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**Official Report
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Thursday 10 February 2005

**Journal
des débats
(Hansard)**

Jeudi 10 février 2005

**Standing committee on
general government**

Greenbelt Act, 2005

**Comité permanent des
affaires gouvernementales**

Loi de 2005 sur
la ceinture de verdure

Chair: Linda Jeffrey
Clerk: Tonia Grannum

Présidente : Linda Jeffrey
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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Thursday 10 February 2005

Jeudi 10 février 2005

The committee met at 1009 in committee room 1.

GREENBELT ACT, 2005

**LOI DE 2005 SUR
LA CEINTURE DE VERDURE**

Consideration of Bill 135, An Act to establish a greenbelt area and to make consequential amendments to the Niagara Escarpment Planning and Development Act, the Oak Ridges Moraine Conservation Act, 2001 and the Ontario Planning and Development Act, 1994 / Projet de loi 135, Loi établissant la zone de la ceinture de verdure et apportant des modifications corrélatives à la Loi sur la planification et l'aménagement de l'escarpement du Niagara, à la Loi de 2001 sur la conservation de la moraine d'Oak Ridges et à la Loi de 1994 sur la planification et l'aménagement du territoire de l'Ontario.

The Chair (Mrs. Linda Jeffrey): Good morning. This is the standing committee on general government and it is called to order. We're here to consider Bill 135, the Greenbelt Act, 2005. We meet today for the purpose of clause-by-clause consideration of the bill.

We will now commence clause-by-clause consideration of the bill. Are there any comments or questions on section 1 of the bill?

Ms. Marilyn Churley (Toronto–Danforth): Before we go to that, Madam Chair, on a point of order: I just need to be reminded about the ground rules for today. Is this time-allocated, so if we don't get through, we continue—

The Chair: I understand we've allocated one day for this.

Ms. Churley: Only one day? So what happens if we don't get through to the end today?

The Chair: I'm optimistic that we'll get through today.

Ms. Churley: If it's not time-allocated, though, it doesn't—

The Chair: Next week is the other alternative, when the House is sitting.

Ms. Churley: OK, thank you.

The Chair: Are there any comments or questions on section 1 of the bill?

Ms. Churley: I move that subsection 1(1) of the bill be amended by adding the following definition:

“Greenbelt area tribunal’ means the tribunal established under section 14.1; (‘Tribunal de la zone de la ceinture de verdure”).

That was very bad French.

The Chair: Is there any discussion?

Ms. Churley: Could I be allowed to explain this? Would you mind, before we go into it?

The Chair: Ms. Churley, you have the floor.

Ms. Churley: Thank you very much. I'm setting the table with this one because I think it's absolutely critical that this go forward. It was a major recommendation to the minister by the appointed Greenbelt Task Force. It called for the establishment of an appellate tribunal with greenbelt-specific expertise to uphold the integrity of the plan. That's exactly what this does. It's not putting forward a tribunal that will have the responsibilities or the expertise or anything to start tearing the plan apart but, in fact, is recommended to actually uphold the integrity and make sure that it's implemented properly.

So the amendment speaks to the need to replace the present requirement for what is called a hearing officer with a greenbelt-specific tribunal, as called for by the Greenbelt Task Force. It is absolutely paramount that the body responsible for considering future amendments to the greenbelt plan have greenbelt-specific expertise and that, by default, the hearing officer does not become the Ontario Municipal Board. That's a concern we have in terms of the way the government has worded it now.

I define in much greater detail later on how this would work in terms of how it would be set up, the greenbelt area tribunal. The members are described, how they would be appointed, and it's fairly routine how the following recommendation and motion deal with this, how it would hold hearings and perform other duties. The tribunal would have all the powers that are necessary or expedient for carrying out its duties. It deals with quorum, it deals with the chair and vice-chair; it deals with the duties of the chair, the chair of the panel resolving deadlocks, members needed to complete hearing. All of those things are defined later on in another motion. So if you haven't had an opportunity to look at that, that would be section 14.1 of the bill, motion 36.

I think it's really critical that this be supported, and I'm hoping the government members will listen to the advice from their own Greenbelt Task Force and support this motion.

Mr. Tim Hudak (Erie–Lincoln): I thank my colleague Ms. Churley for bringing this forward. She and I

have picked up on the same thing, as folks will see from the amendments and our comments during the public hearing process. I think we end up getting to a bit of a different conclusion in terms of the functions of the appeal tribunal, but nonetheless, the principle is the same about the importance of the tribunal that would be based on science.

Maybe I could direct the question to staff. As Ms. Churley rightly indicated, page 8 of the Greenbelt Task Force had recommended, "Provide for an appellate tribunal with greenbelt-specific expertise to uphold the integrity of the plan..." How does the legislation respond to that recommendation of the Greenbelt Task Force?

The Chair: Could I ask staff to identify themselves for Hansard prior to answering the question, please.

Ms. Barbara Konyi: I'm Barbara Konyi from the Ministry of Municipal Affairs and Housing. The legislation deals with it through two sections of the bill, and it is through the hearing officer process. It's contained in sections 12 and 13, which are the points in the legislation where you would consider an amendment to the greenbelt plan in section 12 and that the minister may seek advice from a from a hearing officer—that's under section 12—and that they can conduct hearings and make written recommendations. The hearing officer process, as noted in those sections, does not preclude it being a greenbelt-specific body; it's in very general terms. You could appoint persons from an existing tribunal or you could, in fact, create a body that is greenbelt-specific.

Mr. Hudak: Help me understand that, then. How does section 12, or other parts of the act, actually create a greenbelt-specific tribunal? It seems to me that you could hire a hearing officer at the minister's discretion. The minister could choose his brother, for example, as a hearing officer. There's no description of what the hearing officer would be, which I think is problematic, and I'm sure my colleagues would agree. As much as I respect my colleagues across the way, I don't think it should be Lou Rinaldi hosting these hearings. As much expertise as Lou may have, I don't think he's somebody who would be seen as being outside of the process. How does the legislation actually create a tribunal with greenbelt expertise?

Ms. Konyi: First of all, I noted that section 12 gives the discretion for the minister to appoint a hearing officer; it's actually section 13 of the bill that speaks to the details of what a hearing officer would do; that they're appointed under subsection 12(1); and that they shall fix the time and place of the hearing and give notice of the hearing in a prescribed manner to the prescribed persons and public bodies. It specifies the time of hearing with notice, that they'd have to adopt rules of procedure, and that they would make recommendations to the minister.

This is consistent with the approach that was used in the Oak Ridges Moraine Conservation Act as well.

Mr. Hudak: Aside from the minister's good judgment, what would prevent him from appointing Lou Rinaldi to be the hearing officer?

Mr. Lou Rinaldi (Northumberland): Or his wife.

Mr. Hudak: Or his wife—Lou's wife.

Mr. Rinaldi: The minister's wife.

Ms. Konyi: Nothing.

Mr. Hudak: There's no sort of description of the qualifications of a hearing officer?

Ms. Konyi: It's intended to work the same as with the Oak Ridges Moraine Conservation Act, which, through this legislation, would also be part of the greenbelt. So it would be a consistent approach.

This bill is enabling in nature in that it lays out the basic parameters to set these things in action.

Mr. Hudak: But the Greenbelt Task Force's recommendations were quite clear and quite straightforward that there should be a tribunal created with greenbelt area expertise. Nothing in sections 12 or 13 indicates to me that the hearing officer would necessarily have any greenbelt area expertise.

Ms. Konyi: It doesn't preclude that from occurring, Mr. Hudak.

Mr. Hudak: Does it create a new tribunal?

Ms. Konyi: It creates a body that will give advice to the minister. It follows a public process. The final decision is with the minister. The hearing officer can go through a whole process and hear deputations and such, and then the actual advice goes back to the minister, and the actual decision rests with the cabinet, with the Lieutenant Governor in Council.

Ms. Churley: Thank you very much for relinquishing the floor to me again on my motion. I thank the staff for their answers. It's very clear that there's nothing to stop the government, any government of the day, from appointing whomever they want. That was exactly my point, and that's why I raised the possibility of, do we want another OMB situation?

I guess what I would like to do is ask the government members what their view is on this and whether or not you believe this is a flaw. I objected to doing the Oak Ridges moraine this way as well, for the same reasons. There's a fundamental flaw, and a very serious one, in terms of the way this is worded. So I'm wondering if the parliamentary assistant might be able to respond to that.

Mrs. Maria Van Bommel (Lambton-Kent-Middlesex): You're absolutely right; this is consistent with what currently occurs under the Oak Ridges moraine. There is always that issue with any public appointment in terms of who's going to get the appointment, is it the right person, who are they related to, all these kinds of things.

1020

Essentially, I think the principle of public accountability comes into play here. You have a situation where there would be great scrutiny, not just from residents within the greenbelt or the Oak Ridges moraine but from those across the province who would certainly hold any government's feet to the fire if they were to appoint someone as hearing officer who isn't appropriate or who is somehow seen to have a bias.

Ms. Churley: If I could respond. With all due respect, Liberals are now hiding behind the skirts of the previous government—

Mrs. Van Bommel: Oh, please don't say that.

Ms. Churley: —if they wore skirts; I'm not sure. At any rate, in terms of justifying what I think is wrong-headed and dangerous. You ran on "Choose Change." I believe that was a mistake in that situation, and I believe it is in this.

I think that this is absolutely key to amend. I'd love to go back and amend it in the Oak Ridges Moraine Act. It's absolutely key. You may have a minister right now with that integrity and, God bless, it might all work out just fine. But this is for now and for future years and generations. I think it's absolutely critical to get it right now.

I suggest that you would want to follow the advice of your very own Greenbelt Task Force, whom I believe expressed the same concern, which is why they recommended that there be a greenbelt-specific-expertise body in place to deal with these issues.

Mrs. Van Bommel: I feel that there's nothing in this, as it stands in the legislation now, that precludes the minister's appointing a group of people to deal with the hearings. I think this gives us much more flexibility than would otherwise be the case.

I also think that there needs to be a certain amount of level playing field here for people who are within the Oak Ridges moraine, because they often about people who live within the proposed greenbelt. You would have people living under different situations and having different rules, and I think we need to have some consistency. There needs to be some level playing field here as well.

Ms. Churley: OK—

The Chair: Can I just caution you? You're really speaking in support of your motion. I think you've asked the opinion of the government as to what kind of individual would be qualified. Can I remind you to speak to the motion. Ms. Churley, you have the floor.

Ms. Churley: In speaking to the motion, Madam Chair, I'd ask the Liberals this, and I suppose you can consider it a rhetorical question: Do the Liberals trust a future Tory government? I know that when governments are in power, they think they're going to be there forever, but it doesn't seem to work out that way, as both Mr. Hudak and I have experienced, and Liberals in the past.

So the rhetorical question—although it could be a real one—is that the Tories may appoint the president of the Aggregate Producers' Association as the hearing officer. That's why this is so critical. I don't know if you want to answer that or not, because it is rhetorical. It points out very starkly some of the possibilities that could happen and why you need to have those protections built into the act so that it can't happen.

Mrs. Van Bommel: You're absolutely right about what happens with governments from time to time. At the will of the people, a government comes and goes. But there again, it's the role of the opposition to also make sure that the government is accountable for what it does.

In the case of having a hearing officer, I think there is ample room for accountability to both the public and the

opposition parties. I am sure you'd hold us absolutely to the fire if we did anything other than what is in the public interest.

Mr. Hudak: Back to the parliamentary assistant: If you agree that those who are hearing officers should have greenbelt-area expertise, why don't we put that in the bill? If the parliamentary assistant, on behalf of the government, agrees that hearing officers should have greenbelt-area expertise, why don't we put it in the bill?

Mrs. Van Bommel: Did I say that I agree that they should have greenbelt area expertise? I don't think I did. I think there are a lot of different qualifications that would have to come into play when a hearing officer is selected. It certainly needs to be someone who has expertise in many areas.

I think we're getting off topic, in terms of what the qualifications are. We're talking about the motion, which says that we would not have a hearing officer, that we would have a tribunal. I think we're talking about whether we stay with one prescribed mechanism, which is a group of people, or whether we give the minister the flexibility to do that, or have an individual act as a hearing officer. I think the flexibility is what we want to have in this situation, because we don't know what kinds of situations may come before the minister in terms of things that need to be adjusted or amended. I think this gives the minister maximum flexibility to deal with the issues as they come about, because we have no idea what's going to happen over the next number of years.

Mr. Hudak: Just to clarify, is the parliamentary assistant saying that a hearing officer does not have to have greenbelt-specific expertise?

Mrs. Van Bommel: No. We're confident that our minister will be able to take care of it. I have not said that they shouldn't have it. I'm saying that they need many qualifications, not just one or two different qualifications. They need many qualifications.

I think that the minister should be capable of selecting the right person to do the job, and if they aren't, then the opposition and the public will certainly hold that minister to account.

Mr. Hudak: Just for clarification, would the parliamentary assistant agree that it's necessary for a hearing officer appointed under this act to have greenbelt area expertise?

Mrs. Van Bommel: I'm sorry; ask that again.

Mr. Hudak: Should a hearing officer appointed under this act have greenbelt area expertise as a necessary condition for his or her appointment?

Mrs. Van Bommel: Now you're asking me to start to detail the qualifications of a hearing officer, and I'm not going to do that. I don't think that's my role. I think that the minister has the role of selecting the hearing officer.

Mr. Hudak: I think you'll find strong disagreement from myself and, it sounds like, from my colleague Ms. Churley. I'm not sure about the other members of the committee. If you look at the summary that the clerk and her team, through Mr. Richmond and Ms. Drent, have brought forward with respect to the minister's decision,

the appellate tribunal, and adjudication body issues, the number of groups that supported some form of appellate tribunal with greenbelt area expertise is overwhelming. It seems to me that it would be a necessary condition. It might not be sufficient. You might want to add additional things. But it should be a necessary condition that a hearing officer appointed under this act would have greenbelt area expertise.

Mrs. Van Bommel: Can I ask one question of you in terms of the Oak Ridges Moraine Act? Did you set within the legislation the qualifications for a hearing officer? Are you regretting that you didn't?

Mr. Hudak: I understand from the staff that these sections are similar. I'm not arguing that. I'm here to say, how can we improve this legislation based on what I heard before the panel?

Mrs. Van Bommel: Are you regretting that you didn't do that in the Oak Ridges Moraine Act, then?

Mr. Hudak: We did have the blessing and full support—

Mrs. Van Bommel: No, I'll take your expertise on that particular issue. Do you feel that you should have done this under the Oak Ridges Moraine Act, and so now you feel that you need to do this here?

Mr. Hudak: It's a matter of trust; do you trust the government to appoint the right people for these positions? Based on the considerable number of errors and flaws in the legislation and the plan—I think we've heard over and over again about the quantity of mistakes—no, I don't think that the minister should have our trust to appoint the right people in this regard. I do believe that we should follow the advice of your own task force, which said clearly and simply, "Provide for an appellate tribunal with greenbelt-specific expertise to uphold the integrity of the plan." I guess I'll ask, why are you ignoring that sensible advice?

Mrs. Van Bommel: I think we're not going to agree on this one, so we'll just say thank you, but we can't support this.

1030

Ms. Churley: I'm not going to belabour this for too much longer, because we have a lot of amendments to go through, but I do want to raise a couple of points and, again, remind the government that notwithstanding what happened with the Oak Ridges moraine—which, as I've stated, I disagreed with in that case—there's a very specific recommendation from the government's own task force on this, and they give very good reasons as to why it should be done this way.

In response to the parliamentary assistant's comments about the role of the opposition in holding the government's feet to the fire, we must not forget that the government has a majority and opposition has a role to play. Occasionally, we actually have some success, as I had, in the previous bill, getting the Niagara Escarpment, which I had a private member's bill on and a couple of other things. But overall, these protections are built in because there is a majority government.

If you turn to page 7 of the bill, under "Report," subsection (5), it says very clearly, "Not more than 30 days after the conclusion of the hearing or within such extended time as the minister determines, the hearing officer shall make a written report to the minister"—not to the cabinet—"and to the prescribed persons and public bodies recommending whether the Lieutenant Governor in Council should approve" etc.

My point here is that this person reports directly back to the minister. So to raise the fact that the opposition—yes, of course, like I'm doing now, making a big issue of the fact that this a wrong-headed move, and it appears that my arguments don't seem to be working, in terms of moving this forward in this particular area.

I just want to say that I have throughout, if you look at all of the amendments, several amendments relating back to the establishment of this body, put a lot of work—I and my staff within the NDP caucus—into following up on this recommendation from the greenbelt advisory group and making sure we got it right, and essentially did the government's work for them here, in some ways. It's all spelled out, based upon the recommendations from the task force, as to how this can be put in place and work. It's not even as though I as a New Democrat have come up with a plan that I think would work and put it forward and said, "Trust me on this." This is a plan that I have put forward based on the recommendations of the respected task force that the government appointed. That's what's going on here. I'm really disappointed that this major recommendation from the task force is not being adhered to.

Mr. Hudak: I agree with my colleague Ms. Churley. I think it's a salient point, and it's one we heard overwhelming support for at the committee hearings. I note that the city of Burlington disagrees with what I'm saying, but otherwise, groups were calling for some form of appellate tribute. Your own task force did. I couldn't even get the parliamentary assistant to say that they should necessarily have greenbelt area expertise, which seems like a very simple thing. They should obviously have some expertise in the greenbelt area to serve as a hearing officer. So it's rather alarming. As I said, I don't think that the minister, by a series of broken promises and a considerable number of errors, has earned that trust that we put complete faith in him to appoint the right person at the right time.

The other aspect of this—I'll go back to staff—that I'm concerned about: How do I get one of these hearing officers? We heard at one of the public hearings of a landowner and retired farmer in Grimsby whose property is on the QEW and has had considerable salt damage, such that it would never be a viable piece of property. This is a man of humble means, a senior, and he wants to appeal whether his property should be within the greenbelt area. How does he get one of these hearing officers?

Ms. Konyi: If I understand you correctly, Mr. Hudak, you're talking about the greenbelt boundary itself, as opposed to the greenbelt plan. Could you clarify that for me?

Mr. Hudak: Sure. If he has an appeal about the designation of his property, the type of designation, whether it's specialty crop or protected countryside, and secondly—

The Chair: Mr. Hudak, I'm going to interrupt for a nanosecond here. I'm trying to make sure that people stay on the motion. I just want to remind you. I'm going to let staff answer this question, but again, we're talking about the greenbelt tribunal. That's the motion on the floor.

Mr. Hudak: I agree with Ms. Churley's amendment, because I think you need a tribunal of some kind as an appeal mechanism to decisions, whether it's on the plan or the map. The government has said they're not interested—I anticipate that they'll vote against it—and that they'll put their faith in the minister's hands. If I'm senior, a farmer, and I'm not particularly well-connected with government and may not have the best knowledge of who to contact in the ministry, how could I have my day in court, so to speak, to discuss how my property is treated under the greenbelt plan?

Ms. Konyi: Subsection 12(1) of the act says, in terms of amendments to the greenbelt plan, that "The minister may, after considering any written submissions...." So there is an ability for any member of the public, any municipality or anyone else to write to the minister and ask, and the minister will decide whether he or she chooses to seek the advice of a hearing officer.

Mr. Hudak: So, by way of example, this farmer could write a letter to the Minister of Municipal Affairs and Housing and request a hearing officer. And then, what guidelines are there in the legislation for how the minister responds to that time frame and how he bases his decision?

Ms. Konyi: I would take you to all of sections 12 and 13 of the bill, because those deal with the hearing officer and when they would—

The Chair: Mr. Hudak, can I ask how this relates to section 1? That's section 12. Can we please return to the issue before us, which Ms. Churley has put on the floor, and that's the greenbelt area tribunal.

Mr. Hudak: Sure. With respect, Chair, the tribunal, if I understand Ms. Churley's motion, would have some jurisdiction over these types of decisions. Instead of the minister appointing the hearing officer, the tribunal would make recommendations and investigate these areas. It's important to understand the process. The government says that we shouldn't vote for this because there is a good process in place. I suggest that process is inadequate, that's it's inherently unfair.

I'm trying to understand how an average landowner from the greenbelt area would be able to obtain a hearing officer. Or should we be supporting Ms. Churley's motion that a tribunal be set up instead?

Ms. Konyi: As I stated, it's in section 12 of the bill, Mr. Hudak, in terms of the amendment process, that people could write to the minister. This is a process similar to that in both the Niagara Escarpment Planning and Development Act and the Oak Ridges Moraine

Conservation Act. In terms of creating a hearing officer process and considering that this bill, if passed, would have all three of those areas—the Niagara Escarpment, the Oak Ridges moraine and the remaining area, which would be known as the protected countryside—there would be a consistent approach in terms of how you would deal with requests for amendments to the plan.

Mr. Hudak: So the farmer could write, make a written submission. Would there be any other appeal mechanism?

Ms. Konyi: That's the vehicle, sir.

Mr. Hudak: And are there any guidelines or criteria in this legislation that would indicate how quickly the minister would need to respond and upon what basis he or she could make their decision?

Ms. Konyi: No. This bill, the Oak Ridges Moraine Conservation Act and the Niagara Escarpment Planning and Development Act all operate in the same way.

Mr. Hudak: OK. Maybe I could ask the parliamentary assistant to the Minister of Municipal Affairs. Yesterday, the parliamentary assistant is quoted in a Canadian Press article entitled "Landowners Have Only One Month to Fight Inclusion in Ontario Greenbelt Zone." Mr. Duguid says they need to get their submissions to the Ministry of Municipal Affairs and Housing within a one-month time frame.

1040

The Chair: Mr. Hudak, does this relate to the motion before us? Can you remind me again how we're getting back to the motion?

Mr. Hudak: The bill, as it stands, and the way the government is approaching this, is that it should be up to the Minister of Municipal Affairs only to determine whether or not a hearing officer is necessary. Ms. Churley's amendment would create a tribunal that would have jurisdiction in these matters. So my question is, should I support Ms. Churley's motion? I'm inclined to do that, because I think there are some weaknesses in the government's approach, but before I can vote on the creation of a tribunal, I need to make sure I understand what the alternative is if the bill is not amended.

So I asked the parliamentary assistant, and he basically said they need to get their requests or their appeals in right away; you're down to the short strokes. Describe that process for people back home who are reading this article today.

Mr. Brad Duguid (Scarborough Centre): That process has nothing to do with what we're talking about here. I would suggest that it's a little interesting that the member, who was part of the government that was responsible for the Oak Ridges Moraine Conservation Act and the Niagara Escarpment process, feels that they screwed up so badly in their process that he feels so strongly that it should be changed. This is one area where we don't think they screwed up. I've seen no evidence of any hearing officers being appointed under either of those acts inappropriately. I think all governments will deal with the issue the way they should and appoint

appropriate hearing officers who would do a fine job in arbitrating these particular issues.

Mr. Hudak: Just a simple question based on the parliamentary assistant's quote to the paper: "If they haven't brought them"—that is, an appeal on their land—"forward they better do it quick, because we're moving very quickly to a decision." Another quote: "What they need to do is make their case to staff at the Ministry of Municipal Affairs and Housing, who are making the recommendations to the government."

For clarification, if there are hundreds or thousands of people who are concerned about their inclusion, can you give me more specifics as to how that process works?

Mr. Duguid: We've heard about 1,100 submissions on potential concerns being raised from residents, both in and outside of the greenbelt. Each and every one of the concerns that has been brought to our ministry's attention has been given a great deal of consideration. There are still some issues that the ministry is looking into. They're still talking to individuals who are impacted. We are quite willing to continue to do that until the final decisions are made on where these boundaries are going to be drawn. I think that's what the member would expect us to do to make sure we get it right.

The plan will be coming forward soon. I believe March 6 is the date. We expect that the plan will be coming forward by then, which means we're down to the short strokes in terms of decision-making. It's probably more a matter of days or weeks rather than a month that is left for any further consideration of the issues being discussed.

Mr. Hudak: I still don't know if I'm understanding fully how this process that the government proposes in the legislation works. If I'm that farmer in Grimsby, how do I actually make my point about inclusion or about designation? You said you had open houses. Fine, but there was no back and forth. They didn't sit down and discuss on a property-by-property basis the science behind a decision; it was more or less for general feedback. So would they contact the parliamentary assistant, the minister? How would they have their chance to make their point?

The Chair: Mr. Hudak, I think you had that answer from staff earlier on. They'd provide a written submission. I'm trying to understand the clarification you're looking for.

Mr. Hudak: Just to make sure that I do understand. Is it strictly by letter? Is that their only opportunity to have their appeal?

Mr. Duguid: We've been through an entire year of consultations, an unprecedented amount of consultation on these issues, particularly when you compare it to the record of the previous government, which in terms of consultations probably invested about a third of the amount of effort and time we've put into it. Residents have had ample opportunity to make their cases. If a resident has not made their case or if there are still ongoing discussions on particular matters that require clarification, we're not precluding them from continuing

to contact our staff to advise them of their concerns. At the same time, we're very close to making decisions on these matters, so time is of the essence. We plan to move forward with this plan prior to the deadline of, I believe, March 6.

