair.

The Chair: Too late. Sorry. It is carried.

Now section 2, an NDP motion.

Ms Churley: I move that section 2 of the bill be amended by adding the following subsections:

“Purpose of study area

“(2) The purpose of establishing a greenbelt study area is to ensure that the land in that area forms the basis for developing a larger, connected network of protected areas across the province of which the greenbelt area will form a part.

“Purpose of task force in respect of fringe areas

“(3) The task force carrying out the study of the greenbelt study area shall, in respect of the fringe areas bordering the greenbelt study area, determine how to prevent urban sprawl into those areas by use of public transit planning along existing urban corridors and by concentrating urban growth within existing settlement areas.”

1540

The Chair: Questions or comments? The government side? None?

Ms Churley: I first would like to comment on why that amendment's there.

The Chair: Sorry.

Ms Churley: That's OK. One of things that we've heard a lot about in the public hearings and in these meetings is what we now fondly refer to as “leapfrogging” development. We all know what that means, and it's already starting to happen, as we know, in the Simcoe area. I will be coming forward with an amendment later on that includes some of those areas, but in the meantime, of course, I'm adding this to the purpose clause.

I'm hoping very much that I will get support from the Liberal members on this particular amendment. I would say, and we'll see what happens later, that if the government is not willing to put the teeth in the actual legislation to stop this leapfrogging and expand the area, the least we can do is put it in the purpose clause to show that the government has a genuine interest in stopping urban sprawl. As we know, the existing boundaries do not cover the areas that badly need to be covered right now.

So I would just urge all members to support this. It's not, as in the other amendment I'm making later, necessarily putting specific land areas in the bill, but it's making a very strong purpose clause so that everybody understands that the government's legislation and commitment to stopping urban sprawl is for real.

Mr Hudak: I think Ms Churley brings an important point forward. I don't know if the government members care to address her particular concern. I think it's an issue we heard quite commonly—

Ms Churley: From all sides.

Mr Hudak: —as Ms Churley points out, from all sides. There was a significant variety of deputants who had referenced the notion of leapfrogging. I think there was a variety of approaches that were posited by those particular groups. I think Ms Churley's amendment tries to make sure that the government, if this bill is passed as amended, would be able to address those areas that are on

the other side of the greenbelt, or—I think she uses this language—on the fringes of the particular greenbelt.

Whether it was groups on the environmental side or on the development side, they named a number of areas outside of the greenbelt study area—I think Guelph was one; Simcoe county was another; maybe Kitchener-Waterloo—that are already seeing a significant spike in the price of vacant lots and, I think, a price spike on resale homes as well.

So while I understand that the government feels they're using what they call a “time out” to try to halt development, and I guess the minister does that to a significant extent in the areas described by the two ministerial zoning orders, no such halting effect is occurring in the areas that I mentioned or that the deputants had brought forward.

Perhaps I could understand from the government members, the parliamentary assistant or some of her colleagues how the government seeks to address this notion of the impact of leapfrogging that Ms Churley's amendment seeks to cure or address or limit.

Mrs Maria Van Bommel (Lambton-Kent-Middlesex): We certainly are concerned about the issue of leapfrogging, but I think that's really more for the discussion on the actual greenbelt strategy, which will take place in the future. I think at this point this is really a short-term bill. We are just trying at this point—as Mr Hudak has stated, this is a “time out.” We're establishing a study area so that we can take into consideration those very issues.

Ms Churley: If I may, the problem is that that's not going to work. What has happened is that this greenbelt legislation has put a freeze on certain lands. So what's happening now, as we speak, is that there are developers buying up land as fast as possible, right now. So it's going to be too late to stop a lot of this development unless these lands are added to this freeze for the time being. It's really urgent, or what you're going to end up having—I can read a quote for you.

There are many quotes from people who came in to speak to the committee from all sides. In fact, interestingly enough, some of the developers whose lands haven't been frozen for the time being were agreeing with this, that this is a particular problem.

For instance, Dr Mark Winfield from the Pembina Institute said that “significant development pressures are also emerging in the areas immediately beyond the greenbelt study area to be established by Bill 27. These potential developments highlight the possibility for leapfrog low-density urbanization in response to the greenbelt initiative.” Then he goes on to say, “Such development patterns would defeat the underlying purposes of the greenbelt initiative of containing urban sprawl in the region.”

That is a pretty damning quote, and the reality is, if this bill is not amended to include these lands like Simcoe, which has been held up as an example where it's happening now, as we speak, then unfortunately this act is not going to achieve its purpose. It's really critical that

this amendment be made for the act to actually achieve what it wants to do. In fact, as a result of this being left out, we could have worse urban sprawl in that you're leaping forward and there are more roads that have to be built, people are going to have to travel even further to get to work, more smog, more car use—all of these things.

It's by now a no-brainer. We have to amend this bill to make sure that it actually achieves the purpose that it states it's setting out to do.

Mr Hudak: If the parliamentary assistant wanted to respond, I could go after her. That's fine.

Mrs Van Bommel: You go ahead. If you're going to discuss the same issue, we'll try and get responses in one.

Mr Hudak: I'll wait for the parliamentary assistant's response.

Mrs Van Bommel: We're going to be addressing the whole issue of leapfrogging through the growth management planning that we also have on the go. So it's not that we're ignoring that whole issue. We're recognizing that fact, that that's an issue.

Mr Hudak: Just as a follow-up to the parliamentary assistant's response to Ms Churley's inquiry, I do think it's a serious issue, because it was brought up not just by one or two, but a significant number of deputants from various approaches to the bill, whether they're in favour of Bill 27, whether they're against Bill 27 or those who are somewhere in between. I think it's important for us to know before we're asked to vote on this amendment or on the bill as a whole to refer back to the House what the government's intent is to address this repercussion as a result of the MZO in Bill 27.

I would argue, and I think Ms Churley would agree, that this sort of leapfrogging effect, the price spikes that we're seeing in these other areas, would likely not be occurring to the same degree if Bill 27 and the MZO had not been put forward. So this bill and the minister's policy statements and his zoning orders have effectively caused this problem to happen, this issue to transpire.

The government has talked about affordable housing and allowing for more options, more variety—that's what the minister has tended to say—of housing options for people. Particularly, I think, his target or his concern in the House seems to be low-income or those of modest means to be able to find a home—granted part of the approach, I think, is for you guys to help create more housing in the Toronto area.

Effectively, you're freezing out development in the greenbelt study area, with the exception of the existing urban boundaries. But what I don't understand is, if we're seeing spikes of prices of vacant land in this leapfrog area, the area just outside of the greenbelt study area, then I've got to believe that that is passed on to individual homeowners through a higher cost for their home. I do think that while some will choose to live in a dense urban area, there is also going to be a number of individuals and families who are going to like having a backyard and a garden. They like to have space if they're starting out, particularly those starting out with families,

and may want to have more room for the kids to play etc. So despite the efforts the minister may make in the big city, I think you're still going to have a significant demand for these types of residential developments, whether they're in the greenbelt study area or not.

I guess I'll ask back to the parliamentary assistant, how do you reconcile the spikes in prices we're seeing on vacant land with the government's goal of creating affordable housing for working families or individuals in the province?

1550

Mrs Van Bommel: Quite frankly, I haven't seen any real evidence that that's the case. In terms of land values going up, they're going up across the province. Certainly in my area it has done the same thing and it has nothing to do with housing or potential housing. It's a case where there seems to be an upward pressure on real estate values.

Mr Hudak: In response, I do believe there were a number of deputations—and I apologize, I don't have all the statistics at hand. But I do recall that a number of them—I think the UDI, some homebuilders and even on the infrastructure side too, perhaps the road-builders or the water and sewer groups—had mentioned this and they actually brought forward specific numbers to show the spike in prices of real estate in what Ms Churley is referencing as sort of the fringe of the greenbelt area. Maybe staff could help me out with this. Am I right that we've seen a spike that is greater than the average real estate spike for land use caused by Bill 27?

The Chair: Is staff in a position to answer that question?

Ms Barbara Konyi: No sir, I don't have all the answers to the question of land prices. In fact, they vary by areas of the province.

Mr Hudak: As I said, it's hard to remember all of the different advice this committee has received, but I thought I remembered specifically that the Urban Development Institute had brought forward a chart indicating how much prices have gone up in some areas just outside of the greenbelt study area. Whether it's ministry staff or legislative staff, can we recite those numbers—

The Chair: I believe, Mr Hudak, that every one of us received a copy of that when they made their presentation. I remember seeing it, but I don't have it with me here. I'm sure you must have gotten it.

Mr Hudak: I do, and I apologize. You try to keep track of all these data as best as possible, Chair, but I don't think I have it at hand.

The main point I was trying to make was, whatever the numbers, I think there was quite credible evidence that the real estate values of vacant land for sure, if not resales, saw a spike in prices that was significantly greater than what we saw in other areas. I think the point made was that this has been caused by a lack of a comprehensive approach by the government to date. They've done the MZO in the particular geographical area, but they have not done so or have come forward with a public process for the other parts of the province,

which underlies Ms Churley's concern and the reason behind her particular amendment to the bill.

While I think Ms Churley is right on in terms of this problem that has been caused, I've said many times in committee, and I think the OPPI has said the same, that a greenbelt by itself is not an effective planning tool, that you need associate tools, whether it's support for our farmers, whether it's transportation networks, be they highways or public transportation, as well as an approach to protected areas around the greenbelt. Without those types of tools, this is not an effective policy for land use.

The homebuilders aren't just building these homes for the heck of it, because they see a greenfield and they want to put a bunch of houses on it. My guess would be that they're companies out to make a profit. They're responding to consumer demand. They said earlier that there are consumers who like to have some space for their home. They might want to get out of the big city to raise their families or to retire. As I said, they're responding to consumer demand.

I do have the UDI submission here. They're talking about the price spikes. These are from 1995 to 1999, so not as relevant. Let me give you an example. They had single-family lots from 1995 to 1999 up 35%. This is in reference to the Portland area. So they're saying that they've seen a spike in prices there.

But more relevant to our committee, on page 11 of their report they talk about the increase of a town home per lot price, from Q4 of 2002 to Q4 of 2003, around the time that the minister did his MZO and brought the legislation forward in the House. Richmond Hill would be an area that you'd reference, I would think. My geography is not perfect, but I think that is one of the areas where you'd see this cause and effect, a 40% increase in the per lot prices—Pickering, 48.3%; Oakville, 45.5%; Vaughan, almost 40%, a 38.9% increase.

While I recognize that land costs are going up across the province as a whole in most areas, not everywhere—certainly that's not the case in northern Ontario and some parts of rural Ontario, sadly—this definitely seems like evidence that the greenbelt legislation has caused these spikes in areas surrounding the greenbelt. I don't think that in Niagara we've seen that level of increase to date.