Mr. Hudak: Just a clarification: The parliamentary assistant yesterday, in a newspaper article carried today, issued almost a call to action. It's very much that "There's one month to go. Get your appeals in now." You're saying they need to make their case to the ministry, who will then make recommendations to the government. I just want to make sure: If people want to have an appeal, their day in court, to whom do they speak? Do they line up at your office? Do they meet with somebody at the local level? How do they actually make their case? Or are they out of luck?

Mr. Duguid: People impacted by the greenbelt have already had ample opportunity to make their cases, and most of those interested, if not all, have. I believe we've received 1,100 submissions already. The official deadline for those submissions was December 30, or sometime in late December. So the official process has concluded in terms of receiving submissions. But we're a government that listens to people, and if people have concerns about one particular matter or another, obviously we want our staff to continue to take those concerns and give them due consideration. However, we're close to making decisions on these matters now and time is of the essence.

Mr. Hudak: So if they didn't have their appeal in by December 30, 2004, they're out of luck now with respect to the final map?

Mr. Duguid: Rather than repeat what I've said three times, I'll let my previous comments stand, because they respond quite appropriately to that particular question.

Mr. Hudak: I don't want to belabour the topic or the committee's time, but I think those who are concerned about designations or inclusion in the greenbelt deserve a more straightforward answer than the partisan nature of the parliamentary assistant's comments. Simply put, if somebody is concerned about the inclusion of their property in the greenbelt or, secondly, about the designation, are they out of time? They had to have it in before December 30? Is that what you're saying?

Mr. Duguid: If the member wants to hear partisan comments, I'd be happy to oblige, when you compare the record of his government to ours when it comes to consultation on these particular matters, but I don't plan to go there at this particular time.

The fact is that we've consulted greatly, in an unprecedented fashion. Members of the public have had ample opportunity to make their cases. We haven't completely shut the door. We still want to listen. We're going to get this thing right, we're determined to get it right, and our staff are working feverishly to ensure that that in fact takes place.

Mr. Hudak: I think the member may be auditioning for question period.

The Chair: Can we stop the nature of this banter and just stick to the motion on the floor, which is the greenbelt area tribunal and its merits?

Mr. Hudak: Exactly. Ms. Churley has some convincing arguments about the tribunal as a better option. The government is saying that the tribunal is not necessary because there's an adequate process in place through the hearing officers and through an appeal to the minister, in writing, to get a hearing officer. I'm not clear, but the parliamentary assistant seemed to indicate earlier that you had to have your submission in by December 30, 2004, but then said that they haven't shut the door yet. I think I quoted you directly from your last comment. Help me understand. On behalf of the people in the greenbelt area, can they still make an appeal or did December 30, 2004, close the door?

Mr. Duguid: I think my previous comments were quite clear. We will still listen. We're an open government and we're going to listen to concerns being raised from all residents until a decision is made. In this particular case, we will still listen to concerns that are being raised. At the same time, we've been through probably one of the most vigorous consultation processes in the history of this province when it comes to land use, a process that has given everybody impacted ample opportunity to make their case to our staff and to the minister directly, in some cases, and we are confident that that process will ensure that we get it right.

Mr. Hudak: Chair, if I could—

The Chair: Mr. Hudak, I think you have an answer to that question, and I sense some badgering going on here. Can you now take another tack in your mission to try and find out the existing process? I think you have an answer to that question.

Mr. Hudak: I think the member did say that they're still listening, so I take that to mean that you can still appeal your inclusion or designation. I think that's what I understand. He didn't give a direct yes or no answer, but he said they're still listening, so I'll take it that, yes, you can still have an appeal. So then who do you talk to if you're that landowner down in Grimsby or in Markham or Whitchurch-Stouffville? Do you talk to the parliamentary assistant or the minister? How do you get your appeal?

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Mr. Duguid: The word "appeal" has legal connotations to it, and I would not agree with what the member has just said. Certainly submissions and concerns being raised are something the government will continue to listen to. If he's talking about formal appeals, that's something altogether different.

Mr. Hudak: The parliamentary assistant just said that formal appeals are something altogether different. I think people are concerned about the formal appeal mechanism, because they'll want to have their day, based on science and a good back-and-forth with the decision-makers, on whether something should be included or on a designation. If the formal appeal mechanism is

something completely different, could you describe what the formal appeal mechanism is?

Mr. Duguid: Madam Chair, we're completely off the topic of the particular amendment now. We're into another amendment that we'll be discussing later on. I'd be happy to elaborate on that, but I'd suggest that maybe in the interest of time we should wait until we get there before we start talking about appeal mechanisms.

Mr. Hudak: Chair, I disagree. I think this is essentially about the appeal mechanism. Ms. Churley has put forward a motion to create a tribunal as this type of decision-making body. Mr. Duguid says they have a formal appeal mechanism that's completely different from the consultations they've gone through. Before you ask us to vote on creating a different body, I think it's important for us to understand how the formal appeal mechanism is going to work.

Mr. Duguid: The member's interpretation of my comments is incorrect. I have not indicated, nor have I even alluded to, any kind of formal appeal mechanism being set up outside of the legislation.

Mr. Hudak: But you did say a formal appeal mechanism is something completely different. So before we're asked to vote on creating a different type of appeal mechanism, could you describe how that formal appeal mechanism will work?

Mr. Duguid: I'd be happy to do that when we get to it in the legislation. We do have upcoming amendments that will deal with that particular matter, but rather than discuss the matter twice, why don't we discuss what's before us right now in terms of an amendment? I'll be happy to outline that further when we get to it.

The Chair: So before us we have the motion on a greenbelt area tribunal. Ms. Churley, did you want to speak to this motion?

Ms. Churley: That was an interesting discussion. I think my view of this tribunal and Mr. Hudak's are somewhat different in terms of what we're looking at it doing, and I just want to clarify that. The amendment deals with the replacement of the hearing officer. That's basically it. It's that whoever is asked by the minister to consider amendments to the act has a greenbelt-specific understanding. It's a greenbelt-specific tribunal that will uphold the integrity of the greenbelt. That is why it was recommended by the task force and why I'm carrying it forward.

In listening to Mr. Hudak, I believe he has different goals for a tribunal, which is perhaps the subject of a later amendment. The reality is that if this one fails, any of my amendments that talk about what the tribunal will do will be ruled out of order. But this deals specifically with the replacement of the hearing officer so that the integrity of the act will be held up so you can't have the greenbelt—which we will get to later in terms of my concerns—being piecemeal, bit by bit, pulled apart. That's why this is so important, so that the greenbelt-specific knowledge is there to keep the integrity of the plan intact throughout appeals and other motions and issues that the public or developers or farmers or

whoever may bring forward. It has to be dealt with within the context of the integrity of the act, and that's why this is so important, from my point of view. My motion doesn't deal with a lot of the issues that Mr. Hudak is bringing up around what should be considered within the appeal. It's the integrity of the act that I'm trying to protect here. With the wording currently in the bill, I submit that there's a good possibility that the integrity of the greenbelt will not be upheld.

I want to move on, because we have important amendments to make beyond this one. I don't want to see the Liberals make the same mistake on this that I believe the Tories made on the Oak Ridges moraine.

Mr. Hudak: I appreciate Ms. Churley's argument. I support the notion of a greenbelt area tribunal, as she does and as the task force does. I think we'll have some different suggestions as to the functions and the powers of the tribunal but, nonetheless, I have grave concern—as demonstrated, as I say, with respect to my colleague—but a lack of an answer as to what this formal appeal mechanism is in legislation.

Ms. Konyi did indicate that you could write a letter to the minister. I appreciate that straightforward answer from Ms. Konyi. I just don't find that satisfactory. You send your letter in and you hope that the minister is going to read the letter and that he—or she, if a future minister—will respond in your favour and then potentially bring forward a hearing officer who reports back to the minister. Considering the amount of concern, controversy and number of mistakes with this greenbelt legislation and the plan, that's asking for a heck of a lot of trust, and I don't think it has been earned in any respect.

The parliamentary assistant says that the formal appeal mechanism is something completely different and he's going to explain it later. I worry about what the informal appeal mechanism is going to be, and I brought these points forward before. Perhaps, if you know the minister, you know somebody in the minister's office, you go to the right Liberal fundraiser, you might get your day in court, so to speak. But if you're an average landowner in Markham or Grimsby or Niagara-on-the-Lake, your best chance is to write a letter in, and there seems to be some lack of clarity as to whether that had to be before December 30 or not. So I find this completely unsatisfactory. I worry, to paraphrase George Orwell, that some landowners will be more equal than other landowners. Those who have connections will get their appeal and those who don't have connections will not.

We have done an FOI on the science and found out the charge would be \$1,400 to have that produced for us. I wonder about the ability of that farmer or that landowner in the greenbelt area to fork over \$1,400 to get the science to form an appeal. So I think the mechanisms that exist in the greenbelt legislation are inadequate, especially given the way that this legislation has been brought forward. We need a transparent process for appeals so we could give somebody a right to an appeal based on science, rather than simply the discretion of the minister.

I think Ms. Churley is on the right track in creating a tribunal. We'll have some different ideas on implementation of that tribunal, but I do support this motion, because I do not believe the government has demonstrated any ability to actually have any kind of fair, transparent appeal process and they are ignoring the recommendations of their own task force.

The Chair: Seeing no further debate, are the members ready to vote?

Mr. Hudak: A recorded vote.

The Chair: A recorded vote has been requested.

Ayes

Churley, Hudak, Klees.

Nays

Duguid, Matthews, Rinaldi, Van Bommel.

The Chair: I declare that motion lost.

There being no further amendments to section 1, shall section 1 carry? All those in favour? That's carried.

Section 2: Mr. Hudak, are you moving your motion?

Mr. Hudak: I move that subsection 2(2) of the bill be amended by striking out "and" at the end of clause (b) and by adding the following clauses:

"(b.1) Boyd Conservation Area in the city of Vaughan;

"(b.2) Pleasant View Park in the municipality of Dundas;

"(b.3) all of Beverly Marsh in Wellington county; and"

The Chair: Any debate?

Mr. Hudak, did you want to speak to your motion?

Mr. Hudak: I do hope that we will have the committee members' support for including these areas. I think my colleague from the NDP actually has some similar amendments in terms of including other areas. The evidence brought forward for these particular areas has been compelling and almost unanimous at committee; I've heard no arguments to the contrary. We did move a motion to include Boyd Conservation Area in the plan—not in the legislation; in the plan—which the government members voted against. I don't know if that's a fact, that the Boyd Conservation Area happens to be in the riding of the Minister of Finance and there is a political decision to exclude this, because it does seem to meet the greenbelt criteria for important properties to preserve. Similarly, Pleasant View has a history of resembling that of the Boyd Conservation Area.

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As I've pointed out, as one of the examples of why we feel that there is political science rather than environmental science behind the government's decisions, Beverly Marsh in Wellington county is cut in half. I still have not heard the scientific justification as to why the northern part of Beverly Marsh should not be protected in the greenbelt when the southern part is. I'm not sure if

the particular species that live in the marsh stay in the south, if there's a line there that they dare not cross, or what the particulars are of this decision, but I think the Beverly Marsh being sawed in half exemplifies the sloppiness and the lack of science behind this exercise.

It's reminiscent of the original greenbelt map that cut the Holland Marsh in half. For the life of me, I still can't understand why they cut the Holland Marsh in half—a prize piece of agricultural land that was, like a magician's trick, sawed in half. I do hope that the members of the committee will demonstrate that these areas and maybe others should definitely be included as protected areas under the act. I do hope I will get their support for at least these three, because I've heard no convincing evidence to the contrary.

Mr. Frank Klees (Oak Ridges): Chair, I'd like to address a couple of questions to the parliamentary assistant with regard specifically to the Boyd Conservation Area. Does the parliamentary assistant—

The Chair: Can you tell me which parliamentary assistant?

Mr. Klees: We'll go with Mr. Duguid on this one.

The Chair: Thank you. I just thought I'd give him a heads-up.

Mr. Klees: Does the parliamentary assistant have knowledge of any specific meetings that might have taken place in which the Boyd Conservation Area was specifically discussed, either by representatives of the municipality or others, in which an appeal was made to the government to exclude the Boyd Conservation Area?

Mr. Duguid: No.

Mr. Klees: I'd like to follow that up with the same question to Mrs. Van Bommel.

Mrs. Van Bommel: No.

Mr. Klees: Does the parliamentary assistant Mr. Duguid have any knowledge about whether any of his colleagues in his caucus—either cabinet ministers or caucus members—were ever approached by anyone, either at the municipal level or others, with regard to the Boyd Conservation Area being included or excluded?

Mr. Duguid: No.

Mr. Klees: Mrs. Van Bommel?

Mrs. Van Bommel: No.

Mr. Hudak: I appreciate the questions of my colleague. On that topic, Mr. Duguid is quoted in a Canadian Press story on the topic of appeals as saying that the Ministry of Municipal Affairs and Housing will review requests and make recommendations to government. Who will make the final decision as to who—

The Chair: Mr. Hudak, how does that relate to your motion? Just so I understand where you're going.

Mr. Hudak: I think that it's obvious that this is about including particular pieces of property in the legislation, and I'm simply trying to understand who will make that decision if this fails.

Mr. Duguid: I believe I understand what the question was. My understanding is the final decision on the plan would be made by cabinet. I'll just see if I can get a nod

from staff. That's correct; the final decision on the plan would be made by cabinet.

Mr. Hudak: So we would anticipate that the Minister of Finance would be part of that decision, ultimately, on Boyd Conservation Area. He would be there as part of cabinet making a decision on the plan?

Mr. Duguid: I have no idea whether the Minister of Finance would be there for that decision or not.

Mr. Klees: Just to follow up, could Mr. Duguid, then, provide me with information as to whether or not he or anyone else has had subsequent discussions with members of staff at which the question was put to staff as to why the Boyd Conservation Area was not included in the plan, particularly given the fact that this issue has been raised a number of times during the course of the public hearings? Can the parliamentary assistant confirm for me whether any discussions have in fact taken place about the inclusion or exclusion of the Boyd Conservation Area?

Mr. Duguid: I'm not aware of any particular discussions. I know that there have been deputations to this committee, that there have been discussions in terms of deputations and presentations at the extensive consultations we've held across the greater Golden Horseshoe area. This is an issue that has come up. I can assure the member and the public that the one thing we have asked our staff to do is to give it due consideration. I know that's what is being done. Further to that, I personally have had no in-depth conversations with anybody on the details of this particular matter.

Mr. Klees: By follow-up, then, before members of the government are asked to vote on this, I think it would be important for the committee to hear from staff who are knowledgeable about the background here as to the rationale for excluding specifically the Boyd Conservation Area. I wonder if the parliamentary assistant can call on knowledgeable staff who might give this committee some of that rationale.

Mr. Duguid: I question whether that's something that's really before us right now. We're dealing with the enabling legislation. Certainly this is a matter that we've given all assurances will be completely considered, that all aspects will be considered and addressed by our ministry staff as we move forward to the plan. This is really part of the plan. I'm not sure that staff are even in a position at this point in time to discuss the details of the plan before this committee. I guess it would be up to the Chair to determine whether or not that's an appropriate request from the opposition.

Mr. Klees: Chair, if I might, this section specifically deals with including designated areas in the legislation. The amendment before the committee simply asks to expand that inclusion. If as a committee we're to vote on this, I think it's only appropriate that we have as much information available to us as possible. Surely staff have been dealing with this and would have technical information that would be helpful to us as we consider this. So I find it puzzling that the parliamentary assistant would

say this might somehow be irrelevant. I would ask you to call staff to the table to present us with that information.

The Chair: I would rule that it is appropriate to have that discussion. You've asked for a ruling. I believe it is appropriate. I believe your request that staff discuss those particular areas is in order.

Mr. Klees: Yes.

The Chair: That's what I'm ruling.

Mr. Klees: Thank you.

Ms. Konyi: Mr. Klees, I'll draw your attention to section 2—

The Chair: Again, could you identify yourself for Hansard every time, because it might go back and forth between the two of you.

Ms. Konyi: Barbara Konyi from the Ministry of Municipal Affairs. First of all, section 2 of the bill is enabling legislation to describe a greenbelt area. In fact, it is just to establish the area; it doesn't speak to anything beyond that, actually. You put the area in place through a Lieutenant Governor in Council regulation. What we have here is a general enabling power in the legislation.

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Mr. Klees: I'm not asking staff to become the defender politically of the document before us. I asked a very specific question, and that was to receive for the benefit of this committee any information staff has available to it on which a decision was made relative to excluding Boyd Conservation Area.

Ms. Konyi: I would suggest to you, Mr. Klees, that no permanent decision has been made at this point in time. We had a draft greenbelt plan out for consultation purposes, and what this legislation does, though section 2, is to establish the provision for the Lieutenant Governor in Council to put in place a regulation that would establish the greenbelt boundary.

Mr. Klees: That vision excludes Boyd Conservation Area and the other two referenced in this amendment before the committee. What I am asking, for the benefit of members of this committee, is to have information given us that no doubt is available to staff who have worked on this over the last number of months. At some point, in some place, there must be information specifically related to Boyd Conservation Area. I would like to have that information available to this committee.

Ms. Konyi: Barbara Konyi from the Ministry of Municipal Affairs and Housing: My understanding, sir, is that the extent of the greenbelt area boundary, including these locations, is currently under consideration. It is not until the point in time in which you have an actual regulation—you need the legislation in place to be able to put it in place—that you can outline the area.

Mr. Klees: Chair, you have ruled—

The Chair: I think you have an answer. It's probably not the answer you want, but you do have an answer as good as staff can give you today.

Mr. Klees: With all respect, I don't believe it is as good as staff can give us. It may be as good as staff wants to give us right now.

The Chair: I'm not going to determine intent today. Today you asked a question. I ruled it was in order. You got an answer. You feel the answer isn't sufficient, and I can understand that's the way you feel. But today we're here to discuss this motion that's on the floor. You can determine that you don't have sufficient information and that you support your motion. We're here to debate that, not the intent of ministry staff. So if you could ask a question of ministry staff that they can answer, then you still have the floor.

Mr. Klees: I do, actually. Will staff at least tell us whether or not there is information within the Ministry of Municipal Affairs relating to the Boyd Conservation Area that at some point might be used to determine whether it's appropriate to include it?

Ms. Konyi: Barbara Konyi from the Ministry of Municipal Affairs and Housing. My understanding, sir, having read and heard deputations here at this committee, is that that information will be put forward. There were some deputations asking for Boyd Conservation Area to be considered as part of the greenbelt plan. To the best of my knowledge, that information will be put forward.

The Chair: Ms. Matthews?

Ms. Deborah Matthews (London North Centre): I just want to make a comment on this amendment. I'm going to vote against the amendment, not because I don't think these areas should be included; but that's not our role, that's not what this legislation is about. The legislation allows us to bring these and other areas into protected land use. I will vote against every amendment that deals with the boundaries or the specifics of the plan because that's not what we're here discussing.

The Chair: Ms. Churley has the floor.

Ms. Churley: I guess I've been told how Ms. Matthews is going to deal with my next, more comprehensive amendment on inclusions. If this is voted down, then mine obviously will not be ruled out of order, because it deals with a different land mass, right? OK, I just wanted to clarify that.

As I just mentioned, I have a more comprehensive motion coming up next, which I believe will encompass the three areas designated here. Just let me say that I will support this motion, and let me tell you why. I understand what the staff is saying and what the government members are saying about the way the bill is written. It's including certain areas that are already protected, like the Oak Ridges moraine and the Niagara Escarpment. That's why they're in there. But on the other hand, you have already—this is the conundrum here—designated certain areas that are environmentally sensitive and written them in stone in the plan. If you look at each of these areas individually, and talk about science to show that they should be included, it's absolute. There's just no reason in the world why those should not be in. The fact that you've got some designated already means you've opened up that door. If those weren't in there, we would all be sitting here, fighting to make sure that the Niagara Escarpment, the Oak Ridges moraine and whatever were in.

But those are in there already, so it opens the door for us and the public and everybody to say that here are some other areas that intrinsically—if you look at environmentally sensitive, the Boyd Conservation Area is already in public hands, whatever. It's just a no-brainer that they should be included in the plan. Let's take Boyd Conservation Area in Vaughan. Because of the fact that it's been left out and a squiggly little line has been drawn, some are saying, "OK, that's Mr. Sorbara's riding. Why is that squiggly little line there?" I'm telling you what some people are saying, what's out there.

I don't support, generally, the Conservative view on the whole thing that has been outlined in the belt you've got here, the green part you want to see in, as not having scientific merit. I do, overall. I think the science is there and I believe that's been ratified by David Suzuki and other scientists. There's a reason why those lands should be protected. But what has happened is that some key areas like the Boyd Conservation Area, which I'll use again as an example, have been left out for no good reason when the science is there. It's right there on the cusp and it's just squiggled out. That adds to the cynicism around it, that these are political boundaries, not based on science.

I think that's too bad, because overall I think the science is good, except that it doesn't include enough, which I will get into in my motion coming up next. Although I am supporting these, I believe, unlike the Tories—I guess I would look at it as New Democrats are coming forward with a vision, a comprehensive plan, based on science and the overall consensus in the scientific community that the greenbelt should be extended, and have been very specific about where. So it's not just picking, obviously as these three are, key areas that should be protected, without a doubt, but is looking at a continuous belt that will actually prevent urban sprawl, which this plan, as it is now, will not do.

So I will be supporting the inclusion of these three. I was actually thinking that perhaps the government, given everything they've heard, particularly around Boyd Conservation Area but the other areas as well, would put those in as a sign of good faith that the lines are not being played with politically and that these were oversights or whatever. I think that would actually help in terms of their contention that these lands were scientifically chosen, are not political boundaries. There's no doubt about it that there is some political interference in some of these areas, and I think that's the concern and that's the problem.

I don't see any problem whatsoever in including these lands. I would hope they're going to be included anyway, but we have no way of knowing that, which is one of the reasons we're trying to get everything we can right now within this legislation, to get it right now. Once it's out of here and it has been designed by regulation, by the minister and the staff and cabinet or whatever, we don't know if the integrity of the greenbelt is going to be upheld. I think that everything we can nail down in this committee and say to the government, to cabinet and to

the minister, "This committee has amended this bill so that the integrity of the stated objectives, the goals, of the plan will be upheld."

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That's what this is all about, and that's, I think, the duty and the responsibility of all committee members outside of cabinet, outside the minister, outside of the government of the day. It's our job to make sure that when we come out of here, we have as comprehensive legislation as possible so, no matter what happens in the minister's office, in the cabinet, or whatever later, there are certain things written in stone here.

Ms. Matthews: I appreciate what you're saying, and I support the notion that we should be generous in what we include in the plan, but I do go back to the point that that's not what we're here discussing today. We're not talking about the boundaries; we're talking about the enabling legislation.

I just want to make one other point, too. There's all this talk about the "science" behind the plan. I think it's really important that we talk also about the planning behind the plan. It's not all science. There's land use planning that also informs the plan. So I just want to take a step back from this notion of "scientifically based." Parts of the plan are there for scientific reasons; other parts of the plan are there because it makes good planning sense, and we have that responsibility as well.

Mr. Hudak: I appreciate Ms. Matthews's honesty, because we had said over and over again that there are some ridiculous examples like these that could not possibly be based on science.

When questioned, the Minister of Municipal Affairs invariably says, "No. They're based on good science," but then he says, "but we'll change them," which is interesting. Maybe the science changes from one week to the next, but basically, you're saying that there are areas that are not based on science. So what would be some examples of areas that are not based on science that are included in the greenbelt or excluded?

The Chair: Are you asking the member, or staff?

Mr. Hudak: Well, Ms. Matthews brought this point up, and even though she's not a parliamentary assistant in this area, she is Liberal Party president and, I think, highly connected on a political decision-making level. I do respect her experience and her knowledge, and I know she works hard and will have educated herself on this legislation.

So if some of the decisions were not based on science, can you give us some examples of decisions that were based on criteria other than environmental science?

Ms. Churley: On a point of privilege, Madam Chair: Could I ask that, while I'm out of the room—I have to leave momentarily—that no vote take place? Would everybody agree to that? Not that it looks like it's going to take place within the next minute or two, but would everybody agree?

The Chair: As long as you're back before 5.

Ms. Matthews, you've been asked a question.

Ms. Matthews: Obviously, I'm not going to go into the details of the boundaries of the plan—that's not my

area of expertise—but I do know that you've had some fun with us talking about the straight lines. I remember your colleague Mr. Yakabuski said the people who drafted this plan must have been descendants of the people who laid out the concession roads, which I thought actually was fairly clever.

However, science does change. Science is an art as much as it is a science. That's beside the point.

We have to plan for growth. We have to plan for the quality of life for future generations. That's what this legislation does. This is not so much for me or for you, but it's for generations ahead. We have to be responsible. We have to allow for some controlled growth.

So are there straight lines? Yes, there are straight lines. That's because planning is also part of the philosophy behind this greenbelt.

The Chair: Mr. Klees, speaking to the motion, please, because I sense we're off on an abstract argument here. Please focus on the motion in front of you.