Given that, could the parliamentary assistant let us know the next phase you had referenced, in terms of your growth management plan. Will that be coming forward at the same time as this legislation? Are the results of that going to be publicly announced in the very near future, or do we have some time to wait about this, and then see the price effects continue?

Mrs Van Bommel: I just want to take this back. I think we're going off into an area that—we need to just recognize the fact that this is a short-term bill. This thing is going to sunset in just over six months. People—developers, whoever—can buy land, and people are free to sell their land. Just because a developer has acquired a piece of property, that doesn't necessarily mean that they can immediately build on it and within six months have something there.

This is just a time out. We need to be able to study those very issues that we're talking about. We are concerned about leapfrogging but we don't want to move very quickly. We need to have that time to study this. That's the whole point of this bill. This is a time out to do the proper studies.

Mr Hudak: I appreciate the parliamentary assistant's point, but it is a time out of sorts within the greenbelt study area. I think you could try to make that case, where the MZO in this legislation would halt development in the area that's mentioned. In schedules 1 and 2 in the bill I guess is where we would get the specifics.

What Ms Churley is doing is bringing forward a point that says that in areas outside of the greenbelt, this so-called time out does not exist, that the market forces continue, that we're seeing spikes in the price of land. I think it's an important point to make that homebuilders are not just purchasing land outside of the greenbelt area for sport. I think they're responding to market demand and a genuine concern that residential opportunities will be significantly limited by this bill and its successor bill.

I know what you say: It's a bill that is scheduled to be repealed on December 16, 2004. But its successor, I would assume, will be brought forward around that time. We're generally sitting at that point in time. I think, for consistency's sake, the successor bill would likely be introduced for at least first reading on or before that date. Is that the intention of the government?

Mrs Van Bommel: Yes, it is.

The Chair: Ms Churley, you had a comment?

Ms Churley: Do you mind? I'm happy, in the interests of getting through the bill, to let this go to a recorded vote in a minute if that's OK with Mr Hudak. But I just want to make these final points very briefly and make it clear again what I'm trying to do in my purpose statement.

1600

In order for the greenbelt to be successful in its intent to stop urban sprawl and protect prime farmland in environmentally sensitive areas, it's got to be part of a larger connected network, which we heard about, a unified natural heritage system that is now referred to as NOAH. Remember, we heard a lot about NOAH throughout the hearings? The greenbelt is to serve as the spine of this network. That's number (2) of my amendment.

Number (3) makes it an explicit purpose of the Greenbelt Task Force to devise strategies to stop urban sprawl through measures such as transit planning, concentrating urban development in existing urban areas and planning development at transit-friendly densities. That's pretty motherhood as far as I'm concerned when it comes to this bill in terms of the purpose the government said it was trying to achieve here.

The last point I want to make is in response to a statement made by the parliamentary assistant about why Simcoe and other areas outside the belt have not been included, and that is, it's not included, it doesn't stop developers from buying up, but it doesn't mean that six

months or whatever from now they might be told they can't develop.

I've got to tell you, I've got a problem with that because later on you're going to make the same argument, I think, to an amendment I'm going to make to the Niagara Escarpment piece, which I'm trying to make retroactive, which your amendment doesn't do, which is the problem, as you know. I've been told that one of the reasons it's not being made retroactive is that there could be lawsuits. So you're risking that by excluding Simcoe and other areas, by making people—developers—believe they can buy up this land. I think you're on a very dangerous path to not be more comprehensive in this bill.

Having said that, I've done my best to make my case here and the case of many people who came forward. I would like, if Mr Hudak and others are ready—oh, he's not. OK. I would ask that you consider this to be a major problem with your credibility in terms of bringing this bill forward, if this amendment is not accepted.

Mr Hudak: I guess to Ms Churley's point and my own: Why the dichotomy of approaches? Why this particular approach on the areas outlined in schedule 1, which I think we've argued—and haven't heard contrary arguments—has now impacted other parts of the province? Why wouldn't there be a more holistic approach to planning if you have the growth management plan that I think is coming from Mr Caplan's ministry, the public infrastructure renewal ministry?

They're working on the one plan in terms of how—I guess what is commonly known as smart growth, right? How can we grow our communities for job creation and for residential development etc, at the same time making sure that important greenspace and environmentally sensitive areas are protected? What's important, as I've brought up in the committee, and Mr Hardeman, our critic for agriculture and food, has talked about in the Legislature as well, is that you want to make sure you have the supports in place for agriculture. I assume that Mr Caplan's approach, the growth management strategy—is his parliamentary assistant on this committee? No? OK. He's looking at growth management in a more holistic manner, and I think he's also looking at transportation nodes, where future highways will be, public transit etc.

So why in particular did the minister list the communities in schedule 1 for one type of treatment, when other parts of the province, especially those that are juxtaposed to the greenbelt study area—why did he choose an alternative method to approach those areas?

Mrs Van Bommel: We felt there were greater pressures in those particular areas. There are great pressures right across the province, but we felt the pressures there were more immediate. We've set out to create a moratorium for that particular area so we would have the time to do the studies that we need to do.

Mr Hudak: Maybe ministerial staff can help me with this. I think I pointed out, and correct me if I'm wrong, that UDI in a presentation pointed out that we're seeing a great deal of pressure in areas that aren't necessarily

covered by the MZO. So the pressure you described existing in the greenbelt area has now seen an intensification in the areas that are on the fringe. So why would you not include those other areas as part of your bill if your goal was to relieve pressures?

I'd argue—and I don't have the statistics at hand, but I think that I can say with some confidence—that the pressures in the area in the GTA outside of the greenbelt are much greater than the pressures that we have seen in the Niagara Peninsula in the areas that are covered by schedule 1. Did the government set a particular parameter, or a test for pressures, in designating these areas? How was it decided to include particular communities and not others? What was the benchmark that underlies schedule 1 in the bill?

The Chair: Can anyone answer that one?

Ms Konyi: In my understanding, the areas for the greenbelt study area were chosen not only to deal with growth pressures, but also to deal with the preservation of agricultural land; for example, the tender fruit and grape lands down in Niagara. So it flows largely from the government's platform.

Mr Hudak: Yes. That's what I anticipated. It's a bit of a political commitment, which makes it a bit difficult for ministerial staff to address. I do think that this was in fact one of the commitments that you've managed to keep from the campaign promises. So I think the then opposition leader, now Premier, had talked about a greenbelt area and you described in your campaign documents a certain geography that covers these areas.

But am I to understand that for the Niagara Peninsula—I'm sorry to be so concerned about that particularly, but it is where I get a lot of feedback on this bill, coming from Niagara. You talk about protecting the tender fruit land, and that's a very important and enviable goal. I don't know if I necessarily agree with the route that you're taking today. I think there are a lot of unanswered questions on the economic levers. But do I understand correctly that this bill encompasses all of the land in the areas between Lake Ontario and the Niagara Escarpment, not just the tender fruit areas outside of the urban areas?

Ms Konyi: For identifying the Niagara tender fruit and grape lands, follow the land use designations in the region of the Niagara official plan because that is the only area we found that actually drew a line showing where the lands were. So it doesn't cover the entirety of the region of Niagara. There's a verbal description of those lands in the bill.

Mr Hudak: Yes, I apologize. I'm trying to understand that. It's outlined in schedule 1. To the clerk, do we do schedule 1 separately, or do we do schedule 1 as part of section 2 of the act? Section 2 references schedule 1. Do we go back to schedule 1 later on in clause-by-clause?

Clerk of the Committee (Ms Tonia Grannum): We'll do schedule 1 at the end.

Mr Hudak: OK. But in terms of voting for section 2, since it says, "A greenbelt study area is established consisting of the land described in schedule 1," I think

it's important for us to all understand why particular areas were picked out as part of the greenbelt study area and other were not.

Maybe I'm interpreting the numbers wrong from the UDI, whose source is the Greater Toronto Home Builders' Association. Is the community of Pickering part of the greenbelt study area? Or is part of Pickering part of the greenbelt study area? How is Pickering, for example—the entire community.

Ms Konyi: Yes it is because the entirety of the region of Durham is within the greenbelt study area. So we've named the upper-tier or single-tier municipalities. The only area is the Niagara tender fruit lands, where they're named based on the line as I described in the region of Niagara official plan.

Mr Hudak: OK. So those particular communities like Pickering, Richmond Hill, Vaughan and Oakville—Oakville because it's part of—

Ms Konyi: Because of Halton region.

Mr Hudak: Halton region. OK. So those are all covered by the upper-tier designation. I appreciate that.

In the peninsula then, the lands that are described, are those outlined in the regional plan for tender fruit production only?

1610

Ms Konyi: I believe so. There is a line in the official plan that delineates the Niagara tender fruit and grape lands.

Mr Hudak: OK. I'll have some better questions—I apologize—for schedule 1 later on.

Ms Konyi: I'd like to refer to schedule 1. It does list in there the specific municipalities within the Niagara region. It's paragraph 12. That would be "Those lands within the regional municipality of Niagara in the towns of Lincoln, Pelham, Thorold, Grimsby and Niagara Falls designated in the official plan of the regional municipality of Niagara as being good tender fruit areas or good grape areas."

Mr Hudak: OK. So if I'm part of the community of Lincoln, I'm in the rural area and my land is not designated as a good tender fruit or grape growing area, how would Bill 27, as currently before us, impact on my land?

Ms Konyi: If you're outside of that line, you would not be part of the proposed greenbelt study area.

Mr Hudak: Help me understand what "that line" refers to.

Ms Konyi: The only exceptions within those areas would be if they are part of the Niagara Escarpment plan, and that would be a subject of a future government motion if it were to pass. It would include those lands.

Mr Hudak: So if I have land in the community of Lincoln that is not described in the Niagara Escarpment plan today and is not designated as a tender fruit or grape growing area under the region's official plan, then my land would not be impacted by this particular bill?

Ms Konyi: Yes, that's correct.

Mr Hudak: OK, thanks. To staff, thank you for the clarifications.

To the original point, then, help me understand the time frame. It's a bit of a piecemeal approach, as I described. You have your greenbelt; then you have the minister's plan on the growth management strategy. When will we have a better understanding of the approach that that ministry is taking and its consistency with, or differences from, Bill 27's approach?

Mrs Van Bommel: I couldn't speak for the minister in terms of the time frame that he has. He's in the process of doing consultations. I can't speak to that at this point.