Mr. Klees: Absolutely to the motion. I'm still disappointed that, despite your ruling that we should have the kind of technical information available to staff, we weren't able to get that.

Speaking to the motion and in follow-up to Ms. Matthews's comment about land use planning, we've been trying to make that point. Land use planning is very much a part of this exercise, which is why we've been saying that, before we came forward with this legislation, the government should have brought forward the Places to Grow document. Land use planning should have come as the first step in this process. Again, the government chose to put the cart before the horse here.

I'd like to ask Ms. Matthews, then, whether she would be willing, on the basis of what she said about science, to give assurance to this committee that at least the Boyd Conservation Area, which has been so designated based on science, will not see any development; that no area within the Boyd Conservation Area would subsequently be included as designated for development?

Ms. Matthews: I thought I made it really clear that I wasn't going to talk about the boundaries of the plan, because that's not what we're here to discuss.

I do want to make a comment. You would like us to hold off on this legislation until we have other pieces of legislation in place. In fact, I think you would like to delay this legislation as long as you possibly could. We need to move forward on this. It's not the whole package, but it is a very important piece of legislation. I don't want this to be delayed until we have a comprehensive agricultural policy in place, which is another delay that I know you want us to have. I don't want to delay this until we have the Places to Grow legislation in place, because we need to move forward on this now. Are they related? Absolutely. But I think it's time to move forward. I don't want to delay it. You don't want the cart before the horse—you don't want the horse to start moving, but we do.

The Chair: Ms. Churley, we've made great progress since you left. You were still on my speakers' list. Do you want to be on my speakers' list now?

Mr. Klees: If I could just finish my—

The Chair: I'm going to let Mr. Klees finish, but you'll be next on my list to speak, just so you know.

Ms. Churley: Thank you.

The Chair: We're still on the same item.

Mr. Klees: Ms. Matthews is absolutely right: I would like to see this delayed. If she was listening to representations made by many throughout the GTA, whether it be municipalities, whether it be property owners, whether it be the farming community, the appeal to this government was to delay the implementation of this bill. What she is saying to us here today is, "Notwithstanding any of those representations, we're going to move ahead with this."

Having said that, Ms. Matthews didn't respond to my question, and I would ask if she would consider doing so, because it is a very important question and it speaks to the strategy behind this greenbelt legislation.

The Chair: Mr. Klees, I believe that she did answer your question, but I'll give her another opportunity.

Ms. Matthews: I'm not sure I know what the question is.

The Chair: Boyd Conservation Area was the issue, and its ultimate—

Ms. Matthews: My response to the question is that we're not here to discuss what land is in and what land is out of the plan—period.

Mr. Klees: So, in its simplest terms, you are saying that your government is open to having development within an area that is currently designated as a conservation area.

Ms. Matthews: I absolutely am not saying that, and I am asking you not to put words into my mouth, please. I am saying that we are talking about a specific piece of legislation. The question you are asking does not pertain to that legislation.

1130

Mr. Klees: So you are saying that you will oppose any future proposals for development within the Boyd Conservation Area. Are you saying that? Are you willing to say that today?

The Chair: I'm going to give you one more chance to respond to this question, because I've heard it three times now. Ms. Matthews, would you like to clarify your position? One more time, please.

Ms. Matthews: I think I've been clear. Thank you.

The Chair: Ms. Churley, you have the floor.

Ms. Churley: Thank you very much for your indulgence. Tim, you can stop ragging the puck now; I'm back.

I do want to move forward. I have a number of amendments, and my goal is to improve the greenbelt so it actually does what it purports to do. My concern, although there are a number of very serious problems and gaps and issues, is that if it's held up too long, we will lose, because of the structure of the bill. It has been amply reiterated today that there's a lot of power in the minister's office, and therefore in cabinet, in terms of setting the regulations regarding where the boundaries

are going to be. I have the utmost respect for the staff; I know they are absolutely non-partisan in this and doing their job and I'm sure will be advising the government, but what happens here, in case people don't understand—my understanding is that, yes, this act is enabling, and the government has until March 9, I think, to come up with the boundaries. Yes, that's correct. That means that some of these will be included and some won't, and some may be moved around or taken out. We don't know, because it is enabling.

But as I said earlier, the government, under section 2 of this act, has set up the ability to include lands and has actually already included lands. So it's not only enabling—this is a really important point, and I'll make it again—but also sets out certain lands to be included, which opens the door within this committee to put in other very clear land designations that should be protected.

I notice that Ms. Matthews did say, and I thank her for being honest, that there is land use planning that informs the plan as well as science. I think that speaks volumes, and I presume that, yes, that is always going to be a consideration with any conservation plan. But that having been said in the context of concerns expressed around, say, Boyd Conservation Area—if you read why that area should and needs to be included, you will understand why there are a lot of questions about why it was left out. I presume, from Ms. Matthews' answer, that there was land use planning involved in that decision, which is a concern that has been expressed here.

Having said that, I suggest that we move on. As I said in the past when I spoke to this, I support it. With the government's failure to support including these lands and hanging its response for that on "Well, this is just enabling legislation"—the problem, as I stated, is that it is enabling, but in your very own legislation you have included some lands. It would make sense, when it's very clear that there is environmentally sensitive land, as these lands are, that we include them as well as those environmentally sensitive lands that are already in the legislation.

Mr. Rinaldi: Just a comment to follow up on Ms. Matthews' comment to Mr. Klees that we're going to be waiting forever for one piece of legislation or one regulation. The comment I'd like to make is that we keep talking about Places to Grow, which sort of goes in tandem with the greenbelt and planning, and I agree with that part. I'm somewhat surprised, though, even though the legislation is not before us as we speak but is coming very soon, that the discussions on Places to Grow—I just want to clarify. I was part of those discussions, and PIR did an enormous amount of consultation across the province. I guess what I'm saying is, just look outside the window. We're talking about Places to Grow. It's going to come forward. There has been an awful lot of discussion. So to hear today, "We haven't heard anything about this and we don't know where it's going," I would encourage members opposite to follow the discussions we had across the province. I forget the number of people

we met with. That is going on as we speak today. I just wanted to clarify that point, that the information is available.

Mr. Hudak: I appreciate Ms. Matthews' honesty, that obviously decisions were made based not just on science but on other principles. She listed one, public planning principles, and I think she actually said "and other." I think she said public planning principles "and other." I don't know if we'll get an answer what the other principles may be upon which the map is based. It's politics.

Ms. Jennifer F. Mossop (Stoney Creek): I didn't hear "other."

Mr. Hudak: We can check Hansard later on. I'm pretty sure she said that there are other principles, including planning principles and other. I tried to listen closely. I know I'm not going to tie you down to defining what the other principles are, other than planning principles and science. I mean, it is a change in position, because originally it was all science-based, and now we're hearing that there are planning principles. I think the "other" is politics. I think it's a lot of political decision-making.

I think my colleague has done an outstanding job on the Boyd Conservation Area, expressing the concern we have about its exclusion.

Beverly Marsh in Wellington county is cut in half. I don't know if there is a giant log there that stops species from going from the north to south half. Is the decision to cut Beverly Marsh in Wellington county in half based on science, or is it a mistake?

The Chair: Is your question to staff?

Mr. Hudak: I think I'll ask the parliamentary assistant to municipal affairs.

Mrs. Van Bommel: We're talking about a draft plan. We've had submissions to the ministry. We heard from many, many people when we did our consultations. We heard from people during the standing committee hearings about concerns regarding things they felt should be in or should be out. This is still a draft plan. These things are still all being considered in terms of where the boundaries will be. There is no deliberate attempt to slice anything in half.

Mr. Hudak: Chair—

The Chair: Mr. Hudak, just so you know, you're my last speaker on this particular motion.

Mr. Hudak: Thank you. Basically, from following the debate, the way I understand the government is going to go is to say, "Have faith in cabinet to make the right decisions." You rejected a tribunal approach. It seems like you're going to be rejecting my suggestions and I expect you'll do the same to Ms. Churley's. So you're asking us to have tremendous faith, if this motion doesn't pass, that cabinet will do the right thing.

There are a lot of reasons to doubt that cabinet will do the right thing. We have heard through submissions and through submissions to the www.greenbotch.ca Web site, where we're at 69 separate problems in Caledon alone—there are probably hundreds of problems. Poor Victor Doyle is probably exhausting himself going from corner to corner of the greenbelt listening to people's concerns. I

think you're asking for a huge leap of faith for us to put this in the hands of this government, which has botched this bill badly, to make the right decisions.

Beverly Marsh is cut in half. Was it cut in half because there's a scientific basis beyond that, or was it a mistake?

The Chair: And who is your question to?

Mr. Hudak: The parliamentary assistant for municipal affairs.

Mrs. Van Bommel: I'll repeat: This is a draft plan. All these things are being taken into consideration: the deputations, the letters. All the things we've heard from people are all being looked at right now. That issue is also being addressed.

Mr. Hudak: I hear you. You're saying that people can, hopefully, get a meeting with the minister and discuss their individual concerns, because he is the one who will grant a hearing officer and such. You're saying you're listening, and Ms. Matthews had a line that may pop up, that science changes. But help me understand what the basis was.

When the map came out, you'd expect the map to be based on some sort of fact or scientific basis. It's a fair supposition. The map wasn't just drawn randomly by a computer or somebody just sketching it out. So what was the basis? I hope you're going to correct Beverly Marsh. I hear you saying you're going to change the map. But when the map came out, why was it cut in half?

1140

Mrs. Van Bommel: There was no deliberate attempt to cut anything in half. I've said it once and I'll say it again. It's a draft plan. I don't think anybody would expect that in a draft you'd draw everything perfectly. Actually, you're questioning the staff's integrity in terms of whether they deliberately set out to do something like this. I can certainly say that that's not the case.

Mr. Hudak: But it's getting to be a bit of a bad habit, cutting these things in half. I mean, your original plan cut the Holland Marsh—

Interjection.

Mr. Hudak: It did. The original plan cut the Holland Marsh in half.

The Chair: Can I ask that you speak to the motion that is on the floor? If you have a question as to—

Mr. Hudak: Chair, with respect, I think it's very clear that I'm speaking about clause 2(2)(b.3), which I will read back to you.

The Chair: You need to speak to the motion—not the past; the motion.

Mr. Hudak: I move that subsection 2 (2) of the bill be amended by striking out “and” at the end of clause (b) and by adding the following clauses:

“(b.1) Boyd Conservation Area in the city of Vaughan;

“(b.2) Pleasant View Park in the municipality of Dundas;

“(b.3) all of Beverly Marsh in Wellington county; and”

I'm speaking specifically to clause 2(2)(b.3) of my motion on the floor today to amend Bill 135. It's

important to protect Beverly Marsh, because I don't understand why the government's map cuts it in half. The original plan you put out there cut the Holland Marsh in half, and then you made some changes there, but now you've gone and cut the Beverly Marsh in half. It's just a bad habit of cutting these poor marshes in half. I'm just asking, was it a mistake, that it shouldn't have been cut in half? Was a mistake made?

Mrs. Van Bommel: All these things are being taken under consideration right now, and certainly we'll take this under consideration as well. This will be remedied.

Mr. Hudak: Are you aware of any scientific or planning or other reason why Beverly Marsh would have been cut in half?

Mrs. Van Bommel: I'm not aware, no.

Mr. Hudak: Maybe I'll direct the question to staff in terms of Beverly Marsh being cut in half. I know the staff are working very hard. They're running around the province trying to mend the problems of the mapping exercise. Are you aware of any science or other planning principles why Beverly Marsh is cut in half?

Ms. Konyi: Barbara Konyi from the Ministry of Municipal Affairs and Housing. With respect to your question, Mr. Hudak, I am not aware. The section of the legislation that we're speaking to today is to put a greenbelt boundary in place. Until such time as we get there and have that regulation, there is no final boundary out there. There is no final greenbelt plan out there. The draft goes out for consultation purposes, for the public, stakeholders, municipalities, everyone, to react and give advice back to the government.

Mr. Hudak: I know. I appreciate that. You're working hard. You're getting the submissions that are pointing out any problems with the plan, whether something's included or excluded. But I'm trying to ask a specific question: Was the cutting in half of Beverly Marsh a mistake or was it based on some scientific or planning principle?

Ms. Konyi: I can't comment on that.

Mr. Hudak: I don't know if folks are going to move amendments to the motion or not. Are staff aware of how many specific mapping errors have been brought forward to the Ministry of Municipal Affairs to date?

Ms. Konyi: Mr. Hudak, with all due respect, there is a draft out for consultation. Until such time as, once this bill is passed, the plan and the regulation get put in place, you won't have a final.

Mr. Hudak: I'm just trying to get a ballpark of whether we need to amend this motion on the floor to include other areas. Roughly how many different areas have been brought forward as controversies or mistakes in the mapping exercise?

Ms. Konyi: I can't comment on what you call mapping errors.

Mr. Hudak: Do we know how many submissions there have been to date pointing out concerns about the mapping exercise? Is it 10? Is it 1,000?

Ms. Konyi: My understanding, Mr. Hudak, is that there were over 1,000 submissions, first on the draft

greenbelt plan, through the Environmental Bill of Rights registry. There were over 135 submissions on the draft legislation. They all vary from one degree to another with respect to mapping. Some are from individuals in the public. I can't tell you the breakdown. I don't honestly know. I know that a number of submissions spoke to mapping. Now, whether they were all disputing, I can't say for certain. Some raised concerns and others raised support. That's the extent of my knowledge.

Mr. Klees: To staff, on the same subject matter: I wonder if staff can tell me whether they are aware of any appeals, submissions or requests to the group who were initially responsible within the ministry for drawing the initial draft by either cabinet ministers or MPPs.

Ms. Konyi: I have no knowledge, Mr. Klees.

Mr. Hudak: Ms. Konyi, I know I've put you in a difficult spot in terms of quantifying the number of areas. You've talked about the number of submissions you've received, which will probably contain anywhere from zero to a number of concerns about the map. Is the Ministry of Municipal Affairs and Housing quantifying the number of concerns that come forward, mapping problems?

Ms. Konyi: We are documenting and reviewing every request that comes in, yes. We're reviewing every one of them.

Mr. Hudak: Maybe I could ask the parliamentary assistant or assistants. You're asking us, if this amendment or this motion is voted down, to put tremendous faith in the minister and cabinet to get the map right. We've demonstrated that there are a large number of problems to date. Will you table with the House the number of mapping errors so all members of the assembly are aware?

The Chair: Who is your question to?

Mr. Hudak: The parliamentary assistants.

Mrs. Van Bommel: That seems like a very unusual request. I've never heard of anything like that before.

Ms. Mossop: There are no errors in a draft.

Mr. Hudak: On the map?

The Chair: I think you got an answer.

Mr. Hudak: Actually, I was going to respond, but if Ms. Mossop wants the floor, I'd be pleased to cede it to Ms. Mossop.

Ms. Mossop: I'm trying to sort out how you can have errors in a draft. The draft, from my understanding—nobody on staff cut the Holland Marsh or anything else in half just to give you something to chew on about for a long time this morning.

You and I have a lot of the same concerns about this. We want to make sure that it happens well. But my understanding is that the draft plan is just that. There are fairly broad brush strokes in there. Yes, you might get the odd anomaly where it doesn't seem to make sense, but this was for discussion purposes. It's a draft, and it invites input and consultation, of which we have had a tremendous amount, which is good. My impression is that the consultation process is very real, very valid. We

were in Grimsby together for the public hearings. We're listening to those people.

This is about enabling legislation, but in addition to that, we're looking at that draft broad-brush plan and fine-tuning and fine-tuning before a final plan comes out. So yes, you might get some odd anomaly there, but I wouldn't read so much into it.

Mr. Hudak: I say with respect to my colleague from Stoney Creek, it's not the odd anomaly. Group after group, submission after submission, have pointed out problems, disputes, the lack of science, concern that's it's based on political science. You yourself as a member have said that the area in Winona that is serviced should be taken out of the greenbelt plan, that you would bring that back. Good for you in doing that. But even you have cited what I would consider to be a major problem with the mapping exercise: the west end of Grimsby. As another, we heard about the hamlet on Kemp Road in the committee hearings.

1150

Ms. Mossop: I don't consider it a problem.

Mr. Hudak: These are three just in your own riding.

The Chair: I don't want to have a cross-debate on this one. I think what you're exploring, Mr. Hudak, is whether or not you want to add additional areas. Can you continue on that line of questioning with the existing motion?

Mr. Hudak: Thank you, Chair. I guess I'm trying to understand a quantity. The concern we have with the process or the consultations to date is that basically they end up being done behind a closed door; it looks like there is going to be no tribunal. People will send their letters or hopefully get a meeting with the minister; the minister will go away and present to cabinet; and, shazam, the plan is done. That's asking for a tremendous leap of faith, considering the number of problems that we have pointed out already.

I guess I'm asking the parliamentary assistants if they will endeavour to quantify the number of mapping errors that exist in the draft plan.

The Chair: Are you asking both of them?

Mr. Hudak: I'm looking for a yes, and I'll take it from either one.

The Chair: Mr. Duguid nodded initially, so we'll try him first.

Mr. Duguid: Just to be clear—because I think it's important the members and the public know the process that has been gone through in terms of consulting with individuals who have had concerns brought forward—we've had 15 months worth of consultations on this thing, compared to when you look at the previous government and the Oak Ridges moraine, about seven months. We've had four days of legislative hearings. When you look at the previous government, they had three hours just at the last minute before it went forward. We've had double the number of stakeholder workshops, double the number of groups participating. We've had 4,600 people consulted, compared to about 2,100 in the previous government. We've had 2,200 submissions

made orally and written on these matters, compared to about 750 in the previous government on the Oak Ridges moraine. So I would suggest that there has been ample opportunity for individuals across the Golden Horseshoe area to bring forward their concerns. They've all been given due consideration. We're continuing to discuss some of these. Our staff are still looking into some of these matters. These will all come forward in the plan. The exact number of concerns raised—we've had 2,200 oral and written submissions. Many of them have been positive—in fact, a good portion of them have been positive—but some of them have been expressing concerns; some legitimate; some of a private-interest nature; some of which we will likely make changes to, some of which we probably won't.

Mr. Hudak: I know I'll probably get that briefing note sent back over a few times during debate today on the Oak Ridges moraine process. You were all new members, but the members of the official opposition at that point in time must have had faith that we had followed the right process and we had done it right, because we did win, as you recall, unanimous support for our Oak Ridges moraine legislation. We appreciate that faith that you put in the government of the day and the minister of the day. I find that the tremendous number of errors that exist, some of which are brought up by members of this committee in their own ridings, causes me great concern. I'm wondering if we have enough areas covered here or if you'll get it right.

You said that there are 2,200 submissions that you've received. We'll receive those if they're sent to the Chair. Will the parliamentary assistant make those 2,200 submissions available to all members of the committee?

Mr. Duguid: I'm not in a position to make that kind of a commitment. I'm simply not in a position to make that kind of commitment right now.

Mr. Klees: With regard to the amendment before us, again, I want to be very clear for the record that it only refers to designated areas that everyone in the past has already agreed are environmentally sensitive. So we're not asking the government to go beyond what has already been established as being important to the province of Ontario by way of preserving these designated areas.

With all respect to Mr. Duguid's reference to the amount of consultation, I want to remind him and the rest of this committee that the scope of the land that is being included here through this legislation alone is in excess of 1.8 million acres—perhaps 2.2, depending on whose numbers we take.

On the Oak Ridges moraine, with some 470 hectares, as my colleague indicated, there was unanimous consent; there was extensive consultation. We're now dealing with a far greater land area. To put it into context, Prince Edward Island is composed of some 1.3 million acres, Rhode Island, some 1.4 million acres, and Delaware has less than 1.8 million acres. This government now is forging ahead on legislation that affects a vast number of people. The point that we're making through this discussion, the reason I was appealing to staff to come forward with some specific information to help us with

this, is that I think it's important that we know as a committee, when we present the final piece of legislation to the House, that this is based on credible science, on credible evidence, that in fact what is included should be, and if there are areas that are not included here, that we do what we can to ensure that they are included.

With regard to Ms. Mossop's comments earlier, which I appreciated, her clarification about the fact that this is really only draft; and to Mr. Duguid's point about the fact that so many submissions have been made that point out where errors are, where exclusions are; and appeals from municipalities and landowners and others that adjustments should be made: I would expect that Mr. Duguid would agree, given the vast number of errors that were made in the draft plan, or oversights if you will, that after all of the submissions, in the end, and by March 9—is that the date? Do we have a date for when the final plan will then be presented, as determined by government? I stand to be corrected. What is the date when the government intends to nail down the final plan?

Mr. Duguid: If he wants a response to that, Madam Chair, there is no particular date or deadline. The moratorium ends, I believe, March 9. I think I said March 6 earlier; I correct that: March 9. So we hope to have the plan in sometime before then. We're planning on getting it right, and we'll make sure that we take the time we need to get it right.

The Chair: Mr. Klees, speaking to the motion that's on the floor—

Mr. Klees: So speaking to the motion, we are asking that these three areas be included in the draft legislation, so at least that can be right and there is no question about whether these areas will be included or not. That leaves someone out there to take, over the next couple of weeks, all of those submissions that have been made and somehow get it perfect prior to March 9.

I submit that that is going to be an impossibility. As well-intentioned and as qualified as staff are, I cannot believe that even the parliamentary assistant believes that that plan then will be perfect. So I submit that, based on that alone, what should be included in this enabling legislation as we move forward is a mechanism for appeal, so that in fact, when we find that at best effort it's not perfect, at least the enabling legislation has a mechanism by which the government can make right what it didn't get right through that process.

Again, I'll say that I think by including these three areas that are before us, we can at least ensure that the good work that's been done in the past to designate these areas be included. Then I would hope that, in the wisdom of this committee, we do not allow this opportunity for making amendments to the legislation pass without including an appeal mechanism into the enabling legislation.

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Mr. Hudak: This is back to Mr. Duguid, the parliamentary assistant. I've been there before as parliamentary assistant. I know you always have to be cautious. You need to make sure you don't put the minister in a difficult

situation. You mentioned that 2,200 submissions have come forward on this, some in support and some with concerns about the belt and the mapping exercise.

Ms. Van Bommel earlier talked about the importance of the opposition keeping the government honest, to be the check and balance. That was with respect to the hearing officers. I suggest she probably has similar thoughts in terms of the decisions that are made on the greenbelt, that we would have the responsibility to make sure the minister makes the best decisions, whether or not it comes forward.

The Chair: Mr. Hudak, I don't want to break your train of thought, but is this related to the additional areas you want to include on this motion?

Mr. Hudak: Absolutely.

The Chair: OK. I just want to make sure you remember that the motion is still on the floor. That's what we're supposed to be debating.

Mr. Hudak: My train of thought, if it wasn't evident, was that the government is probably aware, or will be aware shortly, of the number of mapping problems. I've pointed out but three here that I have particular concern with, and there may be others that we want to put here. So I'm trying to understand the quantity of issues that exist and potentially how long this particular motion should be.

To the parliamentary assistant: You mentioned that you've had 2,200 submissions. We would have received those that had been sent to the Chair or to the clerk. They may have sent them to us of their own accord. But I do not believe that we in the opposition have the full 2,200. You can't make that commitment today, I understand, but could you commit to me that you will go back to the Minister of Municipal Affairs and Housing and that I would have an answer within a week on whether the opposition members could receive copies of the 2,200 submissions so we can act as that check and balance on the government?

Mr. Duguid: Madam Chair, any time an opposition member asks for information, the government is always willing to consider that request, and if it's appropriate and if it's possible and practical, I'm sure the government will do everything they can to accommodate.

The Chair: Thank you. Are members ready to vote yet?

Mr. Hudak: I appreciate the goodwill expressed by the parliamentary assistant, but there was another part of my request. We're going back to the assembly on the 15th. Respectfully, through the Chair to the parliamentary assistant, could I ask that the minister respond to my request for copies of all the submissions by the end of next week?

Mr. Duguid: The member can ask anything he wants, Madam Chair.

Mr. Hudak: But you'll relate that back to the minister. You'll do that. You'll see him before I will, I would think.

Mr. Duguid: The minister's staff is here and they are aware of the request. As I said, if it's practical, legal, possible, we would be happy to accommodate.

Mr. Hudak: OK, Chair, just so I'm clear. I would respectfully ask the parliamentary assistant, the members of the minister's staff and members of the Ministry of Municipal Affairs that we have copies of the 2,200 submissions that they have quantified or, if the number changes, all the submissions on the Greenbelt Act, plan or map so we can act as that appropriate check and balance, failing the creation of a tribunal.

The Chair: Are members ready to vote now? No further debate?

Mr. Hudak: A recorded vote.

The Chair: A recorded vote has been requested.

Ayes

Churley, Hudak, Klees.

Nays

Duguid, Mossop, Rinaldi, Van Bommel.

The Chair: I declare that motion lost.

Our next item is subsection 2(2). Ms. Churley?