Mr Hudak: The government is taking two different approaches, as I mentioned. I think Ms Churley is trying to remedy that in her motion. The concern I have is the absence of the agricultural support or the transportation plan or the growth management strategy, to understand how the government is treating the other areas. It may very well be a legitimate approach for Bill 27, in combination with that, or it may have been a better strategy to look at the province holistically, as part of the growth management plan, as opposed to bringing down the greenbelt and then consulting after the fact. We heard from a number of deputants, and I think it was a fair point, that in response to the government's change of position on the Oak Ridges moraine, this bill was borne into the Legislature. I think they had to strengthen their relations with some of the environmental stakeholders and brought this bill forward, and then the consultation was later. I think we heard the expression that the cart was significantly ahead of the horse in this area.

I wish Minister Caplan every success with his growth management strategy. It seems like it's a much more comprehensive approach than Bill 27, which concerned us and other stakeholders. Therefore, while I appreciate where Ms Churley is going with her particular motion, I'm not convinced that's the best way to approach it. I think in a perfect world it would have been a much more holistic approach, as Minister Caplan seems to be bringing forward. So I think the government has not addressed Ms Churley's concerns yet. There's a bit of a wait-and-see mode. I'm not convinced that's the best way to approach this particular issue. Granted, I recognize the issue, but I would have preferred to see it addressed in a comprehensive fashion, or at least simultaneous to this bill.

So, Chair, with respect to Ms Churley's motion, my view is that I will not be supporting that.

The Chair: Thank you.

Ms Churley: Recorded vote.

Mr Ernie Hardeman (Oxford): Thank you very much, Mr Chairman. I apologize for not getting my hand up soon enough to speak to it. It's to the amendment, but it's the general need for the amendment and then the general purpose of the bill. As the staff just pointed out—and I was kind of intrigued by that—the area designated for greenbelt protection is in fact the area that's presently designated under the official plan for the area involved.

From what I understand, in the areas that we're trying to restrict development in order to put the moratorium—I don't know whether six months is the right length for

moratoriums. In order to stop further development, we needed a time out, so to speak, to look at where we're going with this development. My understanding is that nothing in this bill is going to take away the right of the property owners to do what they presently can do under the zoning bylaws, even in the greenbelt study area. Is that right?

Ms Konyi: I'm not sure I understand, Mr Hardeman. Can you explain that?

Mr Hardeman: You said that in the greenbelt legislation, the protected area for the moratorium is only that area that is presently covered to preserve our agriculture—the tender fruit land for agriculture is all you can do in that designated area today.

Ms Konyi: No, I don't think that's what I said. Let's back up. The moratorium is on any changes from rural and agricultural land to proposed urban uses. So anywhere within the greenbelt study area, with the exceptions of the Oak Ridges moraine and the Niagara Escarpment plan areas, as they stand right now, the moratorium would apply in those areas.

Mr Hardeman: If I was a property owner in the Niagara Peninsula or in any area that's presently part of the study area and designated agriculture, that's all I can do, and I can continue doing that under this legislation until—

Ms Konyi: Yes, if the owner was trying to propose an urban use on that land, right now, as the bill is written, it would not be allowed to occur, but that's the moratorium.

Mr Hardeman: Prior to this bill—this bill isn't passed yet—being passed, if I were to make an application to change use on that piece of property, would I not require an official plan amendment?

Ms Konyi: It depends on the municipality, the way the plan is written. In some municipalities, a lot of things are permitted as of right; other municipalities, you have to go through an official plan amendment process. So it does vary by the municipality and what they're trying to do.

Mr Hardeman: I guess my question is—you said that the land we're referring to is designated tender fruit land.

Ms Konyi: For that portion in the Niagara area, yes.

Mr Hardeman: Let's just refer to the Niagara one then. It's designated tender fruit land. So none of that land presently has the right to build a factory on it, unless they get an official plan amendment.

Ms Konyi: I'm not sure. I can't say definitively, because I'm not sure what's permitted under each municipality's official plan, but in general terms, I'd agree that that's probably the case.

Mr Hardeman: Are you suggesting that there may be some designated tender fruit land in the Niagara Peninsula that is also eligible to be zoned for industrial purposes?

Ms Konyi: It could be for fruit processing or something like that. I can't say for certain, but I don't know all the details of every official plan in the Niagara Peninsula.

Mr Hardeman: My understanding of municipal planning has always been that once you've designated for certain general overall uses—which is exactly what this bill is trying to do: put a hold on re-designating—you can then zone all the uses within that designated area for uses that fit the designation. If the official plan says it's agricultural preserve-protected, in fact, you cannot zone it for anything that isn't somehow related to agriculture.

Ms Konyi: Yes, that's my understanding.

Mr Hardeman: So I would think that that would also hold true in the tender fruit designation.

Ms Konyi: Yes, it probably does, but my point is, I don't know what's in every single official plan.

Mr Hardeman: My question then, really, is the purpose of the bill. The minister has, without legislation, the power to take away the right of municipalities to re-designate the official plan. Isn't that right?

Ms Konyi: Through which mechanism?

Mr Hardeman: The minister can, by the stroke of a pen, take away the municipality's right to approve official plan amendments.

1620

Ms Konyi: That the minister could remove their power to—

Mr Hardeman: To change the official plan.

Ms Konyi: Yes. I believe that provision's in the Planning Act. I don't think it has been used.

Mr Hardeman: If we're looking at a six-month moratorium, it seems rather redundant to spend four of those months in the legislative process to put a bill in place that could have been done with the stroke of a pen to do exactly the same thing for the people of the area. Just say, "There are to be no future official plan amendments for the next six months until we can figure out where we want to go with this." What's the—

Ms Konyi: Sorry, Mr Hardeman. Can you refer me to what section of the Planning Act you're speaking of? I'm trying to understand where you're—

Mr Hardeman: No, I'm just a politician, not a professional.

Ms Konyi: Are you speaking to the minister's zoning order powers?

Mr Irvin Shachter: I wonder, sir, if I could assist you. Are you speaking to the minister's zoning order authority under section 47 when you talk about how, with the stroke of a pen, the minister may make a zoning order that sets out the uses that may be permitted?

Mr Hardeman: No. My understanding is, and correct me if I'm wrong, that all municipalities derived the power of official plan amendments based on the minister giving them that power.

Mr Shachter: You're talking about the authority of the minister to request a council to make a change to an official plan?

Mr Hardeman: No.

Ms Konyi: Mr Hardeman, are you speaking to the power that the minister has to withdraw approval authority? Is that what you're speaking to?

Mr Hardeman: Yes.

Ms Konyi: OK.

Mr Hardeman: They do have that power?

Ms Konyi: Yes, he does.

Mr Hardeman: That's what I thought. I guess it really comes down to, why are we not using that power here as opposed to this bill—again going back the Oak Ridges moraine fiasco, shall we say, if we wanted greenbelt legislation as opposed to dealing with the issue at hand?

Mr Shachter: With respect to the ability to take away the approval authority, one has to remember in response that there's still that process. The process still exists if somebody makes an application and a person still has a right to appeal the Ontario Municipal Board. You still have all these processes that are in place, notwithstanding that the minister may have taken away that approval authority.

What the bill, as proposed, contemplates is dealing with it in, if I can say, a broader context in terms of dealing with saying no person can make the application, no municipality can enact a zoning bylaw or pass an official plan amendment, and the board would not be able to deal with those matters. It's a little bit broader than just the minister taking away approval authority.

Mr Hardeman: Am I to understand then that this bill has more to do with taking away process than with actually making things happen? Is this to restrict or to negate the need to have people be heard by the Ontario Municipal Board?

Ms Konyi: That can be a net effect. The idea was that, as Ms Van Bommel was saying, the moratorium is the timeout. It's to put a hold on applications that would contemplate any kind of an urban expansion for the set time frame and the bill, as written now, is set to sunset on December 16 of this year. The idea was that it would go out and consult on what permanent greenbelt protection would be and, after that, there would probably be something further coming forward from the government. But the idea right now is that the moratorium would allow the government the opportunity to consult on the longer-term greenbelt protection, the appropriate way to do that.

Right now, as you know, the minister has appointed the Greenbelt Task Force. They are still in the consultation process and they still have, I think, two more meetings to go, which are stakeholder workshops and public meetings, and then they will be reporting back to the government with their recommendations. They have a consultation document out for comment as well.

Mr Shachter: I wonder if I could assist, sir. In many ways, this is also parallel to the Oak Ridges Moraine Protection Act that was passed a number of years ago. It's a parallel type of situation.

Mr Hardeman: My concern here is the fact that we're passing legislation that is going to be completed and redundant almost at the same time it gets royal assent. It seems to me that, at least the applications I'm thinking of—if the applicants decided just prior to this bill being introduced, if that was when they decided to

make application to have an official plan amendment to change the designation of the tender fruit land. If we look at the average application in the Niagara Peninsula today, you would be hard pressed to find an application for an official plan amendment that is processed in less than eight months. So I guess we must be talking about applications that were already in process and that someone was nearing the end of the process and we want to make sure this legislation stops it dead in its tracks.

Mrs Van Bommel: Actually, we have an amendment further on that is going to address that very issue, because that really wasn't the intent—if the application was well on in the process, an amendment will address that later.

Mr Hardeman: So applications that are well on their way are going to be allowed to proceed during the moratorium?

Mrs Van Bommel: In some cases, yes.

Mr Hardeman: If the amendment is passed?

Mrs Van Bommel: Yes, but that's a future motion. That discussion is to come yet.

Mr Hardeman: Then I'm having even more trouble trying to figure out why we're here. I suppose one argument can be made that we've come this far, we've wasted this much time, so we might as well waste the rest and get it passed. If it's just being put in place to slow down the zoning or the redesignation in the official plan process so a task force can have a look at what needs to be done, it seems to me a letter to municipalities saying, "We're doing this task force, we're looking at what we need to do to protect our—so those applications that have not yet been made, make sure you notify the applicants that it will be at least six months before it will be passed."

In fact, every official plan amendment—the Ministry of Municipal Affairs and Housing will be notified that this application is taking place, and past experience tells me it's very seldom that they would reply in less than six months. So they wouldn't even have to write the letter; it would take that long to get the information back. I guess the reason for this is the concern that there's something else here other than what I'm told there is, which is just, "Put a moratorium on things for six months so we can have a look at where we're going with the greenbelt."

The concern from the agriculture point of view is that it's only agricultural land that's being looked at and the only thing that they're looking at is whether to leave them with the same rights they have now or to take some away from them. There's some concern that if it was to protect agriculture, this piece of legislation would have been called the farm belt legislation instead of the greenbelt legislation. We're not looking at a lot of protected area presently; we're looking at a lot of farmland. Ideally, the end result should be that we're going to protect all that for agriculture. Why wouldn't it be called the farm belt instead of the greenbelt? The population needs the greenbelt and we're protecting it for society as a park or a preserve-type area.

Mrs Van Bommel: This is intended to deal with agriculture but also environmentally sensitive areas as

well. It isn't just a farmbelt that we're talking about. We're talking about environmentally sensitive areas as well.

We're trying to deal with the issue of urban sprawl. We're trying to deal with the issue of the creeping of development outside of urban boundaries.

Mr Hudak: To the parliamentary assistant's last point, you talk about the government's war on urban sprawl and the creeping development outside of the urban boundaries. As members well know, there is a sister bill that was brought in at approximately the same time, Bill 26, changes to the Planning Act, which, if I recall, has a very strong provision to address that very issue in terms of allowing amendments to official plans to go outside of the urban boundaries.

My recollection was that if a municipality had decided not to expand their urban boundaries for a particular project, that would no longer be appealable to the OMB, if Bill 26 were to pass. Is that right?

1630

Mrs Van Bommel: That's true, yes.

Mr Hudak: To Mr Hardeman's point, which is a good one, I think we've established that there's a political purpose behind the bill. If you're suggesting that the purpose of Bill 27 is to limit urban sprawl and not allow growth outside of the existing urban boundaries unless the municipality decided that that was appropriated under Bill 26, you could not expand. If Bill 26 passes, and I think you just said I was right, then unless the municipality voted in favour of expanding their urban boundaries, then that issue is addressed. There would no longer be this concern for urban sprawl. So maybe the parliamentary assistant can let me know why the provisions in Bill 26 are not sufficient enough.

Mrs Van Bommel: I think at this point we're talking about Bill 27. Bill 26 does address some of those issues, but there are a lot of other things in Bill 26, including the provincial policy statement and the Ontario Municipal Board. This one is dealing specifically with the greenbelt area.

Mr Hudak: I understand, but Bill 26 has been before the House. I had a chance to speak on it and express the concerns that I have with respect to Bill 26 and appropriate balance. If Bill 26 passes—and granted, you have the votes on your side of the House and I think you also have the support of the third party on Bill 26—it has some very strong powers.

I think there's an area of intersection. If Bill 27, as described, is to limit urban sprawl, Bill 26 goes a heck of a long way for you, if not the distance. It does leave it in the municipalities' ambit. Municipalities would decide, if Bill 26 were to pass, whether an expansion of urban boundaries is appropriate or not, as was said earlier. You could not appeal a municipality's denial, to the OMB, of an urban boundary expansion request.

You also have very strict language in Bill 26, as you had just mentioned yourself, with respect to making sure municipalities' decisions "are consistent with," as opposed to "have regard to," the provincial policy state-

ments. You're now moving forward. You've had consultations going on. You're moving forward with the PPS.

Again I ask, if Bill 27 has as its main goal containing urban sprawl within the greenbelt area, Bill 26 does just that, I guess with the notable exception that municipalities could expand their urban growth area. Is it that you don't trust municipalities to make the right decisions with respect to urban growth areas? Is that why you need the additional powers within the greenbelt area?

The Chair: At this point in time we're just discussing Bill 27, not Bill 26.

Mr Hudak: Agreed. Chair, I appreciate your point, but they are sister bills, so to speak.

The Chair: Still, we're dealing with Bill 27 now.

Mr Hudak: Fair enough. I guess I'm saying, given the existence of Bill 26, the powers in that bill, and to Mr Hardeman's points, why is Bill 27 necessary to constrain growth in the greenbelt when you already have a piece of Legislation before the House that gives municipalities effectively the tools to do just that?

Mrs Van Bommel: Bill 26 isn't in force at this point. We need to allow Bill 26 to be heard by the appropriate committee at the appropriate time. We're talking about Bill 27 here, which is asking for time out. It's a short-term sunset bill. I think at this point I really would feel that we need to move on.

Mr Brad Duguid (Scarborough Centre): We thank the member for his support of Bill 26.

The Chair: Mr Hardeman. Please, do you want to make sure that we are dealing with this amendment, NDP motion number 3.

Mr Hardeman: Exactly. Thank you very much, Mr Chairman. I think it's very important that we stick to the topic at hand, but I want to know what it is that this bill is trying to accomplish. I appreciate that the amendment is speaking more clearly to try and redefine or to clearly define what we're trying to do, but I'm still a little lost at what it is we're trying to do. Not that I want to talk about another bill in the Legislature, but I would just ask if in the opinion—and I suppose this would be to the staff. Presently, there was John Sewell's recommendation that "shall be consistent with" was in place instead of "shall have regard to" provincial policy statements when municipalities make their decision. If that was in place, could the province ensure that the municipalities adhered to the greenbelt protection without legislation? Could they do that through their regulations?

Ms Konyi: I think there are too many hypotheticals in there, in all honesty, Mr Hardeman, to answer that question. Bill 26 isn't in place at the moment.

Mr Hardeman: I recognize that. I wasn't even speaking to Bill 26; it was Bill 163 at the time when John Sewell recommended it. What I'm suggesting is, I'm still going—

Ms Churley: It was law.

Mr Hardeman: Yes, that's right.

Ms Churley: Under the NDP, it was law.

Mr Hardeman: It was the Planning Act. I spent quite a bit of time at committees, just as in this one, dealing with that one.

I really have a problem with having legislation for six months. There are a number of other opportunities for the minister to deal with this issue while we are putting in place the legislation that the minister wants in place for eternity or for whenever someone wants to change it again. It seems to me that can be done, if you have the regulation, by removing the right to have official plan amendments approved at the local level. It can be done by policy statements, and they must be consistent with them. If they approved an official plan amendment that was contrary to the provincial policy statement, it would be turned down. So you could protect the greenbelt with that. Isn't that—

Mr Shachter: I think in a perfect world, Mr Hardeman, one could say that it would be turned down. But remember, as has been indicated before, there is a process in place and proponents of developments do have the right, if they have been turned down, to go to the Ontario Municipal Board. On the other hand, the approval authority, if it's a municipality, may determine that it's an appropriate proposal and it may end up at the board because ratepayers may not like that development. I'm not necessarily prepared to agree with your assessment of what would be necessary in order to get where we are today.

If I could just hearken back to a comment made previously, this is parallel to the Oak Ridges Moraine Protection Act and, in that sense, is intended to be a short-term moratorium. It's not intended to affect—how can I put it?—I hesitate to say people's rights for a long time, but it's intended to be, as has been indicated, a time out, using this particular mechanism in order to determine what would be more appropriate for the future. As you may recollect, following the Oak Ridges Moraine Protection Act, 2001, there was the Oak Ridges Moraine Conservation Act. That did create the Oak Ridges moraine area as a result and the land use designation through the plan

Mr Hudak: I appreciate the point from staff. I guess what Mr Hardeman and I are trying to get at is, you have a number of approaches going on for this particular issue. We talked about—

Ms Churley: On a point of order, Chair: I have to leave the room briefly. I'm hoping that you will delay voting on my amendment until I come back. Could I have agreement on that? I'll be five minutes.

Mr Hudak: We'll see what we can do. We'll try to accommodate.

The Chair: Five minutes. Sure.

Mr Bob Delaney (Mississauga West): Perhaps Mr Hudak could stretch his remarks to accommodate Ms Churley?

Mr Hudak: I do my best to help my colleagues on all sides of the floor. I'll try to stretch things out to enable Ms Churley to stand up for an important point that she brings forward.

There's a different reality today than in 2001 in terms that there are other government activities underway. As I talked about, Minister Caplan, through public infrastructure renewal, has his growth management strategy,

which I think is—it's not the entire province, but southern Ontario as the pressure point. I think the goal is a more holistic approach than Bill 27. Bill 26 covers some of the same areas, and the goal you're trying to achieve through Bill 27, which you described earlier as stopping the growth of urban sprawl, limiting growth outside of existing urban centres—at the same time, you have the provincial policy statements that have been moving forward under Minister Gerretsen, and I think as well Ontario Municipal Board reform. The minister spoke about this just a few days ago and is undergoing some consultations, I believe, on OMB reform. So in terms of the issue at hand that you say Bill 27 is trying to address, if Bill 26 were to pass—and I assume you introduced it with the full intention it would pass—you'll be getting municipalities to deny, I think with considerable strength, any applications outside of the urban area that they don't support. I think under that bill if a municipality did support the expansion of a boundary, they could do so, although the minister could declare a provincial interest in that. But I think for the most part municipalities will be able to deny these types of expansions.

1640

Secondly, I think your goal is to reform the OMB. I believe the government's view, and it certainly was their view in opposition—they would say the OMB was a sort of creature unto itself. The Liberals would basically say that they needed to constrain the OMB, and I think in the balance of things to bring forward greater municipal strength vis-à-vis the OMB. I'm characterizing the arguments I hear from across the floor from then-opposition; I think I'm hearing a similar set of themes from the government today.

So you have the OMB reform, you have Bill 26, and the third tool you have is the minister's zoning order—or orders; we found out that there were two orders the minister made that I think expire at the same time as the bill. I think December 18 is the goal. The MZOs expire—

Ms Konyi: There is no expiry date.

Mr Hudak: There is no expiry date. OK. I don't know if the minister expressed an intent for them to expire or not. Is it the minister's intent for those to expire after we find out what happens to Bill 27 at the final vote, third reading vote? The minister hasn't expressed any sentiment that the MZOs would continue infinitely.

Ms Konyi: It's my understanding that once the legislative moratorium is in place, there's no longer a need to have the minister's zoning order, because you'd have two things causing the same effect of the moratorium.

Mr Hudak: Right.

Ms Konyi: So there would be a need to revoke the minister's zoning order, but at this point in time there's—

Mr Hudak: Which seems to make sense. That's what my intuition was. Has the minister publicly said that that's his intent, that the MZOs would be eliminated or expired, or whatever the proper term is, at the time of legislation?

Ms Konyi: I'm sorry; I missed the first part.

Mr Hudak: What you just said makes a tremendous deal of sense: that they would expire in tandem with new legislation being voted on by the Legislature.

Ms Konyi: It's actually a legislative process that's involved in section 47 of the Planning Act, so it doesn't just automatically expire. There has to be notice.

Mr Hudak: Which seems intuitive, it seems reasonable, that that would be the case. I guess just a quick question, and maybe I should ask the minister for clarification: Has the minister expressed any intent as to when the MZOs would expire?

Ms Konyi: The only zoning order I was speaking of was the Golden Horseshoe minister's zoning order. There are other minister's zoning orders that cover areas that are within the greenbelt study area, and I can't speak to how long those orders would remain in place.

Mr Hudak: OK. The MZO with respect to the greenbelt study area: Has the minister expressed his intention as to when that MZO would expire or be taken off?

Mrs Van Bommel: I really couldn't tell you. I couldn't tell you whether he's publicly expressed such an intent at this point. You'd have to discuss that with the minister.