Ms. Churley: I move that subsection 2(2) of the bill be amended by striking out "and" at the end of clause (b) and by striking out clause (c) and substituting the following:

"(c) the area generally known as southern Simcoe county and further described by regulation;

"(d) parts of Northumberland county that are shown as situated to the south of the greenbelt area and bordering Lake Ontario on the map set out in schedule 1 to the document entitled 'Greenbelt Draft Plan' published by the Queen's Printer of the government of Ontario and dated October 2004 and that include lands forming part of,

"(i) the municipality of Port Hope,

"(ii) the township of Hamilton,

"(iii) the township of Alnwick-Haldiman, and

"(iv) the township of Cramahe;

"(e) the areas of land situated between the following two types of land depicted in the map set out in schedule 1 to the document entitled 'Greenbelt Draft Plan' published by the Queen's Printer of the government of Ontario and dated October 2004:

"(i) the lands described as settlement areas outside the greenbelt area that border on Lake Ontario, and

"(ii) the lands that constitute the greenbelt area, as set out in that map; and

"(f) such other areas of land as may be described in the regulations."

The Chair: Ms. Churley, you have the floor.

Ms. Churley: You know, that's a very technical-sounding motion, as these always are when we're trying to amend a technical bill, so let me be really clear. I didn't bring my bigger map. Actually, it's all these lands in Liberal red here. People refer to this bit down here, for instance, as the necklace or—

Ms. Matthews: The choker.

Ms. Churley: The choker, yes, that kind of thing. These are the lands I'm referring to, right here on this map, so everybody is aware.

The reason I am proposing that these particular lands be included in the designated greenbelt area I think has been pointed out by many who came before us to indicate that they wanted the greenbelt expanded. I could quote from many sources who came forward, but I particularly point out the Neptis paper on growth in the Toronto metropolitan area and a general consensus by scientists that these lands—and I'm sure there may be others outside this area, but these lands, for a number of reasons, need to be included.

I know the government will say, "This is just enabling legislation and we're looking at all of this," but again I point out the grave concerns put forward by Neptis, Environmental Defence, the Sierra Club, NEC, a number of groups who have come forward, some of the farmers, the Christian Farmers and others. They have all pointed out that these areas absolutely have to be included. That's why I'm making an amendment that they be included in the legislation that we bring forward.

It seeks to expand the size of the greenbelt by adding three main areas of land to the greenbelt plan, and those would be: south Simcoe, the various areas of unprotected countryside left out of the greenbelt that exist presently; designated urban boundaries along Lake Ontario to the south, and again I pointed those areas out; and the greenbelt boundary to the north.

According to the Neptis Foundation, which I just referred to, this unprotected countryside totals some 68,000 hectares, and the lands commonly known as part of Northumberland county lying south of the easternmost part of the greenbelt boundary and running south to Lake Ontario. Those are the specific areas that I'm talking about here.

Let me say this in terms of the rationale, and there are a number of reasons. It's important to understand this, as I ask for your support. We're not setting a precedent here, because the government has already decided to include areas outside the greenbelt study area in the greenbelt plan. They've already decided to do that for reasons of environmental sensitivity and developmental pressures, for example, parts of the town of Erin and the county of Dufferin.

Let me talk about south Simcoe, because it's one that I've been raising over and over again in the Legislature and as we've gone through this whole process. South Simcoe county is already experiencing intense development pressures as speculators and developers leapfrog over the greenbelt. So this is the leapfrog argument.

There are two arguments around this. There's the concern about the leapfrogging. There's also a very grave concern about the development pressures in that area on Lake Simcoe, which are extreme. The concern is that many parts of that land are already designated for development, and if they're not put in now, it might be too late.

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For example, there are currently two low-density developments planned for south Simcoe, one near Bradford and Bond Head—we've heard a lot about Bond Head in particular, but we mustn't forget about Bradford—with a projected population of 114,000, and the other, known as the OPDI development, has a projected population of 50,000. That's a lot more new people, with all the infrastructure that goes with that, in a very, very stressed area. These developments, furthermore, are being proposed on rural, not urban, lands within the county of Simcoe's official plan.

We all heard recently and we all know the problems with urban sprawl and why the government came forward in the first place with a greenbelt. Recently, the College of Family Physicians states—probably we're all aware of this on some level anyway—that urban sprawl contributes not only to traffic jams but to traffic fatalities and air pollution as a factor in the rising incidence of respiratory and heart disease. They also say that people in car-dependent neighbourhoods, not surprisingly, walk less, weigh more, have higher blood pressure, more incidence of diabetes and heart disease and are more likely to suffer mental health problems. I'm not picking on anybody who lives in the suburbs, but these are studies done by doctors. The concern is that as we see more and more urban sprawl, we're going to see more and more of these problems emerge.

Furthering sprawl in south Simcoe and Northumberland county, south of the Oak Ridges moraine, will only serve to make traffic congestion worse. It'll increase the demand for new highways and infrastructure and negatively impact the health of Ontarians and the environment. The Neptis report points out frequently that "the proposed plan will not solve the problem of protecting the vulnerable lands at the scale of the region. Most of the problems the government has vowed to rectify are not in fact confined to the greenbelt. Most of the region's environmentally sensitive lands and features, and much of its prime agricultural land, lie outside the proposed greenbelt and are already facing strong development pressure" etc.

Neptis mentioned, as did some of the farmers—and I found this really revealing—that the agricultural land left out of the greenbelt is actually better than the agricultural land that's in, on the whole, if you take out the Holland Marsh and the Niagara fruit lands, which are already designated.

I would say that there is a scientific consensus that these areas need to be in the greenbelt, for these reasons. The lands that lie between the designated urban boundaries to the south and the greenbelt boundary to the north are some 68,000 hectares of prime farmland. I mean, you've got to ask, when this belt of land has been left out, when the evidence is there that it's prime farmland and in fact is, on the whole, better agricultural land than the farmland that's in, what is going on here? I know that the growth plan has not come out yet, but you've got to wonder who owns these lands and what has

been promised to the developers in terms of working with the government to some extent—not all, but some—in saying, “OK, a greenbelt, but there are some lands down here that we want to develop on.” I don’t know who owns these lands, but there’s something really wrong with this plan when these prime agricultural lands are left out.

It’s not just me saying that. It’s experts in the field, so to speak: the Christian Farmers and others, as well as Neptis. Studies have been done. Farmland that is superior in quality to that presently included in the greenbelt—this has to be in to ensure that urban boundaries are contained and that urban acres do not simply continue to sprawl toward the greenbelt boundary, which is the point being made by Neptis.

I know that the government has claimed that these lands are required for future growth, but that is without merit. That has also been told to us time and time again. Listen to this, because it’s really key in terms of the justification around planning issues for growth: If one assumes no progress in increasing urban development densities or in promoting the infill and redevelopment of existing urban areas—that’s the direction we all want to move in, but even supposing that doesn’t happen—the existing 78,000 hectares of land within urban boundaries provides sufficient development lands for the next 20 to 30 years. Add that to the brownfields, some of the infills that have to be done, and that’s a lot of room for development. So there’s no excuse to leave this sensitive farmland out.

Let me say categorically, as has been said by the Neptis Foundation and others: “Without the inclusion of the lands between the greenbelt and the designated urban boundaries, the government’s claim that the greenbelt is the cornerstone of the greater Golden Horseshoe growth plan rings hollow, and the opportunity to have the greenbelt play a role in reducing urban sprawl will be lost.”

This is absolutely and fundamentally key. This land has got to be included in order that the government’s purported purpose be kept. Nobody can argue against protecting greenspace, and that’s why I’ve been supportive of the greenbelt. Any land we can protect, great. If sensitive land and farmland is being protected, I support that. But the reason I keep harping on about the need to include these lands is what the Neptis Foundation says quite bluntly, as I’ve been saying and others have been saying quite bluntly: Yes, you will be protecting some land, but you will not be achieving the purpose of preventing urban sprawl, which you say is the cornerstone of this plan.

What we have here is a plan that doesn’t meet its purported purpose, or one of its key purposes, and that is preventing urban sprawl. So again I say to the government that it is critical that this prime agricultural land in this belt through here and south Simcoe up here be included in the plan, and that we come out of here today as a committee with a plan that goes beyond what the minister has come forward with, a plan that you can

proudly hold up and say, “We have a plan that’s going to start curbing urban sprawl.”

It just does not do that right now, and furthermore, it’s eating up—I’m reiterating this because it’s so key—prime farmland that in most cases is better than the farmland that has been included within the greenbelt. You have to ask, what’s wrong with this picture? I would like to hear—I’m sure the government has some response to this—given that there is all kinds of scientific evidence that this needs to be in the greenbelt, why it is not.

Mr. Rinaldi: I guess we’re going to go down the same road. I really do appreciate Ms. Churley’s commitment to a green Ontario. I think we’re all thinking along the same lines. One of my concerns, though, is that here today we seem to be drawing lines on a map. I haven’t seen anywhere that that’s mandated here today. Our mandate here today is to put legislation out so that we can draw proper lines on some maps as we move forward.

I just want to speak to a couple of issues. I repeat again what we talked about before: that this seems to be isolated legislation, that we’re doing nothing else but greenbelt legislation. Well, we have a study presently going on to look at the south Simcoe lands, Places to Grow. As a matter of fact, Places to Grow has been working with the Neptis folks quite closely, and they do fantastic work. I guess I’m somewhat surprised that Ms. Churley is just relying on the Neptis report, even though it’s an excellent report and they do super work. I believe you were in the same room as I was the last four days of hearings and we heard all different things. So I think we need to have an open mind to take in all that information.

1220

One of the things I want to talk about a little is some specific areas that happen to be in my riding—as a matter of fact, a large part of my riding—which are those municipalities you’ve mentioned: the municipality of Port Hope, the townships of Hamilton, Alnwick-Haldiman and Cramahe. With the exception possibly of the township of Cramahe, those other municipalities were impacted by the Oak Ridges moraine by about 50% of their land mass. I’m just generalizing, but it’s somewhat to that extent.

I had the privilege of sitting on county council at the upper-tier level of government. Although I was a municipal politician in one of those municipalities, we did not have an opportunity, even though we tried, to fit into the three-hour consultation when the Oak Ridges moraine came down the pipe. We tried. I remember it happened through the duration of two wardens. We sent resolution after resolution that we passed in our time on county council, and I can provide that to you if you like, because I was there. It fell on deaf ears. The Oak Ridges moraine came, and I’m not arguing whether it should or shouldn’t be there—absolutely no regard for the farming community and the beautiful rolling hills of Northumberland county.

I guess I go back. We find ourselves here today talking so much about those lines, and lines are very

important. I don't think anybody is going to diminish the importance of those lines.

I encourage this committee to move ahead with the legislation. We've heard submissions, we've heard from people and I have a lot of trust in our ministry staff that they will examine all those submissions, make recommendations to us as government and move forward, because it's long overdue. If we keep on waiting for one piece of legislation and waiting for the other—I'm having a hard time believing which one is the cart and which one is the horse and what part of the horse and what part of the cart we're waiting for. We need to get on with this.

The Chair: Are members ready to vote? Mr. Hudak.

Mr. Hudak: I don't blame the member for Northumberland for being concerned about this because I think it would be a political nightmare to be a government member in a greenbelt-affected area. People support the principle. It's motherhood, preserving green space and the preservation of farmland, but because the concerns in the greenbelt are so widespread and growing—I think the meetings I have been to probably have been among the most heated I have been to in my 10 years as an MPP. So no doubt a lot of landowners in your riding would be concerned about being involved in this legislation.

The member brings up an excellent point about the south Simcoe area. If the government were truly concerned about stopping urban sprawl, you wonder why they prioritized stopping urban sprawl around Beaverton and leaving it wide open to Barrie. You've heard this line before; you're nodding. It is open season on sprawl, which the government says it is fighting, all the way up Highway 400 into Barrie, which is a mysterious decision, given that it seems to be at odds with the principles that the minister talks about in the Legislature. So if people are concerned about that long line of traffic snaking up Highway 400, it's going to get a lot worse under this legislation, in the absence particularly of the growth plan. So the member points out something very interesting.

The second part, too: I think in the original campaign document you included these areas in Northumberland county, right? There's an area in the campaign document that is absent from where the government ended up going with its legislation. I think there has been a lot of curiosity as to why those areas were left out.

I know my colleague Ms. Churley wants to jump back in. She's got a big smile on her face.

Ms. Churley: I do.

The Chair: She's not in the order, though, thank you. I have another speaker before her. So if you're giving up the floor—

Mr. Hudak: I got the signal, Chair, that she was tired of my remarks and had something to say.

The Chair: Mr. Klees gets to go first.

Mr. Klees: I'll defer to Ms. Churley, and I can make my comments following hers.

The Chair: All right. Ms. Churley, you have the floor.

Ms. Churley: They may be sorry, because I have an interesting map here.

I have a couple of things. Just briefly, coming back to south Simcoe, I've heard descriptions like the development that is happening there is like development on steroids, and that it's the wild west of development, and all these kinds of things. It's a very worrisome area in terms of the development that's happening and needs to be taken very seriously.

I want to point out this map. This map right here is actually a map that was put out by the Tories in May 2000. This is the Natural Heritage System, Oak Ridges Moraine. It's a good map. It shows environmentally sensitive areas. The areas I'm talking about now, and you might recall this, this orange part right down here was designated—it's parts of land, including in the choker, that we're talking about as one of the most environmentally or ecologically sensitive areas on the Oak Ridges moraine, yet the Tories—this is why I was saying you may be sorry—left it out as well. It got left out even though it has been defined on this map as extremely environmentally sensitive. Look at it, this area that I'm talking about right here. It was left out of the Oak Ridges moraine. There's an opportunity now to bring it back, through the greenbelt, and it has once again been left out. Once again, I would like to know, from both parties, I suppose, why this really important environmentally sensitive land has been left out.

As well, I want to give you some information about north Leslie, which is an area within this choker that I'm talking about that needs to be included, and why, talking about scientific reasons for including this land, all parties need to support getting this choker in, including the Tory members. North Leslie is—just let me tell you about it—a unique property line at the connection point of the Oak Ridges moraine and the headwaters of the Rouge River. Developers are proposing to blanket the 1,500-acre site with 6,000 residential units, industrial and commercial development. Home Depot, Costco, a gas bar and retail shopping centre of approximately 500,000 square feet are planned for this site. It has a discharge zone for the Oak Ridges moraine, high aquifer vulnerability. As I said, in the map, it's showing a majority of the site should be protected from development.

There's a comment, and I want to read this directly, in a letter dated October 10, 2002. MMAH described the natural heritage features of this site as containing, and this is the ministry saying this: "As a remainder of the subject lands, we have found that there are a number of natural heritage features on this property. These would include a portion of the provincially significant Rouge River headwater wetland complex, a number of permanent and intermittent streams that traverse the site, habitat for the redbreasted dace, a threatened species...." It's so threatened, I'm not even sure what it is.

The Chair: It's a minnow.

Ms. Churley: I knew it was some kind of fish, but I wasn't sure. It's a threatened species.

The Chair: Our researcher told us it was a minnow. I asked.

Ms. Churley: Thank you. Now we know. It's a "threatened species which inhabits and migrates through

the Rouge River tributary adjacent to the Highway 404 and a number of woodlands.”

The site has been identified as one of Ontario’s top 10 hot spots by the Greenbelt Alliance. They say, “This is one of the most environmentally sensitive and threatened areas in southern Ontario. Developers...”—and I won’t repeat again, because I said earlier the number of residential units and the big-box stores etc. that are being proposed for the site.

1230

I wanted to read that into the record and to back up the reasons, the rationale for having these lands here as an amendment. There is no fooling around here: These lands should be included. I can’t believe that they’re not. They are not, and I believe the government has made it clear that they’re not going to support this today, because they view the legislation as enabling, although, as I pointed out in my previous comments when I began, a precedent has been set, which kind of belies that argument, because the government has included areas outside the greenbelt study area. We talk about Boyd Park, for instance. It’s very, very sensitive, but I would say that this is probably even more sensitive than that in terms of the environmental sensitivity.

Assuming from what the government said that they’re not going to support today bringing these lands, the choker and south Simcoe, into the boundaries of the greenbelt, what I’d like to know is, can the government guarantee that if you don’t approve this amendment today that you are going to protect these lands in the plan? If you’re not going to support the amendment, can you guarantee, given everything we know about this particular land, that it will be included during the period of time when the regulations and the boundaries are being determined?

The Chair: Ms. Churley, who is your question directly pointed to?

Ms. Churley: Either one of the parliamentary assistants.

The Chair: Mrs. Van Bommel.

Mrs. Van Bommel: I can certainly guarantee that these things will be taken into consideration. Again, it’s a draft plan, so I can’t guarantee what will be in and what will be out.

Ms. Churley: Could you just give me another minute? I guess I would like to know that even if you cannot guarantee today that, at the end of the day—I know you don’t have the power to make that decision on behalf of the minister. But would you agree with me that these lands should be included in the plan? Would you recommend that these lands should be included on the basis that if they are not, we will not have a permanent greenbelt that will stop urban sprawl, that we will not be protecting some of the most prime agricultural land in southern Ontario? Would you agree with me that in order for the greenbelt to be viable and do these things, you would recommend that these lands be included?

Mrs. Van Bommel: All these areas are under study right now in terms of their importance. Quite frankly, I

think there are areas all over the province that are as important in terms of preservation of the lands as well. Again, I’m just going to say to you that it’s all being taken into consideration.

Mr. Klees: At the outset, I will relieve the tension on the part of the government members and let them know that I won’t be supporting this amendment. But I do want to have an opportunity to express why, because I think Ms. Churley’s amendment speaks to the flaws of the legislation before us. All that Ms. Churley’s amendment would do is further entrench the lack of scientific evidence and good rationale for moving forward with protective legislation—or enabling legislation, as you put it.

The reality is that this amendment would simply further feed what is the fundamental error of this legislation as it is before us today. This government is ignoring every principle of smart growth. Mr. Rinaldi referred earlier to consultations that took place before they took office—and Mr. Rinaldi is carping that he can’t believe it. Well, if he’ll give me a couple of minutes here, I’d like to help him understand why I said that.

His current greenbelt draft plan—mind you, there’s hope. I suppose now there’s hope with a lot of these areas that are now included in the greenbelt. After the government has heard from property owners, from municipalities, from planners, from environmental groups, the government may well, in its final plan, on which I understand much work is going to be done between now and March 9—it will be perfect, and it will then extricate from the plan all of those areas that are preventing the possibility of development and forcing the kind of leap-frogging that Ms. Churley is referring to in her submission.

The fundamental principles of Smart Growth spoke to the need to focus development, intensify development, in those areas that were not environmentally sensitive, where there was existing infrastructure, so that we wouldn’t have to encourage urban sprawl into areas that were inappropriate. But, Mr. Rinaldi, unless you haven’t looked at your draft plan, you have to admit that there are literally thousands of acres of land that fall into that Smart Growth definition in my own riding. Whether you look at Highway 404, whether you look at Woodbine Avenue, or whether you look at a number of other areas where there’s existing infrastructure, there is no justification whatsoever for designating those areas as greenbelt.

Here’s what you’ve done: Simply by putting the draft plan into the public domain, you have now triggered a gold rush into areas beyond the greenbelt. There are properties today that are being put under option to justify this government’s irrational greenbelt legislation. You know why? Even this government admits that the greater Toronto area will have to absorb some four million new residents by the year 2031. I’m going to ask Ms. Churley rhetorically, and I emphasize “rhetorically”: Where will those four million people live if not in south Simcoe, if not in other areas to which developers and builders are

now turning their focus? If we cannot allow development to take place on lands that have already been designated for development through the good work of the local municipalities, through all of the land use planning that Ms. Matthews referred to, if we can't be responsive to that, then what is this really all about?

I can't support this amendment, because I believe that in some of these areas there is justification for some development. What Ms. Churley doesn't tell us when she refers even to the Leslie north plan is that, as a result of the Oak Ridges legislation that came in, for any development that takes place in any areas that are environmentally sensitive, mitigating steps must be taken prior to development to ensure that the environmentally sensitive areas are in fact protected and that there isn't damage being done to the environment. I'm sure Ms. Matthews will tell you, given the opportunity, that good land use planning provides for that. Developers will invest literally hundreds of millions of dollars to ensure that they comply with the requirements as set out by natural resources, by environment and by the Ministry of Municipal Affairs, to ensure that it is responsible development. That's what Smart Growth called for. For us to contemplate this amendment that simply adds another broad brush and puts into place this choke—I think it would in fact be a choke—would make no sense whatsoever.

1240

Just to emphasize the point I'm making here with regard to the inappropriateness of this amendment, I'm going to read into the record some references. This is in yesterday's Toronto Star. The headline reads, "Property Values Will Soar in Greenbelt, Economist Says." I'm going to quote Christian Cotroneo, who writes:

"If the Ontario government encircles greater Toronto with a massive greenbelt, property values will soar, according to a prominent housing economist.

"Speaking at a symposium of the Ontario Association of the Appraisal Institute of Canada, Frank Clayton warned that higher property values will cause people to move outside of the greenbelt and commute into the city. In addition, industries with extensive land holdings could be pushed right out of the area—even out of the province because of rising prices...." The article goes on to say, "Existing property owners would thrive at the expense of renters, children living at home and immigrants," I would think the very people Ms. Churley would see herself advocating for. It's very clear that this legislation, and even the amendment she's now bringing forward, would hurt in the long term.

The article goes on to say, "Anybody who's a homeowner today or a property owner will benefit because property values go up," Clayton said after the downtown symposium." This is a fundamental principle of supply and demand. Clayton said, "But anybody in the future that has to get into the market ... these are the households that are going to face the higher prices.

"They're worse off. Whereas the property owners are better off."

I think it's important for our committee to keep this in mind.

"Designed to curb sprawl"—that's the announced intention of this greenbelt legislation—"the greenbelt would protect 720,000 hectares of countryside surrounding the GTA....

"Clayton compared the phenomenon to the housing explosion of the 1980s when property values soared and people were forced into cheaper bedroom communities outside Toronto."

What this government is doing with this greenbelt, with this broad brush, unscientific and not based on good sound planning principles, land use planning principles, is they are forcing this leapfrog. If the government is responsible, it won't adopt Ms. Churley's amendment, because the four million people who are going to come to the greater Toronto area have to live somewhere. This greenbelt legislation is forcing areas such as south Simcoe and other areas, whether it's Peterborough or elsewhere, to open their doors to development that otherwise, quite frankly, wouldn't be on the development horizon for decades. This government has now forced that to take place, I suggest, within the next 36 months. Given the realities, it's probably appropriate that the government allow the appropriate land use planning process to take place.

What we have to ensure is that the appropriate environmental protections are there, and what this underscores is the fact that this government has a great deal of work to do to get it right between now and March 9, and we'll be watching.

The Chair: Are you done?

Mr. Klees: I think I'm done.

The Chair: I sensed you were just building up. Mr. Rinaldi?

Mr. Rinaldi: I'm hopeful, from what I heard from the member opposite, Mr. Klees, that as we move forward with Places to Grow legislation—I'm not trying to get away from this—that I can look forward to his supporting it wholeheartedly. I don't know whether he's been following it through; I can't stress that enough. We actually took the Smart Growth initiative, which the former government initiated, and the great work that Mayor McCallion did for the greater Golden Horseshoe and we're doing exactly those things: intensification to allow development to happen where there's infrastructure in place to go hand in hand with the greenbelt legislation. I look forward to your support on the next piece of legislation.

Ms. Churley: I would say that the Tories' true colours are coming out. Talk about being hoist on their own petard on science. The Tories' whole house of cards is collapsing based on that speech about good science.

Mr. Klees: No, it's not.

Ms. Churley: Yes, it is. Look at your own map. I'm talking about your science and the work you did when you were in government that designated the very lands I'm talking about as environmentally sensitive and needing to be protected. The science is there. You keep saying that the basis of your Oak Ridges moraine was based on good science. Well, the science is right here, and you're

now saying that because of concerns about affordability and other things, you can ignore that science. You cannot have it both ways. You cannot. That's what you're trying to do here. You either have to rely on the good science or not.

You asked a rhetorical question, and I'll actually answer it. I don't know if you were there for Mr. Eisenberg, who is a very respected developer. He was one of the few who actually came forward in support of the greenbelt, and he also would like to see it extended. He was talking about how sprawl means that for every \$1 spent it costs a municipality approximately an average of \$1.20 for services, the infrastructure, and it depends on the municipality; it's from \$1.17 to \$1.41. Leaving aside the environmental arguments, all of those that I'm going to come back to briefly, on just the costs alone, it doesn't make sense to keep on increasing sprawl.

Also, Mr. Klees, none of what you said makes sense. We're talking about leapfrog development, which will actually make things worse. We're talking about eating up prime agricultural land and all of that, but we're also talking about building and developing right over good agricultural land right up to the wall of the urban designation.

The Neptis Foundation—I go back to that because they're quite renowned and quite respected, by the way, and do very good work. They have made it very clear—and Mr. Eisenberg talked about this as well—that there is lots of land for the next 20 to 30 years, even without the densities, which we have to improve, and the infill and redevelopment and all of these things, which is where I understand the Places to Grow is going to be taking us, and I hope very much so. Even understanding that issues come up within municipalities around infill and density and all these things, there are some very creative things that can be done and will be done. But leaving aside all of that, the land is there for development, and it's actually cheaper to do, not only more environmentally sound. You mentioned the word “choking,” that development will choke. Well, we'll be choking. If this development continues and leapfrogs over the greenbelt and this choker is not reserved, then we will have even worse urban sprawl than we have now.