Mr Hudak: I appreciate that. It does seem sensible. I can understand why that would be consistent with the approach the minister has taken. It might be helpful to have that confirmed—

Mrs Van Bommel: We'll certainly address it with the minister.

Mr Hudak: —because it would be a bizarre situation if Bill 27 were to pass, and the MZO considered, it seems like it would be a redundancy, or even worse than a redundancy potentially, I guess, depending on what the final version of Bill 27 looks like.

But back to my central point, if you have a set of tools already in place—the provisions in Bill 26 as were discussed, if they do pass, and I appreciate you can't assume they've passed. But if you have the tools in Bill 26 and you have the MZO, if the government is moving forward with the MOB reform, along the same themes that were brought forward by the then opposition, now governing, party, if you have those tools coming forward, along with Minister Caplan's review, to Mr Hardeman's point, why is Bill 27 necessary, when you'll have a set of tools already in hand that basically do the same thing as Bill 27?

Mrs Van Bommel: I think you are presuming something about Bill 26 that's inappropriate at this stage.

Mr Hudak: But you haven't brought forward Bill 28, that's the same as 27 and 26 in case they don't pass. I'm not trying to be facetious here, but if I've followed debate correctly, you have government members—I have not heard anybody speak out against Bill 26—

The Chair: We are debating Bill 27. Don't refer to Bill 26, please.

Mr Hudak: OK, Chair, I appreciate that. I'm trying to understand what the government is trying to achieve through Bill 27. It was described a few moments ago as limiting urban sprawl. My point is that, through other government initiatives, they are going to have a set of

pretty strong tools to achieve just that at the municipal level. So why do you need what appears to be the redundancy, then, of Bill 27, when you already have a number of other tools at hand?

Mrs Van Bommel: I think again we're presuming something at this stage. You're presuming the passage of 26.

Mr Hudak: OK.

Ms Churley: I know it's not my responsibility, but I'm going to answer that question in the interest of moving on. The reason why I support this bill and want to expand it is because of the urban sprawl that's happening, notwithstanding all of the laws out there and the dysfunctionality of the OMB and the ability for all kinds of development to take place, even within the existing Planning Act, the new one the government is bringing in. But with the OMB the way it is and the situation that we have, we are in a very dire situation in terms of urban sprawl. This is an attempt—a weak attempt, in my view, without these amendments—to put a hold on this so we can do proper planning.

I would say to the members that in terms of my amendments specifically, I would contend that they're out of order now because it's getting way off. My amendment is very specific in terms of expanding this legislation to make it even stronger than it is.

Mr Hudak: If I could just quickly respond to Ms Churley's point, I appreciate the point you're making. You're trying to address—

Ms Churley: If I may just say, that's why you guys, the Tories, had to bring in special Oak Ridges moraine legislation, and we still have many of the same problems notwithstanding this government's changes to some of the Planning Act. It's still a problem that needs to be curtailed.

Mr Hudak: I appreciate the point and I appreciate what you're trying to do through your proposed motion. I guess the point that I'm trying to drive is that the government has a number of other tools at their disposal to hit the policy goal that they've brought forward.

The Chair: Would you please stick to this amendment.

Mr Hudak: I think I am, Chair.

The Chair: You're going away at the present time.

Mr Hudak: Let me speak to subsection (2) of the amendment. It's called "Purpose of study area": "The purpose of establishing a greenbelt study area is to ensure that the land in that area forms the basis for developing a larger, connected network of protected areas across the province of which the greenbelt area will form a part." Then subsection (3) goes on to talk about the areas that are juxtaposed to the areas that are outlined in schedule 1 of the act.

The debate began with, how are you going to remedy this situation? Mr Hardeman made the point that, is Bill 27—not only this section, and even this section, as amended, proposed by Ms Churley—actually a necessary approach at all, given the other range of instruments that the government has at hand? I would expect, as a principle, that bringing legislation into the House would be

one of the last resorts if you already have sufficient tools at hand.

1650

I guess the counter-argument would be that this is a stronger tool and that the tools the government already has in its tool kit, so to speak, are not sufficient. Maybe you could help me understand, if that's the case you're making, that the current set of tools is not sufficient and therefore we need Bill 27. Is that what the government is saying, or is the issue that you don't trust municipalities to make the right decision with respect to their urban boundaries? That is probably the difference between 26 and 27. Maybe I'm wrong, but I think it's an important point. You're giving municipalities the ability to control their urban boundaries through other tools. Is it that you don't think they'll do an appropriate job in the greenbelt area? How is Bill 27 not redundant considering the other tools the government has at hand?

Mrs Van Bommel: I think we're really just talking about a philosophical difference in approach to how to bring about the same thing. I think, as a government, we're very comfortable in doing it this way. As Mr Hardeman has stated, we could have used other tools, but we feel this is more appropriate to what we want to do because we do trust the municipalities.

Mr Hudak: I appreciate what you said about philosophy, but as I said, you have a pair of approaches: You have Minister Caplan's approach and you have Bill 27, which is specific to a geographical area outlined in schedule 1.

Ms Churley makes the point—and I think the point is appropriate and is a good point—that those pressures now have just moved into other areas. It seems to me you have a set of tools that you're going to be using in those other areas but you're creating a new tool to use in the greenbelt area. I don't fully understand how those tools achieve a different purpose, which seems to be containing urban sprawl. Maybe this is not a principle, but I would think legislation is a last resort. If you already have sufficient tools to reach a policy goal, why would you need additional legislation?

Maybe I'll ask that question as clearly as possible. I appreciate your point that you do trust municipalities, that you think they can make the right decisions with respect to their urban boundaries. What is different about this legislation—Bill 27—and the tool you're trying to develop in the geography and the tools you already have in place or will have in place shortly?

The Chair: We'll now proceed with the vote. It's a recorded vote on NDP motion number 3.

Ayes

Churley.

Nays

Arthurs, Delaney, Dhillon, Duguid, Parsons, Van Bommel.

The Chair: The motion is defeated.

We'll move on to motion number 3.1. It's a PC motion.

Mr Hudak: I move that section 2 of the bill be amended by adding the following subsection:

“(2.1) The establishment of the greenbelt study area does not in any way prohibit or interfere with the planning, design, approval process or construction of:

“(a) the Mid-Peninsula Corridor;

“(b) a new racing facility at Mohawk raceways.”

The Chair: Comments or clarification?

Mr Hudak: I think one of the concerns we heard was that there were a number of projects—and this amendment mentions two in particular—that were well underway, that had received a great deal of local support and have now been sidelined, so to speak, by Bill 27; and a concern from proponents of these two causes that if Bill 27 were to pass, they'd have no capability not only up until December 18 to move forward but they felt these projects would be jeopardized completely.

I'm not sure if you heard much about the mid-peninsula corridor in the Peel region hearings. I think the government has talked about the Niagara-GTA gateway, maybe a new title for the exact same thing. We heard from a number of groups in Niagara that spoke to the importance of the mid-peninsula corridor who I believe would feel quite strongly that it should be protected under Bill 27 so that it can move forward and be enshrined in legislation.

Let me give you some of the particular arguments for that highway. First there's growing pressure on the existing highway into the GTA, the Queen Elizabeth Way. The feeling is, and to Ms Churley's last amendment, if the leapfrog approach is happening, that's going to build even more pressure on our existing highways.

Despite the faith the members may have that intensification efforts in the big cities are going to address all of the new housing demand—whether it's for new jobs, new people moving into the province of Ontario—my feeling, and I think the feeling of a number of delegations, was that that growth is still going to continue outside the greenbelt area. There will still be a demand on housing, work projects and certainly with respect to international trade.

The Niagara crossing is second only to the Windsor crossings, in all of Canada, for the value of trade that comes across that border. I think I'm accurate. It's easy to throw out statistics but they're probably close. There are just as many jobs in Ontario that depend on trade out of our province, as they do with the other provinces. So I think it's absolutely important to relieve congestion, for people living on the fringes of the greenbelt or in the greenbelt area, as they use the QEW, and important to help get goods, tourists and those who work in the GTA to market and home safely, as quickly as possible.

Another important point with respect to the mid-peninsula corridor, a new highway that would go through the Niagara Peninsula: The swath started generally in southern and eastern Niagara, around the Stevensville area on the QEW, and then cut a path west and north,

eventually linking up with three potential areas—the 403, the 407 and the QEW, or the 401. I think Highway 6 is also a suggested link. The important point of the mid-peninsula corridor happening in southern Niagara, particularly between Port Colborne and Welland, is that obviously it's going to help create jobs in that area.

If you open up this artery for investment and in trade and travel, I think it's obvious that new jobs will result in those communities. Some of those communities, when they're off the existing highway, the QEW, have not benefited from the same degree of job growth as those that are on the northern part of the peninsula or on the QEW, whether it's Lincoln, Grimsby, St Catharines, Niagara Falls or even Niagara-on-the-Lake. So from an economic standpoint the highway is an important one.

But with respect to Bill 27—

The Chair: You're getting away from the motion. Please stay with the amendment, otherwise I will put you out of order.

Mr Hudak: Certainly, Chair. I am talking about clause (2.1)(a), the Mid-Peninsula Corridor, of the amendment. So I think it's the exact topic that I'm speaking to.

Second, you probably recall that we heard very consistently—no, there is one exception. PALS, the Preservation of Agricultural Lands Society of Niagara—I think that's the appropriate acronym—did speak against the highway, but the other delegations that spoke in favour of the highway spoke about its importance in support of Bill 27. The basic premise was that if you want to take development pressure off the tender fruit land, described in schedule 1, in the regional municipality of Niagara and the towns of Lincoln, Pelham, Thorold, Grimsby and Niagara Falls—so parts of Niagara in the north, central and eastern portions of the peninsula—then it makes a tremendous deal of sense to invest in a new highway to do so. In fact, the previous Minister of Transportation, Brad Clark, had talked about the new mid-peninsula corridor as being an environmental solution.

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I would think that the members also addressed it in the sense of the urban sprawl that this bill purports to get at by moving residential, commercial and industrial development away from the sensitive lands described in the bill or the tender fruit and grape area to south and west Niagara. So it seems to be consistent with the goals of this legislation and is supportive of the government's goals and also supportive of the economic and social goals of the regional municipality of Niagara, which unfortunately did not have an opportunity—they were called away so they missed their chance to present at the committee.

There were other delegations that spoke to this. The Wine Council of Ontario, for example, in their presentation to this committee from Linda Franklin, said, "In the Niagara region, there's a logical and appropriate direction for further urbanization: to the south. Those communities are not home to the exceptional micro-

climates or unique soil conditions" of the land below the escarpment.

They have been very strong proponents of the mid-peninsula corridor and, I expect, would like to see it either in this bill, or another guarantee by the government that it's proceeding at pace to support the goals of this legislation.

Linda Franklin went on to make the point that I support, that in order to facilitate this expansion, construction of "the mid-peninsula corridor must proceed as a critical component of the Niagara land preserve."

The reason why it's particularly timely and important to include in Bill 27 is because, regrettably, we have not seen movement by the government to date on this. If Minister Takhar had said, "We're committed and it's moving forward. Here are the terms of reference. It's a go. It will be an expedited process," you probably wouldn't hear groups coming before the general government committee talking about the importance of the mid-peninsula corridor. But, regrettably, in a series of questions in the Legislature, Minister Takhar, while he has generally acquiesced to the notion that they need the highway in the peninsula, has shied away from being specific on whether it's through the south or the west. Granted, maybe the minister doesn't want to make that commitment, but if the Ministry of Transportation was working hand in hand with municipal affairs on the greenbelt strategy, it seems to me elementary that the push would be away from the tender fruit lands toward the south and the west.

Unfortunately, Minister Takhar so far, while giving a bit of lip service to the importance of highway development, has not moved this project forward an inch. In fact, you can make the argument that the brakes have been slammed on this project. If they had moved forward, the terms of reference would probably not necessitate this amendment, (2.1)(a), to the mid-peninsula corridor. However, I think they have been put on the shelf and the minister has indicated basically—I'm paraphrasing; I'm not giving an exact quote—that they needed to go back to square one on this bill and this road and study the need for a mid-peninsula corridor in the first place.

I've got to say that I think a very strong need has been brought forward by Bill 27. If the government's goal is to regulate land use to combat urban sprawl and, as part of that, the tender fruit land in Niagara, it seems this highway should go forward part and parcel with Bill 27 and therefore have a place within the bill. I know there are no other highway references and I know the concern I'll probably hear from across the floor, but I do think—and maybe they can give some assurance to me—that the highway is part of the greater government plan to help take pressure off the tender fruit land in the north and west of Niagara. Therefore it will either agree to this amendment or, maybe in other parts of the bill, will note the importance of the mid-peninsula corridor, or hand in hand, putting it in the bill, as well as a preamble that we'll be addressing a bit later on.

I need to make the argument strongly that this new highway would be a very important tool; otherwise, as

the Wine Council of Ontario said, the pressure to develop along the Queen Elizabeth Way will become irresistible. You said there's a time out. That pressure is going to continue even after December 18, so the government will be left with a couple of choices: either a permanent piece of legislation much like Bill 27 before us or perhaps a stronger piece of legislation, the scope it looks at, like Ms Churley's last amendment. But I've got to tell you that you could have no better tool to address the goals of Bill 27, and that's why it's important, I think, as well, in section 2 about the greenbelt study area, to develop the mid-peninsula corridor back on its original schedule.

I did ask the minister, through order paper questions, about his plans. The indication was that perhaps sometime in the fall they would be moving forward with the terms of reference for the highway. Effectively, that has resulted in at least a one-year delay, if not more, depending on if the minister revisits some of the studies, like the needs assessment study for the highway, in which case we'd be looking at several years' delay, meaning that the highway may not take place for probably 10, 12 years down the road. After that, no matter what Bill 27 finally looks like when it gets through the legislative process, that's pretty late to have an impact on the tender fruit land. Granted, you can't build a highway overnight, but if we could expedite this process by including the mid-peninsula corridor as part of Bill 27, you'd go a long way to assuaging the concerns of not only myself as the MPP and those constituents who have brought forward this issue to me quite regularly since Bill 27 was introduced, but the Wine Council of Ontario.

I'm quite sure, too, that the Grape Growers of Ontario, whether it was in their presentation or not—they did theirs at the same time as the tender fruit presentation. But I am confident I have heard quite often from the Grape Growers of Ontario that they support the mid-peninsula corridor. Certainly, as we have heard, and the parliamentary assistant has mentioned, farmers are under pressure. They face an option of selling to the private sector for development. The more profitable the farmers can be—if we save the farmer, we can save the farmland—the more likely they are going to stay in production.

The other side of the coin is that if you can relieve some of the pressure, if you effectively lower the opportunity costs of keeping the land in agricultural production, you're going to have less land that will be lost to development. Right? You mentioned earlier that one of the main reasons behind Bill 27 was to address the pressure on the greenbelt area, that that pressure was there and we needed to address it to make sure that land wasn't lost forever. One tool—and you have talked about that in the Legislature, whether it was the parliamentary assistant or other members—you've talked about relieving pressure is brownfield development. You've talked about intensification in the cities, so that this demand from citizens in Ontario or new citizens in Ontario to find housing in the GTA, the best job market probably in the entire country over time—you could do

so through brownfields or intensification efforts. Granted, those are the two tools you've spoken about.

I'm suggesting, through this amendment to section 2, to put forward another tool that will address specifically—and I think it'll help in other areas of the greenbelt; Halton region is one, as well—the leapfrog concerns that Ms Churley has by agreeing to this amendment to the bill. The mid-peninsula corridor will take that pressure out of those areas to an extent, but will be dramatic in relieving some of the pressure that tender fruit farmers and grape growers face currently in the Niagara Peninsula. So your bill needs to address that. You need to address that through schedule 1 of the bill.

I'm suggesting another tool to help address that and, I would say, hopefully relieve some of the more egregious parts of the bill that stakeholders and constituents have had concern about.

The Grape Growers of Ontario, in their report to the Greenbelt Task Force—and I think this was submitted to us as well—addressed a number of issues with Bill 27, including the mid-peninsula corridor. They reference the good work that was done by the various agricultural commodity groups in the Niagara Peninsula called *Securing a Legacy for Niagara's Agricultural Land: A Vision with One Voice*.

The Chair: Mr Hudak, we're getting away again, and this is the last warning. If you are getting away from the amendment, I'm going to move on to another member.

Mr Hudak: Chair, I appreciate your point. I do believe I am speaking quite consistently and building a case why clause 2(2.1)(a) should be a necessary amendment to this bill, because the mid-peninsula corridor addresses the goals, as I understand them, of the government, and they're admirable. They're admirable goals, no doubt. They're enviable goals: protecting tender fruit land; helping maintain our grape growing area. Sadly, while there are some areas in other parts of the province, nothing of the geographical extent that we have in the peninsula, and I would argue our products can certainly hold their own and more with British Columbia.

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So I respect the goals of Bill 27, in terms of protecting the tender fruit land and the grape growing area. I'm not convinced this is the best method, and Minister Hardeman—sorry, Mr Hardeman; it's hard not to say minister still—and I are certainly very concerned. I think the parliamentary assistant is as well, and working within government circles to ensure there is an agricultural plan to support our farmers in the greenbelt, because we are limiting their options.

I think the point the Grape Growers of Ontario make about Bill 27 as a whole, in terms of supporting the land, and when you get into section 2, establishing the greenbelt study area, how the mid-peninsula corridor impacts a significant portion of the greenbelt study area—I would think they would support quite strongly, as does the wine council, having this highway move ahead to take away that pressure. Now, whatever tool you use—if you put it in the bill, if you vote for my amendment—fantastic—or

if there is a commitment from the Minister of Transportation, Minister Takhar, to move forward—I think that will satisfy a significant concern we heard in these hearings.

The Grape Growers of Ontario report on page 2 references the mid-peninsula corridor. The point they make says that building a transportation corridor south of Niagara, as I mentioned—and some of the communities that would benefit from that are Fort Erie, Welland, Port Colborne, West Lincoln and even Dunnville in neighbouring Haldimand county is a very strong supporter of this. I would argue that many of the areas—Pelham, Lincoln, Grimsby, even Niagara-on-the-Lake and St Catharines—that are impacted significantly by Bill 27—I bet you dollars for doughnuts that if you asked the municipalities for a resolution in favour of the mid-peninsula corridor, the municipalities that I mentioned would strongly favour it. I know this is not likely feasible, in the interests of time, but if you asked them if they supported my amendment, I think there's a pretty good chance they would think if the Minister of Transportation is not committing to it, maybe the parliamentary assistant and her colleagues will support this amendment to the bill and help move this bill forward.

The grape growers make the point that building a transportation corridor south of Niagara—and the southern part of Niagara, I think, is the point—will help to protect the tender fruit and grape lands in Niagara. They make a very valid point that the Queen Elizabeth Way, with its increases in volume that we have seen—a significant increase; I know the 401, of course, and other major highways as well—is negatively impacting Niagara's agricultural lands. That's not only the most direct effect in terms of road salt and some of that on the land directly next to the highway. That's one issue. Those landowners have a significant concern and would probably like to see that addressed through the bill, as well. But because you've seen such significant traffic, whether it's trade or tourism, as a result, you're seeing pressure on the agricultural lands. Obviously some industries want to be close to the major highway, and as such, put pressure on the local municipalities to zone the projects there appropriately or to do some kind of industrial development—

Ms Churley: On a point of order, Mr Chair: I'm just wondering if there are rules in this committee about how long each party gets to speak.

The Chair: Twenty minutes at a time. If there is anybody else who comes in to—

Ms Churley: So, one can go on indefinitely on this.

The Chair: That is right, until somebody interjects; but I would look at the ruling also.

Ms Churley: I do want to interject briefly before my name is taken in vain too many times, before readers can see that in fact I don't support Mr Hudak's contention that his amendment is supportive of my amendment trying to expand the greenbelt. I say that, in fact, when we get to it, I have an amendment coming up that does just the opposite, for obvious reasons. I just want to make

sure that this in Hansard so people can see that I think it's nuts, it's absolutely crazy, to allow proposed highways to continue to be on the books during the greenbelt, period, when there is a freeze on.

I want to make it quite clear that it's an urban myth, and I'll be talking about this later, that if you build a highway it will actually take the congestion—although it might for a while—from one highway to another. But we all know from international studies that what happens when you build highways is that they will come. It encourages more development, more traffic on that particular new highway.

Although I understand the concern in the area, I just want to make it clear to Mr Hudak and others that I do not support his amendment and his contention that it's actually complementary to mine. It indeed isn't.

I have to admit that I'm not making a huge, big deal of the highways, although I'm not happy about it being left. There are several: There's the extension of Highway 407 to Highway 35/115 and the extension of Highway 404 around the east and south sides of Lake Simcoe. Then there's the northward and eastward extension of Highway 427 to Barrie, and the new mid-peninsula highway we're talking about, the creation of a new east-west GTA transportation corridor, and the extension of Highway 410 northward at least to Highway 89. I think it's wrong and a problem that these are still being allowed right in the middle of the greenbelt area.