1250

I'm just going to read you a little of what the Neptis Foundation says in their analysis. They say:

“The Neptis Foundation has analyzed recent and present development patterns, which it calls ‘business-as-usual’ development, and has modelled the likely effects of 30 more years of similar development in the region. This research, published as the Toronto-Related Region Futures Study: Implication of Business-As-Usual Development (June 2002) leaves little doubt that if present trends continue, the problems of sprawl will increase. It shows that if current development patterns remain unchanged, urban development would consume, by 2031, an area slightly less than twice the size of the current city of Toronto, and that problems of congestion, air quality, and the inefficient use of infrastructure—already bad—would worsen.

“The problems of future sprawl will be particularly acute for those who live at the edge of the urban area”—again, if this area is not protected, this is where it's going to bump up against—“in places like north Oakville, north Brampton, Woodbridge, Richmond Hill, and Markham. These areas are already experiencing traffic congestion, but are not designed to accommodate public transit networks. Neptis research has shown that these dysfunctions will increase as the areas that are currently on the urban fringe become enveloped by further business-as-usual urban expansion.” Very, very dire consequences.

Finally, I really deplore the tactic—I think Mr. Klees mentioned it, and the so-called Greenbelt Coalition that came forward used the same scare tactics to suggest that I and anybody who supports protecting this land is actually keeping new immigrants and poor people from affordability. I just think that is deplorable and outrageous, and anybody who suggests such a thing is being disingenuous at best, when the evidence is there.

I was also reading information lately that, contrary to what some are saying, lot sizes in today's climate are actually getting bigger instead of smaller, when they should be getting smaller in some of these areas.

But the evidence is there that there's plenty of land on which to build affordable housing, so that is a disingenuous argument. I believe that is the developers' argument, and that these are the true colours of the Tories coming out now in terms of where they stand on this issue. It's picking little spots where it feels safe to do so, but in terms of having an overall vision to protect environmentally sensitive land and save important farmland, there is no overall vision.

I'm going on at length. I really don't want to hold this bill up, but for me, this is a key issue. If we don't protect these lands—it's absolutely critical that we protect these lands—the greenbelt will be a failure. That's why I have taken pains to try to explain why it is so critical. I'll end by reminding the Tories that I'm talking about their science here.

The Chair: Mr. Klees, you have the floor. We have five minutes before we're naturally going to our break. Can you summarize in five minutes or would you prefer to be the first speaker after lunch?

Mr. Klees: I think I can accommodate the natural transition to lunch.

I just want to clarify that my reference to children and immigrants and the cost of living was a direct quote from Mr. Clayton of Clayton Research Associates. This is in an article that Ms. Churley can read in the Toronto Star of yesterday. The specific, direct quote from the paper is as follows: “Existing property owners would thrive at the expense of renters, children living at home and immigrants, he said,” referring to Mr. Clayton. If that is a disingenuous argument, her challenge is with Mr. Clayton, not with me.

The Chair: Mr. Hudak, I will ask you the same question: Can you contain your comments so that we can break at 1 o'clock or would you like to be the first speaker after lunch?

Mr. Hudak: I can do it in three minutes, Chair.

Ms. Churley: Will you give me 10 seconds?

Mr. Hudak: So now I've got two minutes and 50 seconds.

To both my colleagues, I've enjoyed the debate and the discussion. As my colleague from Oak Ridges pointed out, the member for Toronto–Danforth talks about some of the flaws in the approach, that there are some areas of great concern for sprawl, all the way up to Highway 400. That long snake of traffic will get longer, I think, with the government's current approach.

My colleague from Oak Ridges also pointed out that there is a genuine concern about ample housing supply. As any economist will tell you, if you limit supply, a lot of scarcity prices will go up. Mr. Rinaldi, the parliamentary assistant, has talked about the growth plan with a great deal of knowledge. It's important to have the growth plan so we know where that housing supply is going to be, to prevent the issues that Mr. Klees has brought up.

In the absence of that plan, it's hard for us to have faith that the government has set aside adequate housing supply so that housing will remain affordable to young families and to new immigrants who are moving out of the city. In fact, the Ontario Professional Planners Institute makes that exact point, that these things should be going hand in hand.

The concern I have, as I get near the end of my two minutes and 50 seconds, is that we've pointed out that this is a flawed process. It's a greenbotch rather than a greenbelt. It crawled out from under the weight of the broken promise that Dalton McGuinty made to stop the housing on the Oak Ridges moraine. It was politically motivated and rushed and has sort of limped through a process where we have 2,200 submissions on it. If there's a modest one concern per submission, that's 2,200 problems potentially, maybe more, with the greenbelt. There's that old expression about GIGO—garbage in, garbage out—the old computer term. So we do have a great deal of concern about taking a demonstrably flawed process, a greenbotch, and exacerbating it.

The member comes up with some salient points and points out the flaws, but I frankly don't trust the government to correct the greenbotch, and I don't want them spreading this flawed approach to other parts of Ontario. If they had concentrated on ensuring that it was based purely on environmental science, if I were confident that areas like Marcy's Woods would in fact be protected, I'd have much more faith, but sadly, from what I've seen from the government to date, I don't have that faith.

The Chair: Ms. Churley, you said 10 seconds.

Ms. Churley: Well, after the break we'll hear from the government on this, but I just wanted to come back to the quote from Mr. Frank Clayton. That's of course a quote from the Star, but it's by Mr. Clayton, who is the spokesperson for the so-called Greenbelt Coalition, which is mostly comprised of developers, who have a particular point of view, I guess from their perspective

legitimate. But that is Mr. Klees supporting the developer point of view on this, which is not backed up by science, by the way.

The Chair: I have no other speakers. Are the members ready to vote?

Ms. Churley: Recorded vote.

The Chair: A recorded vote has been requested.

Ayes

Churley.

Nays

Duguid, Hudak, Klees, Matthews, Mossop, Rinaldi, Van Bommel.

The Chair: I declare that motion lost.

On that note, we will break for an hour recess, returning at 2 o'clock.

The committee recessed from 1258 to 1406.

The Chair: We're back from our recess, and we're on subsection 2(2). The motion is an NDP motion. Ms. Churley, you have the floor.

Ms. Churley: I move that subsection 2(2) of the bill be amended by striking out "and" at the end of clause (b) and by striking out clause (c) and substituting the following:

"(c) the regional municipality of Waterloo; and

"(d) such other areas of land as may be described in the regulations."

Let me speak to that, if it's OK.

The Chair: Yes.

Ms. Churley: We just went through a couple of amendments that were voted down: one by the Tories that I supported, for three specific areas to be designated; and then my motion, which neither Liberals nor Tories supported, to put in that band of very environmentally sensitive land that has been left out and which has been recommended to be put in the greenbelt by many experts and scientists.

I would be interested to see if there's any justification whatsoever for any of the other parties not to support this motion, because some of the arguments that were made about the others, although I disagree with them, were that there may be good reasons why these lands might not be included. We will look at them, like we're looking at the whole mix, to determine whether or not they should be in.

This one is about the regional municipality of Waterloo. We were all at committee; we were all there—at least most of us in this room were all there—when on February 3, 2005, the regional municipality of Waterloo came before the committee and very strongly requested that the region be included in the greenbelt. They recommended that "the greenbelt protection plan be extended to include environmentally sensitive and agricultural lands in the region of Waterloo...."

They cited many reasons, and gave very compelling reasons as to why they should be included. I'll just give a few here: to protect the Galt, Paris and Waterloo moraines, which provide 75% of Waterloo region's water supply. Also, given the similarity in protection for environmental and agricultural lands between the greenbelt plan and the region's growth management strategy, inclusion in the greenbelt would entrench the region's vision in provincial statute and provide greater certainty for the region's plan.

I would say, given Waterloo's strong stated desire to be included in the greenbelt—because they feel they need that protection; there are a lot of development pressures on them—and the synchronicity of the region's objectives with the greenbelt plan, the greenbelt plan must be extended to include the regional municipality of Waterloo. There's absolutely no compelling reason why it should not be, given that this is a situation where the region is asking to be included in the greenbelt. So that is the reason why I put forward this amendment on behalf of the regional municipality of Waterloo.

Mr. Hudak: I think Ms. Churley has put an important motion on the floor which does reflect the testimony, if you will, from the regional chair himself, supported, as I recall, by staff. There may have been some other municipal leaders who were there with him, but I know the regional chair himself made this point.

As I said, I have a great deal of concern about the tool and the broken nature—in fact, that the greenbotch tool is spreading to other areas. But he asked for it, and I wonder if the government members and the parliamentary assistants would kindly respond to Ms. Churley's request. If the region asked for it, are you going to put them in?

Mrs. Van Bommel: Again, this refers more to the draft plan, and all these things are being taken under consideration.

One of the other things I want to add to the conversation here is the fact that there are a lot of municipalities and a lot of regions that are concerned about this kind of sprawl, and one of the things that we did do in the fall was enact the Planning Act amendments in Bill 26, which allows us to strengthen the provisions. Instead of having just simply regard to the provincial policy statement, we now must be consistent with it.

The provincial policy statement is also, at this time, under review. So we're trying to provide, through other vehicles, the same kind of strengthening that the region of Waterloo is asking, because I think it's a concern right across the province. We want to deal with that, along with Places to Grow, which we've also got in place. These things are all trying to do the very things that Waterloo is asking us for.

The Chair: No other debate?

Ms. Churley: Just briefly, I'm just having a quick review of the submission that we received a few days ago. The region makes a very strong case as to why they need to be included. They're right on the edge, and they give very compelling reasons why they need to be a part

of the greenbelt. They feel that, without being included, there's real danger, notwithstanding other legislation, that they're not going to be able to protect some of the sensitive land.

Again, I would just simply like to say, given that this is one of those—and I said in a previous amendment that there's already a precedent for including lands. You've done that with some other lands outside the greenbelt because it's sensitive land to include it. There's just no reason whatsoever. Who would object to this, to include it at this time and give them the comfort, knowing that this will be included in the boundaries?

The Chair: No further debate?

Ms. Churley: It's just passing strange that you won't put this one in. I just need an answer.

The Chair: Are the members ready to vote on this one? I don't see anybody willing to speak on this motion. Are the members ready to vote?

Ms. Churley: Could I please have a recorded vote.

The Chair: A recorded vote has been requested.

Ayes

Churley.

Nays

Duguid, Matthews, Mossop, Rinaldi, Van Bommel.

The Chair: I declare the motion lost.

Our next motion is a PC motion. I presume, Mr. Hudak, you would be reading that?

Mr. Hudak: Chair, unless my binder is out of order, my next one is an NDP motion.

The Chair: Sorry. OK. Yes, yours is the one I have in this order.

Mr. Hudak: OK. Thank you, Chair. I move that section 2 of the bill be amended by adding the following subsections:

“Scientific basis for greenbelt area

“(2.1) Within three months of the day this act receives royal assent, the minister shall prepare a report that documents all scientific studies and principles that were relied on by the government in determining the areas included in the greenbelt area, as set out in subsection (2) and shall submit the report to the Lieutenant Governor in Council and table the report in the Legislative Assembly if it is in session or, if not, at the beginning of the next session.

“Notice to landowners

“(2.2) Within three months of the day this act receives royal assent, the minister shall notify, by mail, every person who owns land that is part of an area that has been designated as part of the greenbelt area under this act.

“Same

“(2.3) A notice under subsection (2.2) shall,

“(a) explain the scientific rationale that justifies the inclusion of the area as part of the greenbelt area;

“(b) inform the person of his or her right to appeal, under section 2.2 of this act, the designation of the land as part of the greenbelt area; and

“(c) inform the person of the right to inform the ministry if he or she believes there has been a mapping error and provide an address or other information for doing so.”

The importance of this is that it's a fairness amendment. If I understand correctly—my colleagues who have been at the municipal level would let me know—municipalities, when they are doing these significant planning initiatives, I believe are required to notify impact to landowners so they can have their say. We have been read the briefing note about the extent of the town hall meetings that were held. But at the same time, because this impacts such a significant number of properties and different individuals, it seems only fair to ensure that those individuals would be properly notified about this plan. If the government feels that the legislation is very strong and the plan is very strong, you'll probably be pleased because then you would have an enthusiastic response from the landowners. If not, if they have concerns, I think, as I've driven the point home today in committee, they should have the ability to have a fair, transparent and public appeal process to go to.

It just seems very simple and very straightforward to ensure that landowners are given notice—that's subsection (2.2) and following, and subsection (2.1). As I've said, we have done an FOI, a freedom of information request, on the science behind the greenbelt plan. The letter we received in response asked for \$1,400 as a payment and indicated that we could expect the results back in early May, at best. I'm a member of the Assembly and we know how to do these FOIs. The average landowner, I suspect, may not be as familiar with the freedom of information process nor have the ability to bring forward \$1,400. So for example, if a landowner wanted to appeal, through either the mechanism as amended or the existing mechanism, and they wanted the science behind the property, they could very well find a \$1,400 entry fee in order to make their case.

That's why (2.1) is also important, to make publicly available the information behind the greenbelt, including the LEAR studies that we're still waiting for, to ensure that taxpayers will not have to fork over \$1,400 to get the science behind the greenbelt. Third, it's to make sure that all individuals who are impacted have full knowledge that the status of the land will be shifting. So it's a fairness issue and it's a justice issue, particularly with the stories that have been running today. The government is getting down to the short strokes. There's only one month to go to appeal and the parliamentary assistant is asking folks, if they want to appeal, to make their case to the Ministry of Municipal Affairs and Housing. There's only one month to go. It seems only fair that people should be given fair notice that they've been designated as part of the greenbelt area. That's why I think this motion is very important.

The Chair: Any further discussion?

Mr. Duguid: I guess the member is suggesting once again that his party's own approach to the Oak Ridges moraine must have been unfair. We all know for a fact that they never thought, nor did they suggest, that they would ever contact every landowner in the Oak Ridges moraine area and give them all the information we may have on their particular property. That's a pretty onerous task to undertake, to begin with, but to suggest that we should be doing that now either means one of two things: either he feels his own party treated all the landowners in the Oak Ridges moraine unfairly in the way they brought it forward, and he may as well just say that up front, or he feels that, because there's another government in power now, we should be doing things completely differently from the way that it's been done in the province in the past on these types of issues. We didn't quarrel, when we were in opposition, with the way the Oak Ridges moraine was brought in, in terms of the notification to landowners. In this particular case, there's been plenty of consultation with regard to that.

1420

He talked about science. I think this is important to mention as well. The concept I think his leader mentioned was of voodoo science being used. Well, it's the same science that has been used with the Oak Ridges moraine and with the Niagara Escarpment. It's well recognized science. David Suzuki and a large group of scientists have endorsed the way we're moving forward with this. It involves geographic information systems mapping. It involves MNR biologists' field work, big-picture project planning, conservation biology. It involves the LEAR system for agricultural land evaluation and area review. It involves watershed management and ecological criteria, including examination of natural heritage issues. All the things that you would expect to go into an exercise like this have gone into it. So if he's suggesting that somehow there's voodoo science, number one, he's totally off base, and number two, it's the same science he used when he was in office doing the Oak Ridges moraine. I didn't hear him talking about voodoo science then.

Mr. Klees: I commend Mr. Hudak for bringing this forward. He set out the rationale. I want to support him in this.

I want, Mr. Duguid, to point out that there is a significant difference between what his government is proposing here with the greenbelt and what in fact was done with the Oak Ridges moraine. I, for one, as a member of the former government, have no hesitation, by the way, to say that we didn't get it all right. As rational people sitting around a table and having the responsibility of making laws, particularly legislation that affects property rights, I think for us to run and hide because of an act or a piece of legislation that was put in place three years ago is wrong.

Here's the difference, Mr. Duguid: You're absolutely right that this wasn't a step that was taken when the Oak Ridges moraine legislation was enacted. In retrospect, it was wrong. Landowners whose properties are affected by

legislation or by zoning surely have a right to know, and there were too many people for whom, when it came to the time of actually placing their property up for sale, that was the first time they came to know about the restrictions of the Oak Ridges moraine act. That's wrong, and I'm not going to defend the previous government and my role in it for having made that happen in Ontario.

Let me tell Mr. Duguid also that that was the very reason why I, as a member of the former cabinet, advocated with the then Minister of Municipal Affairs that we should implement an appeal mechanism in the Oak Ridges moraine legislation. Staff will know that a good deal of work was under process to establish that appeal mechanism, which would have allowed property owners to come forward if they disagreed with the boundaries, if they disagreed with the designation even within the Oak Ridges moraine, and present their rationale, their justification for asking for a reconsideration.

Now, we have the government today bringing forward what is a very broad brush, including the Oak Ridges moraine but going far beyond it in many cases. We don't know where the final delineation is going to be relative to the property that will be caught by the designation of this greenbelt, and this government is refusing to put in place—although we'll try again later, Chair, with a further amendment, to appeal to the government to put in place an appeal mechanism. But so far, the indication from this government is that they're not prepared to put in place an appeal mechanism. At the very least, we're saying that property owners should at least be notified that this government is taking away their property rights; is essentially, by legislation, when this act is passed and when those final delineations have been made, taking away the right that heretofore property owners have had to at least appeal, to apply for a rezoning of their land. At the very least, this government owes it to property owners to let them know that that is what they're doing to them.

For that reason, I think this is a reasonable amendment. I would hope that members of the government, at least one of the five who are sitting here, will see the good sense of this.

Ms. Churley: I feel like I'm Alice in Wonderland and Through the Looking Glass here. This is truly bizarre. This is one of the few times I was going to tell the Tories that I thought what they did was the right thing in their policy around the Oak Ridges moraine. And Mr. Klees is sitting here saying, "Oh, we made a mistake on that one." Heavens.

Mr. Klees: Where goes your speech?

Ms. Churley: No, I know what I want to say to this. What strange twists and turns we're taking here. You did do the right thing on that, and I do agree with notifying those included; I think that's critical. But in terms of the kinds of appeals you're talking about, the reason why you did the right thing on the Oak Ridges moraine and what needs to be done here, is—just think about it. I'm sure that was a justification for the Oak Ridges moraine as well. Appealing designations—because that's what

you're talking about—could tie up the land for years. Developers have big bucks. That's why you didn't want to allow that to happen on the Oak Ridges moraine, because once you get into the appeal of designation, then you are not going to have a greenbelt that we can depend on. It's a fixed greenbelt—which I'm going to be dealing with, by the way, in my next amendment, which ties in to some extent with this. But you can't go there.

I understand what you're saying in terms of trying to find ways to help and defend landowners in this, but for the common good and the basic fact that we all agree that we need to protect some green land, we've got to have some certainty. You can't have it just tied up with people and developers with big bucks tying up land for years, and land being moved out and land being moved in. It will not work; it's clear and simple. So there's a reason, Frank, why you did it in the Oak Ridges moraine; there's a reason why it has to be done here.

I think you would agree with me that we need certainty. If you allow this kind of thing to happen, you will not have certainties. Developers won't know what's going on. Farmers won't know what's going on. Pieces of land will be moved all over the place all the time. It just doesn't make sense. I would like to support notifying those included—that's important—but I can't support allowing this kind of appeal to happen.

Mr. Klees: With regard to the issue of certainty, absolutely: There needs to be certainty. But there needs to be certainty about the appropriate land. There needs to be certainty about whether it is justifiable to have a particular parcel of land included in the designation.

We already have heard from the government that, in developing their draft plan, it is very imperfect. In fact, Ms. Mossop pointed out that it was never intended to be anything but a draft, which means that you can include whatever you want and it's just for purposes of discussion. That's fair. I'd also suggest to you that, as the final plan comes forward—I think by March 9, I was told—there will still be imperfections.

1430

It's for that reason that I believe it's appropriate to have an appeal mechanism. It's even more important that people who may have no idea that their property would be included in the greenbelt would at least be alerted to the fact that they are and, if inappropriately so by error of the government, that there be a mechanism to appeal that. That's fundamental to property rights. This government, through this legislation, is undermining what perceived property rights there are in this province.

Mr. Hudak: I appreciate my colleague's points. Mr. Klees and I, out of the motivation of fairness, think it's very fair. I would have thought you would have notified landowners in some shape or fashion. Sure, those who follow newspapers and those who are actively involved in the OFA or a commodity group may have found out about it because of the media attention, but a lot of folks who may not have had that opportunity probably don't know how their land is being impacted.

With respect to the science—Mr. Duguid was talking about the term "voodoo science." I don't know what kind

of science, nor have I heard today, would justify cutting the Beverly Marsh or the Holland Marsh in half, or what kind of science would have farmers trying to grow tender fruit in a cemetery or a landfill, or what kind of science would require that a junkyard be part of the greenbelt when it could be rehabilitated as a brownfield. So whether you call it voodoo science or whatever, there are questionable science, questionable decisions and a huge number of problems with the plan.

You were talking about 2,200 submissions. Some will be specific and others will be general, but most of the ones we've seen here will raise at least one concern. So at a very modest expectation of one concern per submission, that tells me there are potentially 2,200 or more problems with the greenbelt.

I think it's very fair to suggest that there should be a notification provision. I suggest that it's very fair to say that it should be based on science and that folks should know the science behind it. I think it is absolutely unfair that they would be required to go through an FOI process that could cost up to \$1,400, as has been proposed to me. Worse still, I think there'd be data in May at best, long after the door closes on March 9 or whatever date the government chooses.

Second, I do appreciate that the province has given me a box containing some information—I requested that formally of the minister, which I had the authority to do. Not every landowner in the greenbelt area will have that ability to ask the minister for the science on the property and get it.

I do still have grave concerns, too, about what was given to me, a lot of it simply guidelines. Some of it is interesting—in terms of the urban strategies, the study on land use intensification and such; part of the urban growth study—but other parts are, quite frankly, unsatisfactory.

Mr. Duguid referenced the importance of LEAR. We have many farmers here in the audience today. If I understand, LEAR is supposed to evaluate the type of soil, the type of land and the economic aspects surrounding a particular farm: Is it in a cluster, is it close to supply, what kind of land is around it? But that LEAR information, those studies about individual pieces of property, are not currently available, as far as I know. Maybe I have to pay \$1,400 to get them; they're not available.

You did provide me with one. I appreciated that I had at least one of these LEAR studies, but unfortunately, in the box that the parliamentary assistant gave me, it's for the regional municipality of Ottawa-Carleton. So: interesting, but not particularly helpful for this hearing. It would be much more helpful if the LEAR studies for Peel, Halton, Durham, Niagara, Wellington etc. were in that box instead of Ottawa-Carleton.

I do fear that if that charge is put out there of \$1,400 for an FOI, that means the government has something to hide about the lack of science behind this. Why aren't the LEAR studies available? I'm not the only one. There are other groups who have had to go through the FOI process

to try to get that information. So I do have grave concerns.

Another example. This is a great report that was given to me: the MNR habitat guide for 2000, the Significant Wildlife Habitat Technical Guide. It's very interesting, and it talks about particular animals, one that is near and dear to me, Fowler's toad. I've been given special responsibility for Environmental Defence to look out for Fowler's toad, which, by the way, is in Marcy's Woods, in my area. We've been working with the ministry to ensure it stays protected.

So it talks about Fowler's toad, and Fowler's toad likes to live in sandy areas along the shoreline, but it doesn't say where in the greenbelt Fowler's toad may be. So we have guides, but we don't have the actual application, the science that says these particular habitats are sensitive for these very reasons. The eastern hognose snake is another one found in Marcy's Woods, but we don't know if they're in the greenbelt area. Even the so-called science I was given is unsatisfactory, and I regret that we've had to go through the FOI process to try to obtain the rest of it.

I know this is an amendment with many pieces. If my colleagues opposite find parts that they do support, I'd be glad to split the amendment and vote on those particular motions. I think all the principles should pass, but if they had some question about their ability to do so, even a notice provision or something would be helpful. So I'll leave it in their hands, if there are even aspects of this motion that they will support.

Mr. Duguid: I think if we're going to vote on this, I'll just hold my comments for now.

The Chair: I have no other speakers. Mr. Duguid, did you have a change of heart?

Mr. Duguid: We'll see.

The Chair: OK.

Mr. Hudak: The motion before us has a number of parts: (1) the scientific basis, which I believe, as I said, should be publicly available; (2) the notice to landowners; and (3) what the notice would contain. If the government members don't like all three, is there even one aspect that they would support so we can at least get one of the motions brought forward? I know my colleague Ms. Churley is sympathetic on some sort of motion provision. So can we at least find something in here that you do support?

The Chair: I have no other speakers on this.

Mr. Hudak: If I could, to the parliamentary assistant of municipal affairs and housing, does the parliamentary assistant support (2.1), "scientific basis for greenbelt area," that would ask that the science behind this be tabled with the Legislative Assembly and therefore be made public?

Mr. Duguid: Let me respond to that question this way: There has been, as I've said in the past, ample consultation on these matters. We have had consultation both in public meetings and we've had consultation here in legislative committee meetings. Our staff have had the opportunity to meet with a number of the people who are

involved in these matters. There has been no issue that's been brought forward to us that hasn't been given complete and appropriate discussion, complete and appropriate consideration, and that's continuing.