It's my understanding, and I would ask the parliamentary assistant if she has an answer to this—given the, shall we say, deficit and some of the cuts that are happening across most of the ministries, would it be fair to say that, for those of us who have concerns about highways, we will not see any new highways being built, even the beginning of construction, for a very long time? Would that be fair to say, and that I don't need to worry too much at this time about new highways?

Mrs Van Bommel: I really can't speak at all on those issues. We're talking about issues that involve the Ministry of Public Infrastructure Renewal and the Ministry of Transportation. I have no authority or reason to speak on their behalves.

Ms Churley: Do you support allowing new construction of highways to go ahead within the greenbelt area?

Mrs Van Bommel: Again, we need to look at those things within the context of the ministries that are appropriate to them.

Ms Churley: Can I ask you and perhaps staff, because there's no staff here from the Ministry of Transportation—is there? I have a feeling we're going to be back again after today.

Mr Hardeman: What was your first clue?

Ms Churley: I would like somebody from the Ministry of Transportation to be available for our next clause-by-clause. I do have an amendment coming up soon that deals with the construction of new highways in the greenbelt area and I would like somebody who is knowledgeable about the government's timetable on these highways to be available to discuss that issue.

The Chair: Definitely, we could ask for that, but I don't think this bill is for that. It's just a moratorium until December 18.

Ms Churley: But I have an amendment on the need to include it. Let me put it this way: There are proposals to build highways right in the middle—in the heart, in some cases—of the greenbelt area that has been designated. So I think it's critical that we be able to get more information about the proposed highway development.

The Chair: There could be some proposals at the present time but the purpose of this bill is not to look at what is going to happen at the present time. We want a moratorium and that's what it is until the study is completed.

Ms Churley: But my point, Mr Chair, if may, is that there isn't a moratorium on the highways which cut right through the greenbelt area. That's the whole point of why I have an amendment. I think that's a problem.

The Chair: Is there any MTO staff here? No.

Ms Churley: All I'm asking is that when we get to our amendment next time, because the amendment has been ruled in order, that I have somebody who can respond to any questions that may come up in response to my amendment.

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The Chair: Is anyone from the Ministry of Municipal Affairs ready to answer that question?

Ms Konyi: I can't speak to the timing of provincial highway initiatives.

Ms Churley: OK. If I could request that, please, because my amendment, which is in order, will be coming up. I thought it might—

The Chair: Ms Churley, it could be part of the design when we're talking about this motion that we're debating at the present time. This is what you referred to when we talked—because we're now away from this motion.

Ms Churley: No, because I'm responding specifically to Mr Hudak's Conservative amendment, which talks specifically about one of the highways. Mr Hudak was specifically referring to one of my amendments and saying that his vision on a highway supported my vision, which it doesn't. So it's all interconnected. Highways are a very big part of the issues we're talking about here on urban sprawl. So if I could request that for the discussion of my amendment, which is quite specific to highways—

The Chair: We could ask.

Ms Churley: OK. Thank you. That's all I need.

The Chair: Any other comments?

Mr Hardeman: Speaking directly to the amendment—and I think Ms Churley's comments about constructing or not constructing new highways or new facilities or other infrastructure in the greenbelt area is rather an important item to have some discussion on.

As we go back to the previous amendment when we were talking about the status quo being able to remain in all the areas of the greenbelt area, this really is a moratorium on future changes, where it's going in the future. But agriculture in the greenbelt area can carry on just the way they are now. We're not looking to change the uses.

We're also not looking to change the present industrial uses or residential uses that are in the greenbelt area. It's a moratorium on further changes.

This amendment seeks to do the same thing, only to make sure that's included, the process of the mid-peninsula corridor and a new racing facility at Mohawk Raceway. They are already allowed uses in the area. Obviously, for the corridor, the province doesn't require rezoning of the property. It just requires environmental approvals. This doesn't say this should be built without those approvals. It doesn't say it should be built without any shortcuts. It just says that, because of this moratorium, we should not be putting a freeze on further development for that.

I think it's been expressed by the public generally for some time now that this transportation link and this infrastructure are needed in the area, and from a principle point of view, there's been very little reluctance to accept that further transportation links need to be put in place. I think the study that's being done during the moratorium by the task force on the greenbelt area will definitely be looking at future growth in the area and what type of infrastructure would be needed to facilitate that. But I think the mid-peninsula corridor has been looked at for some time, based on the development as we have it today and as we're looking to the future. So it's not to say that at the end of the study more protection couldn't be put in place and that the development that was envisioned is not going to be as extensive as it was five years ago, when we were projecting 10 years into the future.

But that's not to say that transportation and infrastructure do not need to be put in place any more. If the projections that the ministry and government were putting forward 10 years ago as to where we were going in the peninsula over the next 10 years were accurate, then in order to be able to arrive at that destination with sufficient infrastructure in place, we need to keep the process ongoing for that infrastructure for the corridor.

I think we want to make sure it's understood that farmers can keep farming and governments can keep proceeding with trying to provide the infrastructure needed for the future needs of the community, so we don't have a situation where we've decided what type of development and amount of development that's going to take place in this corridor and then find out, yes, but that highway we were planning is now another six months or a year behind because we put a stop to everything while this process was ongoing. I think it's kind of an assurance that the process for the corridor will stay on time and on budget.

The Chair: So your question, Mr Hardeman, would be to the ministry. Will a farmer be able to keep farming? With a highway that has already been designed, can they continue the designing of the highway as it was—

Mr Hardeman: No, Mr Chairman. We've got the commitment from the parliamentary assistant that, in fact, agriculture is going to be able to continue farming while this is going on. We're not changing anything that's presently on the ground and is being allowed.

I need some assurances that the planning for the mid-peninsula corridor fits in that same category. Can the government keep on—and this really is just to establish that it does in no way prohibit or interfere with the planning, design, approval process or construction of—well, I think it's reasonable that we're not going to be constructing it in the next six months, but it's also not reasonable to say that for the next six months no further planning can take place because there's a prohibition on planning. So you could do no more designing. I think the corridor is a long way along in the process of design, so I think that needs to keep going on. So this is just an assurance that that's going to happen.

Personally I don't know about the new racing facility at the Mohawk Raceway, but I expect that it must be in the planning processes too. So, again, they need some assurances that this doesn't prohibit them and put a six-month delay in place for them because we're trying to decide what should be happening to the tender fruit land in the rest of the peninsula.

I think it's a real supportive amendment, just to clarify, both for the government and for the new racing facility at the Mohawk Raceway, as to what needs to be done to make sure they can accomplish what they've been planning to do for the last 10 years.

The Chair: So you're questioning that at the present time?

Mr Hardeman: No; as you wanted, Mr Chairman, I'm supporting the amendment to the letter.

The Chair: Thank you. Mr Hudak.

Mr Hudak: I thank Mr Hardeman for his support of arguments in favour of the motion before us to amend section 2 of the act, particularly clause (2.1)(a).

I stepped outside for a moment. I came back and Mr Hardeman was talking about the important impact of this bill on agriculture and what we're concerned is a very restrictive ability, or maybe a not-well-thought-out plan in terms of the potential restrictions this has on farmers on keeping their farmland in production. I think the mid-peninsula corridor, as part of this amendment, would help tremendously in ways that I've described and other stakeholders are describing.

One item that came forward that I think fits in with Mr Hardeman's point—and I think the need for amendments to the bill that we've brought forward—comes from the minister's own consultation committee that's currently out there doing consultations on this bill. They brought forward an interim report. In the interim report, they suggested that the minister set up an agricultural task force to help address some of these issues. I think that's an outstanding idea. I think Mr Hardeman supports that notion as well. In fact, I had the opportunity to bring that up in the Legislature in question period a couple of weeks ago. The minister at that point was noncommittal. He didn't say no. He didn't say yes. I hope the answer is going to be yes. I try to follow what the minister's pronouncements have been to help us inform our debate on Bill 27.

I'll ask the parliamentary assistant: Has the minister formally responded to that request of the task force or do

we expect an answer soon, and are members in favour of that agricultural subcommittee?

Mrs Van Bommel: The intent is to establish a subcommittee for agriculture. We have turned that over to the Minister of Agriculture, because I think it's appropriate for the Ministry of Agriculture to establish that. At this stage there is nothing formally established, but the intent is definitely there.

Mr Hudak: OK. Has Mr Gerretsen, the Minister of Municipal Affairs and Housing, formally responded to that request of the advisory group and said, "Yes, we need to move forward with the agricultural committee," or did he basically pass that over to the Minister of Agriculture?

1730

Mrs Van Bommel: No, we have said that we are moving forward with an agriculture committee.

Mr Hudak: So it is going to happen.

Mrs Van Bommel: Yes, it is.

Mr Hudak: The consultation committee had asked that it report back, I believe, by October 2004. Has that goal been agreed to as well by the minister?

Mrs Van Bommel: I don't know in terms of the agriculture committee, although that would certainly fall in line.

Mr Hudak: Do staff know if the minister has formally responded to that request and indicated the date when the committee will be responding?

The Chair: Mr Hudak, you're speaking to the amendment at the present time?

Mr Hudak: Certainly, because I believe this amendment would be one of the issues the agricultural committee would address in terms of infrastructure support. While I hope this amendment passes, if the minister is committed to this process, it makes the amendment still important, but somewhat less important if there is a parallel process that's going to address this type of issue.

Ms Konyi: The minister, as Ms Van Bommel said, has referred it to the Minister of Agriculture to deal with. There has not been a formal terms of reference out to the public yet, but the commitment has been made to have this committee.

Mr Hudak: OK, so a public commitment has been made to have the committee. It has been referred to the Minister of Agriculture to set it up.

Ms Konyi: The details of it are to come forward shortly.

Mr Hudak: And the Minister of Agriculture has agreed to move forward in the process?

Mrs Van Bommel: Yes, he has.

Mr Hudak: OK. That's good news to us, and I think that stakeholders who are following this bill, particularly from the agricultural point of view, will find that an important and beneficial development.

That having been said, I would expect they'd be addressing some of the infrastructure issues that support our farmers, including the mid-peninsula corridor. So if I don't have the votes for this to pass, I can at least have some satisfaction that the issue would be addressed

through a parallel process in the context of highway infrastructure development.

As I said, the grape growers, as one commodity group, made the point in their presentation that in order to reduce development pressure on the lands along the QEW and to direct that pressure to the southern areas, an alternative link across the region, above the escarpment, is required. I think it's an important point. I think what they mean by "above the escarpment": The general description is an area that's not addressed by schedule 1 of this bill. I think between Lake Ontario and the Niagara Escarpment and some of the municipalities in the tender fruit area are addressed, as outlined in the escarpment act. My expectation would be fully that those proponents of the mid-peninsula corridor, like the grape growers and the wine council and, I expect, the regional municipality of Niagara—again, we didn't hear their presentation due to unfortunate circumstances—would support the notion of directing development away from the tender fruit area and above to the south of the escarpment area.