So, no, we will not support any of the provisions in here, because we feel that the process that we've taken has been more than adequate and, in fact, all concerns that have been expressed have been considered using the best science available. Thank you.

Mr. Hudak: Chair, if I could just—

The Chair: Actually, I have three other speakers. Would you like to hear from them? This has just caused a flurry of people to add themselves.

Ms. Mossop: I understand the intent behind this, and I think it's a good intent. However, I've been really, really, really involved in this process for the last year, and my experience has been that there has been an unprecedented public consultation that's taken place.

I've been in contact with so many people who may be affected by this in my riding, and I've been working with them, having consultations with them in my office. We had the public consultations in Stoney Creek, accepting letters, encouraging them to write, discussing their ideas. There were several hundred people at the public consultation.

It was followed up by the public hearings in Grimsby, where we had submissions. I've had the minister's staff come down to my riding, and I've physically driven the minister's staff and OMAF staff around some areas where there are some concerns, where the draft map should probably be changed, where it needs to be tightened up here or there.

1440

The minister himself has been down, and we've gotten into a car and physically driven all over. He's met with people personally in my riding and he's invited municipal leaders and stakeholders to his office to talk about this. I just think the minister is a really, really busy guy and if he and this government weren't really, really serious about listening, we wouldn't be wasting all this time driving around looking at things, talking to people, listening, listening, listening to people and inviting their input on this.

As Ms. Churley has already pointed out, if you open up another avenue, this could go on forever and ever and ever and ever and you'll never have a greenbelt. Quite frankly, if we don't get on with it, the indiscriminate paving over of the Golden Horseshoe will go on and there will be no more land to save and there will be no more land to farm and thus no need even for a farmer. So at some point we have to understand that the process we're going through now is valid, it's thorough. I have faith in this process. As I say, I've been involved with it thoroughly.

I've never really, in government, in watching it, seen such an outreach to the community to discuss such an important issue. It's an important piece of legislation, it's an important initiative. This government wants to see that it's done well and properly, and this government is really

doing due diligence on this. To add another layer, as Ms. Churley said, this could just go on forever and you'll have nothing left.

Mr. Klees: I'm impressed with Ms. Mossop's ability to get the minister to come to her riding, to get in a car and to travel around and take a personal interest in all of the concerns that her constituents have with regard to the mapping. I'm very pleased to hear that the minister has responded. Unfortunately, I'm not in the same position. I am looking forward—in fact, I have many letters on file from my constituents complaining to me that they have written to the minister, didn't hear back from the minister. Their appeals were not heard. They weren't treated in the same way as Ms. Mossop was treated. I'm wondering if we can have an undertaking that before this plan is brought to the Legislature the minister will in fact make himself available to every riding in this province in the same way that he's made himself available to Ms. Mossop. I wonder if I can have that on the record so that we can go back to our constituents and assure them of equal treatment by the minister in the same way that obviously he's been able to accommodate members of his caucus. Can I have that confirmation?

Mr. Duguid: I can tell you that what you can have is the comfort of knowing that this minister has consulted more vigorously on this particular legislation than any previous minister from any previous government ever thought of undertaking. He's gotten out of his office, he's gotten out to the areas that are impacted by the greenbelt, and I think he should be given full marks for doing so.

We've received a lot of positive feedback throughout the Golden Horseshoe on the fact that the minister has been very accessible to a number of different individuals. If I was an MPP and I had a constituent tell me they haven't had a response from a minister on a file as important as this, I think I would have brought that forward to the minister. I can't say the member has not done that, but I would certainly suggest that if he has a constituent who has not received a response from the minister's office, that he let us know who that constituent is and we'll certainly follow that up.

That being said, I also would add that prior to the break, Mr. Klees indicated—and I find it kind of strange. He's talking now about a motion regarding concern about information going out to people, yet before lunch he expressed concern about our making the draft plan public and the impact on property values when we did that. You can't have it both ways. We're an open, transparent government. We believe in not doing things behind closed doors, and that's exactly why the draft plan was made public. So on the one hand, you can't suggest that we should be concerned about making a draft plan public, and on the other hand be talking about trying to provide all kinds of information that's probably impractical to gather together and send out anyway to individuals. It's trying to have it both ways.

The Chair: Mr. Klees, did you have a follow-up question?

Mr. Klees: I certainly do.

I did not express any concern, Mr. Duguid, about the draft plan having been made public, and I think the record will show that if you look at it carefully. What I did express was the fact that when you made it public there was significant impact throughout the area of the greenbelt. That's the point I was making.

With regard to the actions of the minister, I tell you, Chair, I'm concerned about the revelation I've just had from Ms. Mossop here that clearly her constituents were dealt with in a preferential way to mine. I have a list of constituents that I will forward to the minister's office with a request that he take the same amount of time to visit with my constituents as he did with constituents in Ms. Mossop's riding. I'm hoping I'll be able to report to my constituents that they will have a meeting with the minister so they can discuss their concerns with the mapping and the rationale for being included.

I'd like to just follow up with the parliamentary assistant and get a sense of whether he has information, at least approximately, about the number of property owners in the greenbelt area who are going to be affected. Do you have any sense, Parliamentary Assistant, of the number of property owners who will be affected by this legislation?

Mr. Duguid: No. In fact, at this point in time, I would suggest we're not looking at changing any zoning of anybody's properties. The question of the degree to which landowners could be affected by this is something that is yet to be fully determined. We haven't even come forward with the plan yet, let alone having an idea whether any landowners will ultimately be affected by this. I would suggest that it's premature, at least until the draft plan is no longer a draft and is an actual plan, to know for sure if landowners will indeed be impacted.

Mr. Klees: I find this bizarre, that the parliamentary assistant, after everything he's heard throughout the course of the hearings, would say publicly on the record that he isn't certain that any landowner would be affected by the proposed legislation. Perhaps the parliamentary assistant misspoke himself, in which case I'm pleased to give him an opportunity to clarify for the record, but surely the parliamentary assistant understands the impact of the legislation before us today. Whether they be farmers, who before this legislation would have had an opportunity to sell some of their land or at least take it forward for consideration for rezoning—does the parliamentary assistant not understand that the impact of this legislation will be such that those property owners who are caught by the greenbelt will be precluded from even bringing forward an application for rezoning of their property? Does the parliamentary assistant understand that, yes or no?

1450

Mr. Duguid: I recall the member indicating that he didn't want to defend his record or the record of his government on the Oak Ridges moraine, and I don't blame him for not wanting to defend that. I don't blame them for not wanting to defend their record on anything when it comes to the environment, whether it be

Walkerton, whether it be tainted meat, whether it be their lack of action to protect our air or water. At the same time, I think that when we're dealing with things like property owners, we're sensitive to the concerns we've heard. We've listened closely to the concerns being raised. At the same time, we're dealing with a draft plan. We will have the plan in place. Decisions will be made in very short order, and the plan will be in place.

There is no intention on the part of this government to rezone anybody's land or to disallow uses they currently have on those particular properties that are legal uses. In terms of changing zoning, in terms of reducing the ability of people who currently have land zoned appropriately to use that land, there should not be an impact. In fact, we're not aware of any impact on those particular properties.

Mr. Klees: Madam Chair—

The Chair: Mr. Klees, can I ask you to please focus on the motion that's in front of us? I sense we're kind of drifting away from that, and I have three other speakers on my list who I believe want to speak to the motion.

Mr. Klees: Madame Chair, the amendment before us speaks to providing information to landowners, informing the person of his or her right to appeal under subsection (2.2), and that is precisely what I am discussing. It concerns me because there may be something in this legislation that I have misread. If that's the case, I need some clarification here. I'm going to ask the parliamentary assistant: If and when this legislation is passed, does it or does it not preclude someone who is caught in the greenbelt area from coming forward and making an application for rezoning of their property?

Mr. Duguid: What the member, Mr. Klees, is referring to is the ability of property owners to change the use of their land. He's correct: There will be parts of the greenbelt that will not be open for redevelopment. That is not to suggest that they may have been open for redevelopment in the first place. There is no application in front of anybody in terms of redeveloping these lands. So it's lands that are environmentally sensitive; it's agricultural lands that are much needed to preserve.

If the member is suggesting for a minute that the government side should be backing off or watering down the greenbelt to allow property owners to take prime farmland and turn it into subdivisions, well, this government side is not going to water down this legislation. Plain and simple: We're committed to a permanent greenbelt. We've made that commitment clear. Unlike the side opposite, which appeared to be committed to it in the beginning but now is making every attempt to try to water it down, we're not going to go there.

Mr. Klees: With respect to the amendment before us, it is simply calling for the government to inform the person of his or her right to appeal the designation of the greenbelt, which now the parliamentary assistant—thank you very much, sir—admits does in fact affect property owners. There are people sitting here in this hearing today who have hundreds and thousands of acres of land, who before the greenbelt legislation comes into effect

have the opportunity to come forward to their municipality and make an application for rezoning. Those same people who are sitting here today, once this legislation is passed, will be precluded the right to do so. If that isn't affecting them in a serious way, I don't know what is.

What we're simply asking is, is it not appropriate that the government advise those who are not as informed of this process that they have been substantially affected by the implementation of this greenbelt?

I'm going to ask the parliamentary assistant: Despite the 2,200 submissions that you've had and despite all of the people who have been consulted, is it possible that there are still hundreds and thousands of property owners who will be caught by this greenbelt legislation, who have no idea about the impact on their property? Would you admit, Mr. Duguid, that that is a possibility?

Mr. Duguid: After 15 months of consultation, after hearings held right across the Golden Horseshoe, after thousands of individuals providing presentations to committee hearings, presentations to public meetings, presentations directly to the minister, after countless articles in local newspapers, I would find it very difficult to believe that there are hundreds of people in the greenbelt area and in the greater Golden Horseshoe who do not know that we are moving forward with a greenbelt. I would find that very difficult to believe.

The Chair: I have three other speakers, if you would like to come back on, or are you still on the same issue? You still have the floor, Mr. Klees.

Mr. Klees: I would like to finish my train of thought here with the parliamentary assistant, because I know him to be a very reasonable person. I ask him, just for a minute, to step outside of the role, if he would, and identify with the average property owner in the province of Ontario today.

There are many people, Mr. Duguid, and you know this, who aren't tuned in to what is happening in this hearing, who aren't tuned in to the hearings that have taken place, who simply go to work every day, pay their bills, pay their taxes, pay their mortgage on their property, and they don't know what the impact of this is.

I'm trying to understand why you as the parliamentary assistant would not want to give property owners in this province the right to know what the government of the day is doing to them by imposing this greenbelt legislation and by taking away their property rights that they had before the day that your government brings forward this legislation.

I would just like the parliamentary assistant, for the record, to give me an explanation for that.

Mr. Duguid: I'll do better than that. The member has asked me to remove myself from my position and put myself in the place of the average property owner in the greenbelt. I'd like to put myself in the place of the average citizen or resident in this province who believes that we need to curb urban sprawl, believes that we need to preserve agricultural lands, believes that we need to ensure our natural heritage and protect our natural heritage areas. That's what we're doing.

It's obvious to me that the members opposite are committed, and I give them full credit, to standing up for the private interests involved in these particular matters. We respect that there are private interests involved; we respect that there are landowners who could potentially be impacted by what we're doing. We're not aware of the severity of those impacts, and a lot of it may well depend on what their expectations were for how much they could have up-zoned their lands. Many of those expectations may or may not have been realistic.

But I can tell you what we are here standing for; we're standing for the interests of the residents of Ontario, and we're going to stand strong to ensure that this is a permanent greenbelt and that, despite the efforts of the members opposite, it will not be watered down.

Mr. Klees: The parliamentary assistant has made it very clear that he and his government are prepared to sacrifice the rights of individuals without regard to the financial implications to them and to their families, because of something out there that he refers to as "the rights of the citizens of Ontario." We're simply trying to make the point that I believe it's possible to be environmentally responsible and at the same time stand up for the rights of individuals and property rights in the province.

1500

But we've heard the message loudly and clearly today. I think it's unfortunate. It doesn't have to be that way. Through this amendment, we were simply asking for individuals to be informed. Now we have a government saying, "We don't care about the individual. We don't care about property rights. We don't care about the financial implications. We're going to do what we think is somehow in the greater good, and let us define that." I think it's wrong; I believe there will be consequences to this government when individuals by the hundreds and by the thousands begin to understand what is being done to them.

Mr. Hudak: On the subject of notice, has there been any notice whatsoever given out? Was there a mass mailing, for example, to the people in the greenbelt area, or none whatsoever, just through—

The Chair: Who is your question to? Are you asking staff?

Mr. Hudak: I'm sorry, Chair. It's to anybody who can answer that, whether it's the parliamentary assistant or staff.

The Chair: I think the staff would probably be happy to answer that question about notification with regard to the greenbelt. What notification was given?

Mr. Hudak: Has there been a mass mailing in the area? How would people have found out—individual landowners—if they're impacted by the greenbelt?

Ms. Konyi: In terms of the consultation on the greenbelt, or notification, it was done in a variety of ways, Mr. Hudak.

First of all, there were postings on the Environmental Bill of Rights registry for both the proposed Bill 135 and the draft greenbelt plan. There has been a government

Web site, as well as the government of Ontario Web site, as well as the Ministry of Municipal Affairs and Housing Web site, which has a greenbelt link. On that Web site there are all of the draft maps, so there are geographic areas. I think you're familiar with those maps. There was a Web-based survey that was put up. People could sign up on-line and inform themselves and express their views on the greenbelt.

We also have the general correspondence that comes in. There are a lot of letters to the minister on that.

There was a Greenbelt Task Force that was put in place last February that also preceded the formal consultation that staff did on the greenbelt, which was just, first and foremost, to put the idea out there about a greenbelt and solicit responses from the public and stakeholders. There were stakeholder workshops during the daytime. There were eight of those meetings, and then in the evenings they were open to public debate, and members of the public came in. Those were highly attended sessions where a number of people—and they were across the greenbelt area. Originally, it was the greenbelt study area that was defined in Bill 27, which was the Greenbelt Protection Act. Then once the draft plan was released in October last year, during November there was a series of eight stakeholder workshops during the daytime, spread throughout the greenbelt area, and in the evenings, again, the public consultations where deputations were made.

In addition to that, there were meetings with all of the municipalities on the greenbelt; both the minister met with staff and staff went out and met. There were meetings with the different conservation authorities and various other organizations. There were notices in the newspaper—general circulation papers as well as the local newspapers—for every one of those public meetings.

I think I've gone through a fair bit of what the consultation entailed.

Mr. Hudak: Yes, and I appreciate the response. I know how hard the Ministry of Municipal Affairs staff have been working on this. I know the minister has been down our way.

The point simply is, despite that, I'm confident there are a significant number of people who are not aware (a) that they may be in the greenbelt area, or (b) what the impact may or may not be on their property as a result.

At the public hearings I attended in St. Catharines, there were probably about 700 people; in Caledon, probably a similar number. These were some of the most heated meetings I've ever been to: a lot of emotion in the room, a lot of upset with the plan. I know the parliamentary assistants were there. I think we should be clear that was not any kind of appeal. People mostly spoke in a general sense; there was no back-and-forth from staff on the scientific basis of a particular property, for example.

I do feel it's fair to make sure that every landowner impacted is notified. In fact, the parliamentary assistant referenced the Oak Ridges moraine process. We have from the legislative library, in fact, an outline of the Oak

Ridges Moraine Conservation Act sent to every household within the Oak Ridges moraine in 2001, I believe, at least giving them the information that's available on the moraine: the properties that were impacted, the justification behind it, the science behind it. So at the very least, they would have received this in the mail. If you think I'm asking to put too much in the document, then fine—maybe support a general notice to individual landowners. Most importantly, I am simply asking for the science behind the greenbelt to be tabled with the Legislature within three months of the act receiving royal assent, so that we as MPPs at the very least know the science and can distribute it to our constituents, or they could get it through the Legislative Assembly.

What I want to do is to split the vote on the three different parts of this motion, so I am going to withdraw this particular motion.

I am going to move that section 2 of the bill be amended by adding the following subsection:

“Scientific basis for greenbelt area

“(2.1) Within three months of the day this act receives royal assent, the minister shall prepare a report that documents all scientific studies and principles that were relied on by the government in determining the areas included in the greenbelt area, as set out in subsection (2) and shall submit the report to the Lieutenant Governor in Council and table the report in the Legislative Assembly if it is in session or, if not, at the beginning of the next session.”

The Chair: I have three other speakers remaining who were speaking to the complete motion, so I will go through those three to see if they want to speak to the existing motion on the floor. Ms. Matthews, do you want to speak to the motion that's on the floor with regard to the scientific basis for the greenbelt area?

Ms. Matthews: I do, because I think this comment will apply whether you cut this in one or two or three. As I look at this, I see it as a not so well masked argument or motion that will delay, defer, wiggle, waffle and water down the intent of this legislation. I think, very clearly, if we were to pass this motion, it would simply have the effect of delaying this almost indefinitely if you had your way.

This is exactly the argument we heard in the submissions from the development and homebuilding industry, exactly the argument we heard from the so-called Greenbelt Coalition, I think better called the anti-greenbelt coalition. It clearly reflects their perspective. It does not reflect mine, mine being that we have to move ahead as quickly as we can to protect this land for future generations.

Ms. Mossop: Again, I understand the idea behind this, but for decades now we as a society have been discussing the preservation of agricultural lands and the protection of environmentally sensitive lands. We have been paying lip service to these concepts; we have been talking about cleaner air and smarter growth. Well, the rubber just hit the road, and now we have to get focused and we have to get on with it, because while we were all sitting around

talking and debating and paying lip service to all this, I've watched so much land in my part of the world get paved over completely. We have lost tremendous pockets of tender fruit land. We have to decide at some point that we're going to stop that.

1510

I agree that this motion really is just an attempt to delay, delay, delay, and would allow further indiscriminate paving over of specialty lands that we need for our future. We will need air to breathe, food to eat and clean water to drink for decades to come, and we need to get up in the crow's nest and look out. It's the 11th hour for many lands. It's too late for some, maybe.

I'm surprised and a little concerned about the comments made by Mr. Klees. I find it interesting that a former cabinet minister found it was a revelation that a minister visited a riding. I can only say, if you want him to visit yours, invite him, because that's all I did. And I think we should definitely see those letters tabled, because your constituents deserve an answer.

Yes, there has been heated debate about this. You bet there has been heated debate, because we've opened this up to an unprecedented discussion. People now know that this is the time we're going to get on with it. If people are passionate about that, I think that's a good thing. I think it's a good thing that we have had a forum where we've all been in there listening to the passion that's behind this. I don't run away from passion. I think that's a good thing. I think it's a good thing that we're here, that we're listening to it, and that we're finally, after decades, moving forward and making this thing a reality.

The Chair: Ms. Churley?

Ms. Churley: I'm interested in moving on, although it's not my motion. A lot of points have been made. I have, and I'm sure others do too, a lot of important amendments I'd like to get through. I certainly have some, as others do, in terms of some of the concerns that the farmers in particular brought forward that, in my view, with or without the greenbelt, we need to be addressing. I'm anxious to move on to those and see if we can get any of those passed.

I do have to say, although it's not my job to defend this what I consider flawed piece of legislation for the government, that the beautiful irony of this is the Tories on consultation. For God's sake, you guys, it's like shooting fish in a barrel. You're just sitting there. Don't you remember the omnibus bill, Bill 20? These guys refused to consult with a whole range of stakeholders and simply consulted with—

Interjections.

Ms. Churley: I could go on and on, but we don't have time. It's the pot calling the kettle black, or whatever.

At any rate, I think to the general public out there, this, "She said, he said," and all of that, although it's important to make these points politically, after a while might get a little tedious.

As I said before, I would like for us to vote on this, whether it's in parts or as one. I think, from looking at it, I want to support that people be notified. I think that's

fair, but I can't support the other pieces for the reasons I gave previously, which I'll generously not repeat now.

The Chair: Are members ready to vote on subsection 2(2.1)? Mr. Hudak?

Mr. Hudak: I do want to make sure, procedurally, that I have withdrawn the original motion and put forward the new motion that reads simply as section (2.1) alone.

The Chair: That's what I was referring to.

Mr. Duguid, were you asking a procedural question?

Mr. Duguid: No. We're happy to move to a vote on this, but just for the record, I want to thank Mr. Hudak for bringing forward the householder, the newsletter that they put forward during their time in government. The only problem was, that newsletter apparently wasn't mailed out until after the decisions were made and after the plan was put forward. So it certainly wasn't a pre-consultation piece of information. I'm not going to say it was partisan government advertising, because I haven't seen it, but certainly it wasn't part of a consultative process leading up to a decision. That's it.

The Chair: Mr. Hudak?

Mr. Hudak: I would take those words a bit more seriously if they had put anything out to the residents in the area, during consultations or afterwards. You have not ensured that residents in the greenbelt area have received notice and intention of the plan. Hopefully you will support it when we get to that motion.

I do have to say, though, it's regrettable that while the motion on the floor has to do with tabling the science, the members opposite tried to characterize this as there's an army of bulldozers right now ready to go out, and that if we pass this motion, somehow things will fall under this army of bulldozers. They wrap themselves in the green flag, a very cheap form of politics, to avoid the debate on this motion, which is simply to put the science forward. In fact, my motion does say, "within three months of the day the act receives royal assent." I think that's fair. I think it's regrettable that there's a \$1,400 charge for that science.

We are fortunate to have some people who have been here through the hearings—a number of property owners, a number of farmers. While Minister Gerretsen may have gone around in his car in some areas—good for him; I'd welcome him into my Chevy Avalanche to drive around in some of the areas that are concerned: in Lincoln or Pelham, or in St. Catharines. One of the people in the audience says that the mayor of Halton Hills and farmers in the Halton Hills area have been asking directly for the Minister of Municipal Affairs to meet, and that they've been unsuccessful to date. That's just somebody—it's Bert Andrews; he signed his name to the famous Andrews motion from last week—who happens to be here in the audience today, out of the 20 or so people who are with us, most of whom are staff.

So if an individual here has tried to get a meeting and the mayor of his community has tried to get a meeting and it hasn't happened, I really have doubts that an adequate amount of time for appeals to the minister has

happened. I feel that there'll be two classes of land-owners: those who are connected to the government, who'll have their appeal, and everybody else, who'll have none. But I do think that 2.1, the motion before us today, simply tabling the science with the Assembly, is fair, is reasonable and is the right thing to do. I ask for my colleagues to support it.

The Chair: I have no more speakers. Are the committee members ready to vote?

Mr. Hudak: Recorded vote, Chair.

The Chair: A recorded vote is requested on section 2. It's 2.1, "Scientific basis for greenbelt area."

Ayes

Hudak, Klees.

Nays

Churley, Duguid, Matthews, Mossop, Rinaldi, Van Bommel.

The Chair: I declare the motion lost. Mr. Hudak, are you separating the other two portions?

Mr. Hudak: I am, Chair.

The Chair: So are you going to be speaking now to 2.2 and reading that first?

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

"Notice to landowners

"(2.2) Within three months of the day this act receives royal assent, the minister shall notify, by mail, every person who owns land that is part of an area that has been designated as part of the greenbelt area under this act."

Again, this is within three months after the act receives royal assent, to at least give notice to people how they have been impacted so that they can understand it, and if future consideration is given, give an opportunity to speak with the minister or one of the staff about that. I think it's just fair to give that kind of notice, and it is three months after the act receives royal assent.

Mr. Klees: In follow-up to Mr. Duguid's comment that the Oak Ridges moraine publication was sent out after the fact, that's precisely what we're asking for here. It's a foregone conclusion, really; it's becoming more and more obvious to us that the government is not listening to concerns expressed by property owners and that they're not prepared to come forward with the science as requested. So at the very least, we're saying that the government should notify affected landowners of the changes that are taking place. I think that's only reasonable, and I think the example that my colleague brought forward, in terms of how the previous government dealt with the Oak Ridges moraine, gives some indication of the kind of notification that can go out and should go out. I think this amendment will achieve that.

The Chair: I have no more speakers to the motion.

Mr. Hudak: Recorded vote.

The Chair: A recorded vote has been requested.

Ayes

Churley, Hudak, Klees.

Nays

Matthews, Mossop, Rinaldi, Van Bommel.

The Chair: I declare the motion lost. Mr. Hudak, you have the floor on item 2.3.

1520

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

"Same

"(2.3) A notice under subsection (2.2) shall,

"(a) explain the scientific rationale that justifies the inclusion of the area as part of the greenbelt area;

"(b) inform the person of his or her right to appeal, under section 2.2 of this act, the designation of the land as part of the greenbelt area; and

"(c) inform the person of the right to inform the ministry if he or she believes there has been a mapping error and provide an address or other information for doing so."

The Chair: Mr. Hudak, it's my understanding that because subsection (2.2) was defeated, I am caused to rule subsection (2.3) out of order.

Mr. Hudak: OK. Maybe I'll rephrase, Chair, if I could.

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

"A notice shall be given out to all residents of the greenbelt area to,

"(a) explain the scientific rationale that justifies the inclusion of the area as part of the greenbelt area;

"(b) inform the person of his or her right to appeal the designation of the land as part of the greenbelt area; and

"(c) inform the person of the right to inform the ministry if he or she believes there has been a mapping error and provide an address or other information for doing so."

Even though we've brought in the heavyweight, Mr. Baird, to oversee the proceedings, given that I've lost subsection (2.2), I'm not optimistic on the new motion on the floor. He did wear his red tie today to be especially persuasive.

The Chair: Can you just keep to the motion, please; although we are pleased that Mr. Baird's here.

Mr. Hudak: Mr. Baird is a distracting element for the committee. Nonetheless, I do offer it up. Again, this would give notice to individuals in the greenbelt area; make them aware of any opportunity to appeal, which may or may not be through the minister himself; and also provide the scientific basis behind their designation in the greenbelt area. Just making sure that people who are in the greenbelt know why they're in the greenbelt and what it will mean for their property.

The Chair: I have no more speakers—oh, Mr. Baird. Are you substituting for somebody else?

Mr. John R. Baird (Nepean—Carleton): No.

The Chair: I believe if you're—

Mr. Baird: You can speak; you just can't vote.

The Chair: All right, fine; I'll recognize Mr. Baird.

Mr. Baird: Thank you very much, Madam Chair. I've been following these committee hearings, and I hear you're doing a good job. I want to get that on the record.

I just wanted to briefly congratulate my colleague the member for Erie—Lincoln, our party's critic, for his outstanding work on this initiative.

The Chair: That was it?

Mr. Baird: No, actually that's not it.

The Chair: I was kind of hoping that was it. If you could speak to the motion on the floor, I'd appreciate it.

Mr. Baird: I want to just add the full weight of my office as the member for Nepean—Carleton that I'm in support of this amendment.

The Chair: Thank you. There being no other speakers on this issue—

Ms. Churley: Chair, I'm calling on somebody from my caucus to come in and congratulate me on my fine work. Anybody out there?

The Chair: Thank you.

Ms. Churley: I think I'll call the question.

Mr. Hudak: Recorded vote, Chair.

The Chair: A recorded vote has been requested.

Ayes

Hudak, Klees.

Nays

Matthews, Mossop, Rinaldi, Van Bommel.

The Chair: I declare that motion lost.

Our next item is the NDP motion.

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

“Limitation

“(4) A regulation made under clause (1)(b) shall not amend the designation if the amendment would result in the removal of lands from the greenbelt area.”

This is very clear and very simple. Actually, I think we realized a bit of a bombshell yesterday, when it became very clear, after listening to Mr. Duguid after a scrum and after revisiting the act, that there is no permanent greenbelt, as the act is now written. It's what I refer to as a floating greenbelt. As I said yesterday, there ain't no magic in this floating greenbelt. I hope it's an oversight and can be corrected today because, as it's written, the greenbelt boundaries are not permanent. They can be moved around by amendment as long as the “total land area of the greenbelt remains the same.”

What the Greenbelt Task Force recommended—and I come back to them again—is the establishment of a permanent greenbelt. Instead, what we have—and this is

from the act: “The minister shall not recommend a proposed amendment ... if the proposed amendment has the effect of reducing the total land area within the greenbelt plan.” That's subsection 13(7). It doesn't take a rocket scientist to figure out what this means. It allows for the potential substitution of lands and measuring the greenbelt by total land area instead of permanent boundaries, which is what the people of Ontario believe they're getting here. Even though it's not adequate in terms of the land mass, they believe at least what they're getting today is permanent, but because of the wording it's problematic. They will not be getting that.

Mr. Duguid had to step out, I guess. But I want to say clearly that he said again and again today—where did I put the quotes?—“We are committed to a permanent greenbelt, unlike the Tories.” That's been said time and time again. The way the wording is now it is not a permanent greenbelt. Once established, this amendment does not hinder the minister from adding lands to the greenbelt, but it would allow the minister to amend the greenbelt plan to remove lands from the proposed greenbelt area, period. It is really key that we fix that. I've got to tell you, if we don't fix it—I've said that if we don't add lands that I mentioned earlier, the greenbelt will be inadequate in terms of the proposed desire of the government to create a greenbelt. But if this is not fixed, it's not even going to be permanent.

Mr. Duguid, I referred to you. You had to momentarily leave. You kept saying today, “We are committed to a permanent greenbelt, unlike the Tories” over and over again, but yesterday you said very clearly that—and as I put it—this would be a floating greenbelt if this amendment isn't accepted today, that you will have a floating greenbelt, not a permanent greenbelt. It's really very critical, and let me give you an example why. I'll paint the picture.

If you have a piece of land maybe right on the edge of the greenbelt—these things have been known to happen—and a developer with big bucks thinks they would perhaps like to develop that land, and you know there's an election going on, big bucks are given to leader X or MPP X with a wink and a nod or, you know, once you get elected, as long as you don't reduce the land mass, you can just substitute this piece of land here for another piece of land over here. That's a worst-case scenario, but in fact it could happen. But because you won't have permanent boundaries, again, there will be no certainty and people will not be able to depend on this greenbelt being permanent.

I hope people will support this amendment, particularly the Liberals, for that reason, because I know they want to have a permanent greenbelt, because they keep saying that.

The Chair: No further debate. Are members ready to vote?

Ms. Churley: Could I have it recorded, please?

The Chair: A recorded vote has been requested.

Ayes

Churley.

Nays

Duguid, Klees, Matthews, Mossop, Rinaldi, Van Bommel.

The Chair: I declare that motion lost.

I gather there's a new motion, 6a, from the government side.

Ms. Mossop: I move that section 2 of the bill be amended by adding the following subsection:

"Limitation

"(4) A regulation made under clause (1)(b) shall not amend the designation if the amendment has the effect of reducing the total land area within the greenbelt area."

The Chair: Ms. Mossop, you have the floor, speaking to the motion.

Ms. Mossop: I would defer to the parliamentary assistant.

Mrs. Van Bommel: This motion is intended to clarify the exact issue that Ms. Churley has been addressing, which is the issue of the land mass. We want to make it very clear that there will be no net loss of lands in the greenbelt area.

1530

Mr. Klees: As I understand it, this is effectively the government's appeal mechanism. While they opposed the previous amendment that would have provided an appeal mechanism, they have in fact included this section, and effectively cabinet is the appeal, because designations under the greenbelt area can be adjusted, be amended, but now it's not an independent body that would hear those appeals; it now is cabinet. As we heard before from Ms. Mossop, her constituents are going to have preferential treatment because the minister will certainly respond to her appeal on behalf of her constituents. They'll have an opportunity to put their case forward; others won't. Unfortunately, constituents in the riding of Oak Ridges, whose letters aren't being responded to, whose calls aren't being returned, won't have the benefit of an appeal mechanism.

I'd like to hear from the parliamentary assistant how this appeal mechanism is going to work. What is the process that then will have to be followed for a property owner, a municipality, or an owner of an aggregate operation to trigger this appeal?

Mrs. Van Bommel: I don't even see anything in here that says that this is an appeal mechanism. I think that is an assumption on your part. I don't see anything that says this is an appeal mechanism.

Mr. Klees: Wow. Chair, can I read this for the member? It reads: "The Lieutenant Governor in Council may by regulation ... (b) amend a designation made under clause (a)."

If that isn't an appeal mechanism, I don't know what is. What does that mean? In that case, I would like to ask

the parliamentary assistant to clarify what that means. Can cabinet, under this authority, amend a designation or not?

Mrs. Van Bommel: I'm going to refer to our legal counsel. We'll get a technical explanation of this.

Ms. Konyi: Actually, it's a planning answer, I think.

Mr. Klees, the section you're referring to is section 2 of the bill. The motion on the floor says, "A regulation made under clause (1)(b)," and (1)(b) of section 2 reads that you can amend a designation made under clause (a). So there is in the regulation-making power the ability to amend the regulation.

Mr. Klees: Would you clarify for me, so that I understand: If in fact the boundaries are set by March 9, we now have the definitive boundaries of the greenbelt, once the regulation is in place?

Ms. Konyi: Once the regulation is put in place.

Mr. Klees: Right. We then will have the designation. Under this authority, cabinet will have the authority to revisit the designation of the greenbelt and make a change to it. Yes or no?

Ms. Konyi: Under that authority, yes, you will have the ability. Once the Lieutenant Governor in Council regulation is put in place, there is the ability, at a future date in time, to amend a designation made under clause (a), yes.

Mr. Klees: So if that isn't an appeal mechanism, I don't know what is.

Ms. Konyi: May I add one point, Mr. Klees? The motion that's on the floor would state not only that you can amend a designation under clause (a); through the motion to change clause (1)(b), you "shall not amend the designation if the amendment has the effect of reducing the total land area within the greenbelt area."

Mr. Klees: I understand that.

Ms. Konyi: There's a restriction placed on that.

Mr. Klees: So here's an example. Let me just try to understand this practically. We end up with a plan as of March 9, and my property is included in the greenbelt. Right? I can't develop it because of that. I appeal to cabinet, my favourite cabinet minister. I go to his fundraising event and I have a discussion. I have an opportunity to sit with him and his learned staff, and I put my appeal forward and give him or her the justification of why I don't believe this property should be included in the greenbelt, but, you know, I have another piece of property that has the same, or perhaps even more, acreage to it, and I propose that cabinet, under this authority, take my 2,000 acres out of the greenbelt and replace it with the 2,000 acres that I don't need. We therefore comply with the amendment that's before us.

Ms. Konyi: May I clarify? There is actually more than one part to that answer. I would suggest that in order to initiate any sort of amendment to a Lieutenant Governor in Council regulation, the process would probably begin with a letter to or some meetings with the Minister of Municipal Affairs and Housing, who would initiate the amendment process for the regulation. But there is a public process that is involved. I would suggest that

you'd also have to look at the plan in terms of section 12, I believe, because you can not just amend the greenbelt boundary regulation; I would suggest that if you're talking about the outer boundary, you would also have to amend the greenbelt plan. Therefore, there is a whole public process that is involved in that. Not only is there the regulation-making process that would include, at a minimum, a posting on the Environmental Bill of Rights registry; there would be some public consultation. You would also, through the plan process—first you'd have to pass the first threshold: Would it make sense to amend the greenbelt plan based on whatever policies happen to be in place for the final greenbelt plan? Then the Minister of Municipal Affairs and Housing would initiate an amendment to the plan. He—or she, as the case may be—could, in fact, solicit the advice of a hearing officer. He could go off on a whole stream of public consultation and deputation through that process and go back and make a recommendation to the Lieutenant Governor in Council to actually amend the plan, as well as the boundary. So I think there are a couple of checks and balances in that process.

Mr. Klees: Sure, and I thank you for that. So the bottom line is that the greenbelt can be amended. For properties that are today or will be as of March 9 included in the greenbelt, a property owner can make an application to the minister, and this gives the minister the authority to then initiate the withdrawal of certain parcels of land from the greenbelt, as long as some other parcel, subject to this amendment being passed, is replaced and you retain that entire land mass.

Ms. Konyi: You could not have the effect of reducing the total land area of the greenbelt.

Mr. Klees: But you can have the effect, under the authority in this legislation—

Ms. Konyi: That's with the motion.

Mr. Klees: —of having cabinet make the decision to amend the act to withdraw certain parcels of land, if it so pleases cabinet to do so, subject to the process that you've outlined.

1540

Ms. Konyi: Yes, through a fairly rigorous consultation and process.

Mr. Klees: Chair, I find it quite cute, actually, that when I asked the question of whether this was effectively a tool for appealing a designation, the parliamentary assistant couldn't answer that, didn't think that that was really an appeal mechanism. Well, for the record, let's be clear we have that. The appeal mechanism is not in fact to a third-party tribunal, as was previously proposed. The appeal mechanism really is to a cabinet minister, and the decision will effectively be made by cabinet.

Ms. Konyi: With a very rigorous process.

Mr. Klees: So as long as we're open with people—it's scary, I have to tell you. I'm concerned about it because I believe, as I've said before here, there should be an appeal mechanism, but it certainly should not be made by cabinet. It's the wrong place. These are not political

decisions that should be made, because someone is going to be left out of the play here.

I can suggest to you that this is going to spell trouble for the government. Someone will make a wrong decision here. Someone will find out—and maybe sooner than later—that the boundary has been changed. Someone will find out that one person's parcel of land all of a sudden is no longer there, that Mr. Smith's parcel of land has successfully appealed, that that land now is in a process triggered by the minister because he or she felt it was the right thing to do, and thousands of property owners across the province are left out because they don't even know where to start on this appeal, as opposed to having a public process that was previously put forward to the committee that lets everyone know; it's a level playing field. You want to appeal? Come forward: Here's the tribunal, here's the process, and it's available to everyone.

I think it's a disgrace.

Ms. Churley: This is quite incredible. Talk about another sleight of hand. I talked about the floating greenbelt, but this is conceptually very different from my amendment which was just voted down. I really do see this as a sleight of hand to get around the fact that you couldn't support my amendment that says very clearly, "Shall not amend the designation if the amendment would result in the removal of lands from the greenbelt area." The fact that you couldn't support that is telling in itself, because what this one says is, "Shall not amend the designation if the amendment has the effect of reducing the total land area within the greenbelt area," which is exactly what I'm complaining that within the act you can do. Under the proposed legislation—and this doesn't fix it—the boundaries are still not permanent. They can be moved around by ministerial amendment as long as the total land area of the greenbelt does not change.

Nothing's changed. That's the point I made with my amendment. This doesn't fix that, because the wording allows for the potential substitution of lands and the ability to move lands in and out of the greenbelt, which can open it up to political interference and speculation by developers. It's a big loophole that lets the minister change greenbelt boundaries on a whim, and it can change from year to year. Don't you get my point here—I think you do; good—that this does not fix the problem? It is a sleight of hand. You've added something to this section 2 that reinforces what's already in the act that I'm trying to fix. So all you're doing with this amendment is reinforcing what's already in the act that's a problem. I would withdraw it, in fact, because that's already in the act; you're not changing anything and you're not fixing the problem. You still have that loophole. You still have the floating greenbelt. I just think this is going to look really silly in there, given that it doesn't resolve the problem. Unless you're going to do an amendment similar to mine or go back to mine and redo that one with unanimous consent, this does nothing. I can't support it, obviously, and I would suggest that it be withdrawn. It's not clear thinking.

The Chair: Any further debate? Seeing none—

Ms. Churley: Can we have a recorded vote on this?

The Chair: Sure.

Ayes

Duguid, Matthews, Mossop, Rinaldi, Van Bommel.

Nays

Churley, Hudak, Klees.

The Chair: I declare that motion carried. We're at the end of section 2. Shall section 2, as amended, carry? That's carried.

Sections 2.1 and 2.2; Mr. Hudak.

Mr. Hudak: I've got a bit of reading to do.

I move that the bill be amended by adding the following sections:

“Tribunal established

“2.1(1) There is hereby established a tribunal to be known as the greenbelt area appeal tribunal.

“Appointment

“(2) The Lieutenant Governor in Council may, on the recommendation of the minister, appoint members to the tribunal and designate their term of appointment.

“Remuneration and expenses

“(3) Each member of the tribunal, other than a full-time member, shall receive the remuneration that the Lieutenant Governor in Council determines and reimbursement for the member's reasonable and necessary expenses incurred in attending meetings and in transacting the business of the tribunal.

“Chair and vice-chair

“(4) The minister may appoint one of the members of the tribunal as chair and one or more of the remaining members as vice-chair.

“Same

“(5) Any function, power or duty of the chair of the tribunal under this or any other act, including the Statutory Powers Procedure Act, may, if the chair is absent or unable to act, be exercised by a vice-chair.

“Panels

“(6) The chair may appoint panels composed of members of the tribunal to hear proceedings.

“Presiding member

“(7) The chair or vice-chair who appoints a panel shall designate one of the members of the panel to preside over the proceeding that the panel is assigned to hear.

“Decision of panel

“(8) The decision of a majority of the members of a panel is the tribunal's decision but, if there is no majority, the decision of the presiding member governs.

“Practice and procedure

“(9) The tribunal may, subject to this act and the Statutory Powers Procedure Act, determine its own practice and procedure.

“Appeal

“2.2(1) The following appeals may be made to the tribunal established under section 2.1:

“1. A person who owns land that is part of an area that has been designated under this act or its regulations as part of the greenbelt area may appeal the designation of the land.

“2. A person who owns land that has not been designated as part of the greenbelt area under this act or its regulations and the land is in a municipality that has jurisdiction in the greenbelt area may appeal the non-designation of the land.

“3. A municipality that has jurisdiction in the greenbelt area or that has jurisdiction in an area that abuts the greenbelt area may appeal the designation or non-designation of any portion of the municipality as part of the greenbelt area.

“Notice

“(2) The minister shall ensure that notice of the right to appeal set out in subsection (1) is given in the prescribed manner to every person and municipality described in that subsection.

“Parties to appeal

“(3) The parties to an appeal are,

“(a) the owner of the land in question or the municipality, as the case may be;

“(b) if the person making the appeal is not a municipality, the municipality in which the land subject to the appeal is located;

“(c) the minister; and

“(d) any other person or entity that the tribunal specifies as a party.

“Scientific basis of decision

“(4) The tribunal shall base its decision on an appeal on scientific evidence and if, in the tribunal's opinion, the parties to an appeal have not presented sufficient scientific evidence on which to base a decision, the tribunal may appoint a scientific expert of its own choosing to give evidence.

“Same

“(5) Every party to the appeal shall have the opportunity to test the evidence of an expert appointed under subsection (4).

“Tribunal's order

“(6) On an appeal, the tribunal may order that, despite anything contained in this act or its regulations,

“(a) the land or area subject to the appeal shall be treated as part of the greenbelt area for the purposes of this act; or

“(b) the land or area subject to the appeal shall not be treated as part of the greenbelt area for the purposes of this act.”

1550

I think the intent here is quite clear, because it's something I've been saying over and over again in committee. We've found general and widespread support for some form of appellate tribunal. If this isn't perfect, I'm very open to any amendments to the motion that come from my colleagues. Jon Clancy is working hard on my behalf in my office, and I want to commend him for that on the

public record; Jim Miller as well. We appreciate the assistance of Legislative Assembly staff in crafting this, but if there are areas that are omissions or improvements that colleagues have, we're more than willing to amend the motion as long as the principle of an appellate tribunal stays the same.

The PC caucus believes very strongly that the McGuinty government's greenbelt decisions have been based far too much on political science rather than good environmental science. Therefore—because we have doubt in the science, we have doubt in the way this plan has been implemented, and we don't have faith in the minister to make the right decisions, whoever that minister may be, based on a flawed process—we feel that an appeal mechanism that is science-based and that is independent from government for property owners is necessary and fair.

I want to stress once again that the government's own Greenbelt Task Force similarly called for an appellate tribunal to uphold the integrity of the plan. That's in their task force report, *Toward a Golden Horseshoe Greenbelt*, August 2004, page 8. Again, if members feel that an appellate tribunal could be in a better form than this motion, I'm open to that, but I do want to reinforce that their own task force has called for an appellate tribunal to uphold the integrity of the plan.

The support we heard at committee for an appeal mechanism has been widespread and strong. Under an appeal mechanism, property owners and municipalities would be able to appeal a property's designation within the greenbelt through a transparent, public and science-based process. Similarly, landowners and municipalities would be able to appeal to have a piece of property entered into the greenbelt, again through a transparent, science-based process.

For example, there has been considerable debate at this committee, and considerable support from deputations to the committee, about Boyd Conservation Area in Vaughan being included in the greenbelt area. If this motion were to pass, an environmentally sensitive piece of property like Boyd Conservation Area could potentially be entered into the greenbelt, given a case at the tribunal to do so. Another example: Marcy's Woods, which is in the region of Niagara, is not currently part of the greenbelt area. It's an important piece of property from an environmental standpoint. The municipality or the owner could appeal to have that included in the greenbelt area.

Under the greenbelt bill as it stands today, as my colleague Mr. Klees and I have brought forward, the only route to appeal is through the Minister of Municipal Affairs himself in cabinet. Mr. Klees rightly described the motion the government just voted for as what you'd call a back-door or hidden appeal mechanism. I do fear that if you're well-connected to government, if you go to the right fundraiser, you'll have your chance for appeal, but average landowners will find themselves absent that ability for appeal.

The problem is, too, that once decisions are made, in reality you may be looking at a decade or more before the

plan is updated. So what's entered into the greenbelt and what is not is incredibly important because of the longevity of the process. I would think that, for the vast majority, it would be in perpetuity. So it's vital to have the right properties in the greenbelt and that it be science-based, and to make sure that taxpayers have faith in the process—that they have faith that it is science-based and that the right decisions are being made in a fair and transparent manner.

I also have great concern that the science, if there is some, is being hidden by the government. A \$1,400 entry fee through a freedom of information request is a substantial fee that will be unaffordable to a large number of taxpayers and landowners in this area. I've already seen one of my amendments defeated that would have added that the scientific evidence would be tabled at the assembly for all the MPPs and for the general public to view. So I fear that the government has something to hide about the reality of how the science hits the soil, so to speak, and about the great number of problems with the greenbelt.

I hope that members of the committee, particularly government members, will support their own task force's recommendations and vote in favour of a transparent, public, science-based appeal mechanism. Again, if there are improvements that I could make in the process—as I said, our resources are limited—I'm definitely open to that, as long as we maintain that principle of a fair and transparent appeal mechanism, given the great number of questions about the science behind the government's mapping exercise and the way the legislation has been botched.

Mr. Duguid: Mr. Hudak has a very creative way sometimes of naming his amendments, as we've seen throughout the hearings. I would like to name this amendment "the real estate lawyers' job creation amendment" because I think that's really what it would do: ensure that the greenbelt we all dream of seeing happen very soon, that being a greenbelt that's permanent, a greenbelt that provides effective protection for our watersheds, effective permanent protection for our agricultural lands, effective permanent protection for our natural heritage areas, an effective permanent protection to curb urban sprawl—that's what we want to see in this greenbelt. That's what we're striving to achieve. By setting up this third-party appeal process, there's no question our goals would certainly be watered down, and we cannot support that approach.

It's important to note that there is a mechanism, and there should be a mechanism. You can't be totally extreme here. We know that nobody's perfect. We know that things do, over the course of decades, change in terms of environment, in terms of urban needs, in terms of agricultural needs. We know that a decade or two from now there may be a need sometimes to make some amendments to this act. We're committed to ensuring that when those amendments are made, the greenbelt will stay permanent; its size will not change. Who knows? It may even grow at some point in time. But we want to make sure there is a process for that to happen. It

shouldn't happen frequently, but when there is something that's identified, a glaring issue that needs to be dealt with, there is a mechanism through the minister on to cabinet where indeed these amendments can be made. Again, you have to go through a full public process to do that, public consultation, and again cabinet needs to approve it. There are plenty of safeguards in the system and it will be public. There's no way that anything the opposition has suggested could happen would happen, because it is fully publicly accountable for those decisions.

But you don't want to set up a process where you're encouraging changes to this greenbelt. We've worked very hard over 15 months of consultations to get this thing right. Everybody who has been interested has had an opportunity to make submissions; thousands of people have. Many of them have made submissions suggesting approval of this greenbelt. In fact, I think the majority of people who came before us talked about the need for a greenbelt. Some have indicated concerns about particular parts of the greenbelt. We've given those concerns full consideration and we're continuing to give them full consideration as we work toward the announcement of this plan, so I'm confident we will get it right. But down the road there may be a need, there may be things identified that require some change here or there. That's why this system has been set up that way.

The last thing we want to do is set up a hodgepodge of a system, set up a duplicate to the Ontario Municipal Board where we've got lawyers, as I said, getting rich off it, where we've got public policy from time to time being thwarted, the public interest being thwarted for private interest. I think it's very important that we ensure that indeed this proceed and that this be permanent and effective in its protection.

To adopt this particular motion I think would certainly endanger our goals of a permanent greenbelt.

The Chair: Mr. Klees.

Mr. Klees: Thank you, Chair. Could you clarify for me that we are scheduled to go through till 12 midnight tonight? Is that what we're—

The Chair: I believe the House leaders have agreed to one full day of hearings. We will be breaking at 6 o'clock for supper, should we not be complete. Because we're only at the second section and we won't get through 30 sections before dinner, I'm assuming we will go beyond that. I wouldn't want to predict when we would end, but yes, we've said until midnight.

1600

Ms. Churley: Can I speak to that, please, briefly?

Mr. Klees: Well, I'm—

Ms. Churley: You raised a point of order. Do you mind if I just follow up on that, please?

Mr. Klees: By all means.

Ms. Churley: I in fact was waiting for you to finish so we could get this point, because I have to change plans for tonight if we're sitting until midnight. Furthermore, I just want to say that I understood that there was an agreement between our whips and House leaders that we

would have one day for clause-by-clause. I just want to say for the record that I'm willing and want to stick to that agreement. That was an agreement made, and I'm willing to try to move these along. I do want to say that if others want, for whatever reasons, to hold it up, I will be requesting and requiring that we continue on another day. But I do think we should try to stick to the agreement that was made. That's for the record. It looks like, the way things are going, we should plan on being here until midnight.