I don't believe it's the government's intention to limit growth across the board. I think they've been—at least I've interpreted their feelings to be quite clear that the urban sprawl is their concern, and they want to direct growth to the appropriate areas.

The other point to this amendment is that that does fit in with the government's overall goals of directing growth to appropriate areas, some underutilized land capacity and in areas in southern Niagara, western Niagara and Dunnville as part of Haldimand county that have not experienced the same degree of growth that those along the QEW have. So I think it fits with your goals through Bill 27 in a couple of important ways.

The second part of the amendment, clause (2.1)(b), references a new racing facility at Mohawk Raceway. I understand the bill would give the minister the opportunity to create exemptions in these areas. Is that right?

Mrs Van Bommel: It would have to go through cabinet.

Mr Hudak: Sorry, it says "Lieutenant Governor in Council."

Mrs Van Bommel: Yes.

Mr Hudak: OK. Woodbine Entertainment Group came forward and made, I think, an important presentation about how they could grow and how the spinoffs would benefit the farming community, but that the MZO and the bill would restrict their ability to go ahead with their project and may, in fact—I'd probably have to go back and review in detail—direct that expansion project into the urban area. So then it wouldn't be lined up with Mohawk Raceway, which is currently outside the urban area.

I guess to be clear, while exemptions can be granted by the Lieutenant Governor in Council, we have not been given any guidance as to the criteria for those types of exemptions or time frames on those exemptions. Do we know?

Ms Konyi: I'm sorry?

Mr Hudak: There are a couple of ways to address the important points that WEG brought forward. Either it

could be changed through the bill or an exemption process is part of the bill. What's not clear, and maybe there have been some statements of intent that we're not aware of—but have there been criteria outlined or specific standards as to when the Lieutenant Governor in Council would grant an exemption under this act, or when would we have an understanding of what kinds of exemptions may or may not be granted?

Ms Konyi: First, the Minister of Municipal Affairs and Housing did ask the Greenbelt Task Force, when he first appointed them—one of the first tasks he asked them was to give him some advice on the circumstances where it would be appropriate to grant relief from the moratorium, either through the minister's zoning order or, should Bill 27 come into effect, through the legislative moratorium.

The task force did provide the minister with some recommendations. They are things like: The proposals should be far advanced in the process; they should be very minor in scale or scope; they should not result in the extension of any sort of infrastructure, except to service an existing urban development already; and it shouldn't have an impact on long-term permanent greenbelt protection. That's the idea behind what has been contemplated at this point in time. But as the bill is not in effect, and you have to have it in effect to pass a regulation, that's as far as we are with that.

Mr Hudak: I appreciate that, and thanks for the reminder on the consultations and some of the suggestions of circumstances for exemptions. That may not be encouraging for WEG, but I'm sure it's encouraging for other groups that have come before the committee.

Nonetheless, since this group brought this plan forward, I think it's important for us to have the debate on whether that's a worthy amendment to the bill. The debate may also give some guidance as to what circumstances may be appropriate for exemptions under the act.

Some of the benefits that WEG brought forward—and, by way of background, the Woodbine Entertainment Group is a not-for-profit operation but a significant business nonetheless, and the largest operator of horse racing within the entire country of Canada. An important point that's relevant for this committee is the spinoffs in the agricultural sector. I think the transformation that we've seen in the racing industry, from being in, really, the economic doldrums to, today, being an example to racing jurisdictions across North America is quite evident. With respect to agriculture and the greenbelt area, WEG made the point that when the racing facilities are successful, then there is spinoff, whether that's on the breeding side of the industry or the training facilities that have certainly popped up. While the community of Fort Erie is not within the proposed greenbelt area, you can see from the Fort Erie racetrack a number of training facilities that have developed and then on-farm labour that's occurred. I make the argument that as more of these types of facilities are developed in concert with the growth of the racing industry, the greater economic wherewithal to farming operations that support the horse racing industry,

not only on the horse side, but in feeding the horse, in hay and other types of operations. So WEG makes that point.

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From the other point, the bill tries to address, and I think the members across would acknowledge or would suggest, a balance between where growth is appropriate and where it's not, and job creation with respect to balancing sensitive environmental areas. WEG made the point that the total value of their proposal would be about a \$72-million facility. It includes a golf course, but I think we've beaten that horse on the golf courses.

Is this something that's appropriate in a greenbelt area or not? Parts of it, I think, are OK. If I understand the presentation, it's relatively well advanced in the planning process. Again, I don't recall the details. But where this development would take place is not currently designated as an urban settlement area as defined by the bill in section 1 that we had just covered a few moments ago.

WEG also went on to make the case that it is a significant economic generator, that it would create a significant number of jobs and investment, I would expect, around the facility but probably in the agricultural areas as well—and, I would think significantly, while I don't have the particular farms, I would expect a number of farms that are within the boundaries of the greenbelt study area. Certainly if our goal is to maintain farmland, not as parkland but as farmland, a project like the Mohawk expansion would help move that goal forward.

So I recognize that it fits into an area that the minister is still looking forward to a response on when exemptions could be granted. At the same time, I think it's important for us to recognize that projects that are good for horse racing will have spin-off benefits for agricultural land within the greenbelt area. To be specific on the point, it's estimated that it would generate over \$155 million, according to their presentation, of new direct and indirect regional expenditures, which translates to about 1,400 person years of employment.

Just by way of background on this point, some of the areas that are outlined in schedule 1, as I mentioned, benefit significantly from Mohawk, Woodbine, as well as the other horse racing operations. In their presentation to this very standing committee, they were kind enough to give us a chart that talks about the number of farms that benefit from these projects. So, by way of example, as we had talked about earlier, the regional municipality of Halton, covered in its entirety by the greenbelt study area, has about 1,000 farms, almost 14,000 horses, and the annual economic impact from successful agricultural production is almost \$94 million. So if you want rural communities or all communities in the greenbelt area to continue to be successful, growing and wealthy, certainly the success of the horse racing industry would be an important part of that.

We can see from the statistics provided by Woodbine in their presentation on Bill 27 and their case why 2.1(b), if they don't get an exemption, they may see this as another alternative, why they'd like to see this move forward through the legislative process.

Peel: a smaller number of farms altogether, about a \$71.6-million benefit to the local economy.

We talked about the Hamilton-Wentworth area being similarly impacted by this bill: 874 farms and about \$51.3 million in economic benefit.

So the point that we've tried to make consistently is that if we have support systems there for agriculture, of which 2.1(b) would be one such example, and the points that I brought forward last time, the committee met with respect to wineries, greenhouse operators, etc—I think if we look at some of the economic—you probably doesn't want to get this in the way of policy; you probably would be more hesitant for direct subsidies to farms. You may very well visit that policy, but my expectation would be to try to create a healthy economic environment to support our farmers and therefore maintain that land in agricultural production. We heard over and over again that if you want to save the farm, you save the farmer.

But it seems to me that projects that—for example, Mohawk has brought one forward, or other areas that have significant spinoff benefits in the agricultural community—fit with the government's goals of maintaining that land in agricultural production, and therefore maintaining a contiguous greenbelt between the Niagara River all the way across the Pickering area—I would expect that's the goal.

In conjunction, I think these types of amendments can have a very powerful effect in terms of doing two things: making the agricultural production more valuable and therefore having more farms likely to stay in production, and, in combination with the mid-peninsula corridor, taking away some of that pressure, diverting some of that pressure to other parts of the province, specifically the south and southwest of the peninsula. Therefore, farmers would be less likely to sell their land that would be potentially lost forever from agricultural production.

That's why I think this amendment is important. As I said, I recognize there may be other processes. They could move forward the mid-peninsula corridor, and maybe the parliamentary assistant or other members of the committee could give me the sense that the mid-peninsula corridor will move forward at a greater pace than it seems to be currently. Secondly, with respect to the Mohawk Raceway, if this is the inappropriate venue to address that particular project, is there another option for Mohawk that will continue to benefit the associated farm industry in that area?

I understand Ms Churley's not in support of this particular amendment, but maybe the government members will be in support. Mr Hardeman has already spoken about this a little bit. But if you're not supportive of this amendment, maybe give me some succour as to how these two important projects could still move forward, could support economic development in, I would argue, a balanced way and, third, really help to move forward the goals of Bill 27 before us. You're going to support the farmer. You're going to take some pressure away from the areas you've identified that are currently suffering from significant pressure. You'll help a significant eco-

conomic project advance, which will help create jobs, outside of Toronto, particularly, and maybe then divert some of the pressure for new homes for those who are going to work through Mohawk or at the jobs the mid-peninsula corridor could bring, and help move those homes and those jobs outside of the greenbelt area.

Therefore, I will move this amendment to a vote. Hopefully, government members, if they don't support it, will help us understand other ways these projects could advance, if they don't think this is the appropriate venue.

The Chair: It is moved by Mr Hudak. Are there any other comments or questions? Mr Hardeman.

Mr Hardeman: Just very quickly—I wouldn't want to prolong the proceedings here; it would be inappropriate. Obviously, our time is much too valuable for that.

I think it's important to read subsection 2(2.1). I'm not quite as ready to give up on the government members' voting in favour of this amendment as my esteemed colleague is. This amendment really doesn't do anything; it just makes sure that that which needs to happen can carry on happening. It doesn't say that the new facilities at the raceway would be approved; it just says that "the establishment of the greenbelt study area does not in any way prohibit or interfere with the planning, design, approval process." So whatever they need to do in order to get the approval still needs to be done; it's just that they don't have to stop, during this moratorium, doing what it is that needs doing.

Mr Hudak pointed out the value of the racing industry to this part of Ontario and in fact to the whole Ontario economy. In fact, he just pointed out to me it's even valuable in my community. In Oxford county we have

1,524 farms, an estimated 8,309 horses, and \$56 million is generated.

I just want to point out that I'm not suggesting the government should change the approach they've taken in their legislation, but I think this does provide, not assurances to Mr Hudak and myself or even the opposition, but assurances to the people in the industry that they can carry on with the process, so they will not be delayed six months or longer because they have to stop the process. I see this in no way weakening or changing the legislation so that the government cannot accomplish exactly what they've set out to accomplish.

Having said that, I would ask for government support of the amendment.

The Chair: We'll now move to the vote on motion 3.1.

Mr Hudak: Recorded vote.

Ayes

Hudak.

Nays

Arthurs, Delaney, Dhillon, Duguid, Parsons, Van Bommel.

The Chair: The motion is defeated. Now we will have to adjourn because there is a vote. We will adjourn until June 9, 2004, at 3:30 in the afternoon.

The committee adjourned at 1751.

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