The Chair: I think we'll be here late.

Mr. Klees, you still have the floor.

Ms. Churley: Thank you, Mr. Klees, for the opportunity.

Mr. Klees: I'm always ready to help a colleague.

I'd like to suggest another title for this amendment to the parliamentary assistant. The title might be "an amendment to guarantee fairness and transparency, to protect property rights, and to rectify the flaws in the government's greenbelt legislation," because that is what this proposed amendment does. As I noted previously, without this, what we have is a hidden appeal mechanism that will be available to a very select few. It will be available to those who know cabinet ministers, who have access to cabinet ministers, who have an inside track, whether it be through effective lobbying, whether it be through MPPs like Ms. Mossop, who has, obviously, the ability to draw the Minister of Municipal Affairs into her riding and drive him around and let him see why the draft boundaries are incorrect and give her constituents an opportunity to appeal that. In fact, it will be interesting to compare the draft boundaries within Ms. Mossop's constituency and the final delineation once we see the plan, to see how effective Ms. Mossop was in appealing and lobbying her minister.

This appeal mechanism is transparent. It's fair. It will be available to everyone, and it gives every citizen in the province of Ontario a very fair opportunity to bring forward their concerns. For the government to deny this—and as Mr. Hudak indicated, if there are some specifics about this that the government members have concerns with, we're prepared to have the changes made so that at least we address the principle of a transparent and fair process for appeals. I'm looking forward to co-operation and support from members of the government on this amendment.

The Chair: I have no further speakers.

Mr. Hudak: Chair?

The Chair: Mr. Hudak.

Mr. Hudak: Thank you, Chair. I think the points my colleague made are excellent, and I won't repeat them. I will take issue with my colleague across the floor, the parliamentary assistant. In fact, I think, because there is such grave concern, growing and widespread concern, about problems with the plan—in fact, it's being called the greenbotch bill. We're aware of 2,200 submissions. Who knows how many different problems there are?

I think if there is a fair, transparent and science-based appeal process, that will actually strengthen it. If people don't have faith in the plan, if they don't have faith in the

government's ability to administer it, it will fail and eventually unravel. Instead, if they have faith that it's a fair process, that it's transparent and science-based, it will survive.

The second point I want to bring in is that this will also give individuals or municipalities, based on science, the ability to bring more sensitive areas into the greenbelt, which I think would reinforce the notion of something people are committed to, rather than perpetuating the question about decisions being based on political science rather than environmental science.

The government seems committed to a dancing greenbelt where the greenbelt will shift and shimmy north and maybe east and west, and change depending on the back-door appeal mechanism to the Minister of Municipal Affairs and Housing, whoever that may be. I don't think people will have faith in a greenbelt or a commitment to it the same way as for an Algonquin Park or a Niagara Parks or a Niagara Escarpment or the Living Legacy, for example. You have to have belief to have that faith. They won't have that faith if they continue to see a greenbelt based on political science and a greenbelt that may very well shake and shimmy and dance away from the current boundaries. I know they're working on some amendments to address that, but if you want to talk about uncertainty, the notion of a dancing greenbelt would certainly cause a great deal of uncertainty.

Granted, there may be a number of appeals to this. If there is a better way, a less encumbered way, a more efficient way to have an appellate tribunal, I'm all ears. Secondly, if the government commits enough resources to this, I think you can get through this in a rather efficient and quick fashion. The third point being that you do have protections in place. You do have the freeze in place. You do have municipalities that I am sure will be co-operative because they'll want to know what the final boundaries will look like.

But I believe there is a fundamental issue of fairness. The parliamentary assistant said, "They've taken 15 months to get it right," but it's far, far from perfect, from what we've heard at these committee hearings. I don't have faith that the government of the day is going to get it right. I think the majority of people who support preservation of green space and preservation of quality farmland—no doubt about it, it's motherhood and apple pie—are the same people at the same time who believe in fairness, who believe in transparency, and who believe in equal access to an appeal process, not just if you're well-connected, but every landowner should have the same right and the same science-based approach. I think that's a fundamental belief of Ontarians.

I think you can have your cake and eat it too. You can have your transparency. You can have a greenbelt people will believe in. You can even have a larger greenbelt, if this passes, in terms of the scope; perhaps an area like Marcy's Woods, as I said. But I do believe that if you really want to have faith in this initiative, bring in some sort of appellate tribunal outside of the minister's office so that people will have faith in the process because I believe that faith today is lacking.

Chair, I will ask as well, if my colleagues opposite have any amendments to my motion that would improve it, while keeping the appellate tribunal principle in place.

The Chair: I have no speakers. Are members ready to vote?

Mr. Hudak: Recorded vote.

Ayes

Hudak, Klees.

Nays

Churley, Duguid, Matthews, Rinaldi, Van Bommel.

The Chair: I declare that motion lost.

On section 3: Shall section 3 carry? All those in favour? That's carried.

On section 4: Shall section 4 carry? All those in favour? That's carried.

Section 4.1: Ms. Churley.

Ms. Churley: I move that the bill be amended by adding the following section:

"Prohibition against licences or permits under the Aggregate Resources Act

"4.1 Despite any provision in the Aggregate Resources Act, on or after the day the greenbelt plan comes into force,

"(a) no licence or permit shall be issued under the Aggregate Resources Act with respect to lands that are part of the greenbelt area; and

"(b) with respect to any licence or permit issued under the Aggregate Resources Act with respect to lands that are part of the greenbelt area before the day the greenbelt plan comes into force, no amendment to the site plan related to such licence or permit shall be required or approved if the amendment results in the expansion of the site."

This is the first of two aggregate-related amendments. This one proposes an outright ban on new aggregate operations or the expansion of existing aggregate operations within the greenbelt. It's a general prohibition.

I know it sounds extreme, it sounds harsh. But this has been a long time coming. There have been reports by the Environmental Commissioner and more recently, this report, *Rebalancing the Load*, a report by the Pembina Institute. Dr. Mark S. Winfield and Amy Taylor did a very thorough study and backed up the Environmental Commissioner's report about the problems with the expansion of aggregate operations overall. The argument here is that the greenbelt should be protected from any more of this.

1610

If you look at their study—in the interests of time I'm not going to go into a great deal of information on this—if you look at 8, their conclusions and recommendations, they say,

"Despite the importance of aggregate resources implied in current policies, the provincial government,

which now relies on the industry-owned Ontario Aggregate Resource Corp. for policy-related research on aggregate resources in the province, lacks basic information on current demand for and uses of aggregate. The province also lacks up-to-date projections regarding future demand.” So the aggregate industry came in and made some points about demand and need and all of these things, but really, there’s very little information. What we do know is that the resources and the overall policies aren’t going toward the direction we need to be going in, and that is, far more substitutes and recycling.

Something has to be done about this. The implications for land use when it comes to aggregate extraction is severe. The Greenbelt Act sets high and laudable objectives, such as “to provide protection to the land base needed to maintain, restore and improve the ecological and hydrological functions of the greenbelt area.” That’s in your own clause 5(e).

I would like the government members to explain how the land base is protected and ecological and hydrological functions are improved through the continuance and expansion of aggregate operations. It’s just totally absurd and, again, it creates another huge problem in terms of saying that this greenbelt is going to do what it says it’s going to do. It’s contradictory in its objectives.

The aggregate industry, for instance, is a huge water-taker. So we have this happening on top of breaking the principles of the greenbelt, but it’s also breaking the principles of the government’s stated objective, and that is to do something about the huge water-taking.

There are numerous abandoned aggregate sites within the greenbelt awaiting reclamation, and yet under proposed revisions to the provincial policy statement with respect to aggregates, the government is going to make it easier for aggregate operations to spread throughout the greenbelt. So there is also a contradiction between these two acts that are before us.

This amendment is needed to protect the long-term ecological and hydrological integrity of the greenbelt, as well as the health of all of those who live in it. I’m very frustrated about this one because it just doesn’t fit within the objectives of the greenbelt whatsoever. I am getting, as I’m sure some of you are, more and more e-mails and phone calls from local groups that are fighting these operations and the expansions and new ones within their communities for environmental reasons. I think, in fact, this is going to grow and it’s going to become more and more of a problem for all of us in these communities where it’s happening, no matter which party we’re in. It’s an issue that my staff is dealing with, and myself, as the environment critic, every single day. We’re trying to keep track of and help communities deal with this.

The purpose of this amendment is as I said. It’s to make a general prohibition and start the process of really following up on the Environmental Commissioner’s reports and the recommendations from the Pembina Institute on putting the proper resources into finding ways to recycle far more, as they do in Europe, and to use substitutes.

The Chair: Any further debate? Seeing none, are the members ready to vote?

Ms. Churley: Could I have a recorded vote?

Ayes

Churley.

Nays

Duguid, Matthews, Rinaldi, Van Bommel.

The Chair: I declare that motion lost.

The next motion is 4.1.

Ms. Churley: I move that the bill be amended by adding the following section:

“Limitation on licences or permits under the Aggregate Resources Act

“4.1(1) Despite any provision in the Aggregate Resources Act, on or after the day the greenbelt plan comes into force,

“(a) no licence or permit shall be issued under the Aggregate Resources Act if the licence or permit relates to a site that includes or is adjacent to a key natural heritage feature or a key hydrologic feature located in the protected countryside; and

“(b) where a licence or permit was issued under the Aggregate Resources Act before the day the greenbelt plan comes into force relating to a site that includes or is adjacent to a key natural heritage feature or a key hydrologic feature located in the protected countryside, no amendment to the site plan that results in the expansion of the site shall be required or approved.

“Definition

“(2) In subsection (1),

“‘key hydrologic feature’ includes any of the following features, as may be further described or identified in the greenbelt plan:

“1. Streams.

“2. Natural lakes and their shorelines.

“3. Seepage areas and springs.

“4. Wetlands.

“‘key natural heritage feature’ includes any of the following features, as may be further described or identified in the greenbelt plan:

“1. Significant habitat of endangered or threatened species and of species that are rare in Ontario.

“2. Fish habitat.

“3. Wetlands.

“4. Life science areas of natural and scientific interest.

“5. Significant valleylands, woodlands and wildlife habitat.

“6. Sand barrens, savannahs and tall grass prairies.

“7. Alvars.”

This is my second amendment in trying to curtail aggregates in the greenbelt. This was in anticipation that perhaps the previous amendment would not be passed, and, gee, I was right. Surprise, surprise.

I put forward this one because it's much more realizable than the first. The first would be my ideal goal and, I think, the goal of many, but this one is quite doable, and that is absolutely key and important in terms of keeping the integrity of the stated purpose of the greenbelt.

What this one does is seek to keep aggregate operations out of key natural heritage features within the protected countryside designation under the greenbelt plan. The greenbelt plan places some minor restrictions on aggregate activities in key natural heritage features. So we are simply pushing this to its logical conclusion: Why pick a few areas?

I have an idea because, although I like this person very much, somebody I know who is a very keen and good Liberal has come forward, and—God bless him—he has done a good job in persuading the government that, in his area, where there's a big fight over an aggregate site—he has been exempted from that.

I would say, what's good enough for the—what's that expression? What's good for the goose—

The Chair: Good for the gander.

Ms. Churley: —is good for the gander. This is one of these areas where I applaud the person who came forward on behalf of his community and persuaded the government to put in some key natural heritage features in a few locations. I would say, good for him. Now let's expand that to key natural heritage features across the province.

At present, under the proposed greenbelt plan, aggregate extraction is not allowed in significant wetlands and the significant habitat of threatened or endangered species. What we want to do is push that to its logical conclusion and include all key natural heritage features and all key hydrologic features, as defined in the greenbelt plan. That's all explained in the plan itself.

These key features include—just listen to this and you will see why it's important for us to adopt this amendment: streams, natural lakes, springs, seepage areas—and, by the way, we're talking about source water protection here—fish habitat, and life science areas of natural and scientific interest. So those are some of the areas that we're referring to, and I think all of us would agree that, logically, it makes sense to stop aggregate extraction in those areas.

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Picking and choosing what key natural features aggregate operations should and should not be allowed to destroy, as the government is now doing, is scientifically suspect. This is an area where I'll say, very clearly, that it contravenes the various environmental protection objectives laid out in this act. There's some real cherry-picking going on. The government started down the road to keeping aggregate operations out of key natural heritage features and then stopped.

Ontarians expect the Greenbelt Act to protect the environment. There is no reason, after turning down my other amendment, why the government should not support this amendment to protect all key natural heritage

within the greenbelt and finish the laudable journey that they started to go down and then abruptly stopped.

Mrs. Van Bommel: I first want to state that when you're talking about key hydrological features, we certainly support that list of natural heritage and hydrological features. But I think that, in this case, this would be better served by being put into the regulations part and incorporated into the plan itself. I think we want to make sure that we can add things in the future. I look at things such as tall grass prairies. Not 10 years ago, we really weren't very familiar with tall grass prairies. In my particular riding, there has been a real effort on the part of farmers to incorporate these into their farm operations and make them part of the environment that they have. So I think we would be better served to use the regulations process to incorporate these rather than putting them into the legislation itself.

Ms. Churley: Not to prolong this, but my wording is taken right out of your act and some of the features that you've already included in this act. I'm not adding something new, because you've already done it for some key areas. Why not expand it to these other areas?

Mrs. Van Bommel: I think we want to make sure that we have the opportunity and the flexibility to add to them in the future without having to go through the process of legislation. I find that whenever someone wants to add or take something out and someone says, "It's legislated," it seems to act as a barrier to being able to do that. People instinctively say, "Oh my goodness, now we have to go through all of that." I think I'd rather see it incorporated as part of the regulations.

Ms. Churley: Given your concern, is that an agreement that you will guarantee that all of these features will be included in the regs?

Mrs. Van Bommel: Oh, now you're asking me to guarantee again.

Ms. Churley: Yes, because you've given me sort of a promise here.

Mrs. Van Bommel: I will certainly give you my personal commitment to take it forward to the minister, absolutely.

Ms. Churley: So I have to call the minister.

Mrs. Van Bommel: No, I'll take care of that.

Ms. Churley: I will continue to work on this issue if this is voted down.

The Chair: No further debate? All those in favour of the motion?

Ms. Churley: I just feel so much on the losing end of this one, but recorded, please.

Ayes

Churley.

Nays

Duguid, Matthews, Rinaldi, Van Bommel.

The Chair: I declare that motion lost.

The next motion is on section 5.

Ms. Churley: I move that clause 5(b) of the bill be struck out and the following substituted:

“(b) to sustain the countryside and the economic viability of farming communities.”

I note that both the Liberals and Tories have similar amendments, but I think what’s missing in theirs is “economic viability.” What I would say is, this amendment is an attempt to get the government to recognize the importance of ensuring the economic viability of farming communities both inside and outside the greenbelt. We all heard extensively from the agricultural community during the committee hearings regarding the very difficult economic times they’re confronted with. We heard time and time again, with or without the greenbelt, that these issues are there. The greenbelt was like the tip of the iceberg. Because of BSE, low commodity prices, US farmers dumping corn into Ontario markets at a fraction of the production cost, we all realize that the situation is really serious and that the government needs to act. Of course, there’s only so much a provincial government can do, and the federal government needs to be doing a lot more as well to address the very viability of the agricultural community.

I know that one of the government’s objectives needs to be the establishment of a province-wide task force—that was brought up by the farmers time and time again as well—charged with studying the viability of Ontario farming and determining the types of programs that need to be established to reverse the very serious present crisis. I don’t think there’s any disagreement around this table that something has to be done. I deliberately put economic viability in my amendment, because it has to be in lockstep with the policies to allow the agricultural economy to survive and flourish. If we don’t look at it in terms of economic viability, then all kinds of other policies may be put in place, but we have to look at how it all fits in with the economic viability.

I know it’s a very complex area, but we also heard lots of solutions from many of the farmers, the individuals and the groups that came before us. We had a lot of recommendations, lots of solutions that we need to start acting on immediately. That’s why I framed my amendment the way I did.

Mr. Hudak: A procedural question to you and the clerk, if I could just quickly. I like Ms. Churley’s motion. I think it is important that we have a number of pro-agriculture motions coming forward that will strengthen the state of farmers who are caught in the greenbelt area, so I’ll be supporting this motion. There are two that follow that are amending the same section of the act, 5(e). Will we be amending the act twice, and is that fine? Do we move on to the next?

I intend to support this motion; I think Mr. Klees does as well. We think this is the right thing to do. If it does pass, are the next two motions still in order? I worry that if one of the subsequent two motions passes, does “farming communities” get deleted?

The Clerk of the Committee (Ms. Tonia Grannum): Because we will have changed clause 5(b), then the motion on page 11 and the motion on page 12

we wouldn’t be able to move, because you’ve now changed—

Mr. Hudak: But we would be able to put a new motion on the floor with a similar content that would include farming communities if this is passed?

The Clerk of the Committee: Right.

Mr. Hudak: Thank you very much.

I just want to congratulate the member for bringing this motion forward. We certainly feel that it is absolutely vital to support farming communities within the greenbelt area. There has been concern brought up at every one of the hearing dates, as well as the open houses that the government had and through the media and correspondence to this committee, about that need. I will be supporting this motion by Ms. Churley.

Mrs. Van Bommel: I certainly support it as well. Because it changed slightly from what we have in front of us, could you just repeat your motion, please?

Ms. Churley: What do you mean it changed slightly?
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Mrs. Van Bommel: I changed it. I’m going to change it.

Interjections.

Mrs. Van Bommel: I would absolutely agree about the issue of the—

Interjections.

Ms. Churley: My amendment reads, “to sustain the countryside and the economic viability of farming communities.” I understand that you perhaps have an amendment to make to this.

Mrs. Van Bommel: Yes.

Ms. Churley: In which case, I would like to consider that amendment, if you want to read it.

Mrs. Van Bommel: If I could propose an amendment, then, Chair, now that we’ve got straightened out who is going to do what.

The Chair: I presume this is a friendly amendment.

Ms. Churley: I think so; I want to hear it.

Mrs. Van Bommel: We do nothing but, right? I would like to amend the motion to read “to sustain the countryside, rural and small towns and contribute to the economic viability of farming communities.”

Ms. Churley: That’s fine. I do consider that a friendly amendment.

Mrs. Van Bommel: Thank you. I would support that, absolutely. I think we certainly need to deal with this.

The Chair: Can we just confirm the wording again? Could you read that again?

Mrs. Van Bommel: OK. “To sustain the countryside, rural and small towns and contribute to the economic viability of farming communities.”

The Chair: OK. Mr. Hudak?

Mr. Hudak: That effectively cuts to the chase. The official opposition motion included the words “rural communities and small town communities.” So I think that covers the same area, now with the addition of “farming communities.” I note the government had a similar motion that they were bringing forward as well.

I do want to congratulate on the record the mayor of Lincoln, Bill Hodgson, who brought forward an amend-

ment at the committee hearings in Grimsby, the language of which we used for our amendment, and I would suspect the government did as well. I think I recall indicating at that meeting in Grimsby that we intended to bring forward a motion and encouraged my colleagues opposite to do so, and I'm pleased to see that has occurred.

The Chair: I have no more speakers, so we're voting on the amendment to Ms. Churley's motion first. Does anybody need me to read it again? Seeing none, all those in favour of the motion?

Mr. Hudak: Recorded vote.

Ayes

Churley, Duguid, Hudak, Klees, Matthews, Rinaldi, Van Bommel.

The Chair: I don't believe anybody voted in opposition. I declare that carried.

I believe we have to vote on Ms. Churley's main motion, as amended.

Mr. Hudak: Recorded vote.

Ayes

Churley, Duguid, Hudak, Klees, Matthews, Rinaldi, Van Bommel.

The Chair: I declare that motion carried.

So am I to understand that the Conservatives will be pulling the next motion, 5(b)?

Mr. Hudak: Maybe I'll ask the clerk. So 5(b), as amended, will now read—?

The Clerk of the Committee: "To sustain the countryside, rural and small towns and contribute to the economic viability of farming communities."

Mr. Hudak: We are satisfied with that and are pleased to see this new spirit of co-operation that we hope will carry over into the next series of amendments. So I will withdraw our amendment, Chair.

The Chair: Thank you. Am I to understand the government is also in that spirit of co-operation on 5(b) as well, that they would withdraw their motion on page 12? Thank you.

The next motion would be 5(j). Ms. Churley, you have the floor.

Ms. Churley: First of all, thanks to everybody for supporting this amended motion. I'm glad that we were able to be a united front on that one.

I move that clause 5(j) of the bill be struck out and the following substituted:

"(j) to ensure that no development of transportation and infrastructure proceed on wetlands, woodlands, valley lands, wildlife habitat and other lands that are part of the natural heritage system designated in the greenbelt plan."

This is an amendment to attempt to get support to keep highways and a new Great Lakes-based water and sewage system out of the greenbelt. I somehow don't think that I'm going to get a whole lot of support around the table. We're going from one extreme to the other

here. But again, the rationale here is that the objective of the greenbelt is to enhance the ecological integrity of the greenbelt area. Paving over wetlands, forests and wildlife habitat does not further that integrity, nor does it further the government's stated desire for source water protection.

Again, I'm going to remind the government that it needs to listen the Greenbelt Task Force, its own task force. I'm quoting from their document: "The greenbelt should not be considered a land reserve for future infrastructure needs." So allowing highways and Great-Lakes-based water and sewer systems to go across the greenbelt will defeat the government's stated purpose to control sprawl. Development will simply leap the greenbelt, creating increasing demand for services and new highways.

We well know that I've raised on many occasions the big pipe through King, and I know the rationale of the mayor and others is that it's for health reasons, but really there are other ways to deal with that, and it is about sprawl. We all know from experience that once you build it, they will come. When you build infrastructure through an environmentally sensitive area, you are, of course, setting up that area along the highways or along the big pipe for future development. So it contradicts what we're trying to achieve here.

Mr. Hudak: I appreciate my colleague's motion. I do want to point out again the absolute importance of having the growth plan moving hand in hand with this legislation. It's not just Hudak saying that, it's the OPPI, and I think there are a considerable number of groups—I believe even members of the Greenbelt Task Force have said the same thing. I believe that was probably the government's intention when they introduced Bills 135 and 136 on the same day, consecutively. We would probably address this issue with a great deal more knowledge if we knew what the growth plan was specifically and where the future infrastructure quotas were going to go.

That having been said, since we do—maybe I'll repeat it one more time. It's like waiting for the Maple Leafs to win the Stanley Cup: You keep hearing it's coming, but it hasn't come yet. I've just got to get that on the record for the fifth consecutive day. I think we need to allow the government the opportunity to make sure that it does come forward and that it does gel with the greenbelt plan. I wish we had them to evaluate simultaneously, but in that absence, we need to allow the opportunity to bring it forward.

The Chair: I have no further debate. Are the members ready to vote?

Ms. Churley: Could I have a recorded vote, please?

Ayes

Churley.

Nays

Duguid, Rinaldi, Van Bommel.

The Chair: I declare that the motion is lost.

I assume, Mr. Hudak, that you are reading the next motion?

Mr. Hudak: I am, thank you very much, Chair. I move that section 5 of the bill be amended by adding the following clauses:

“(j.1) to ensure that the development of transportation and infrastructure proceeds in a manner that does not inhibit the ability of municipalities to plan for future growth;

“(j.2) to ensure that every municipality whose potential for growth is adversely affected by the application of this act will receive provincial funding so that its viability as a community is not compromised;

“(j.3) to ensure that the development of Ontario proceeds in accordance with the recommendations set out in Shape the Future, the final report of the Central Ontario Smart Growth Panel appointed by the government on February 22, 2002, to advise the province on practical actions and strategies to promote healthy growth in central Ontario;”

The Chair: You have the floor.

Mr. Hudak: This is a follow-up to the motion that we all just basically came to an agreement on, which was the one brought forward by Mayor Bill Hodgson from Lincoln. Mayor Hodgson is just one of many mayors, particularly those in small communities in the greenbelt, who are concerned that their future growth is going to be frozen. If they wanted to improve their roads, their sewers, build a new recreation centre, for example, they could only do so if they raised taxes exorbitantly. That is very unfair to those particular municipalities. We have pointed out time and time again that this is one of the four fatal flaws of the legislation, that there is no support plan for greenbelt municipalities. Because the greenbelt, if done properly, is to be a jewel for the entire province to enjoy, therefore the entire province as a whole should help to support those greenbelt communities. I think it's a very fair request.

1640

Again, it's just as per Clancy, Miller and myself, and Mr. Klees. If there are problems with the wording, I'd be glad to entertain any amendments to it. But the principle of supporting greenbelt municipalities to make sure they continue to be viable communities is essential, and I do strongly feel that there is an important—in fact, imperative—provincial role in supporting the greenbelt municipalities, particularly those small towns that Mayor Hodgson spoke about in Grimsby.

The Chair: If there's no further debate, are the members ready to vote?

Mr. Hudak: Recorded vote.

Ayes

Hudak, Klees.

Nays

Duguid, Matthews, Rinaldi, Van Bommel.

The Chair: I declare that motion lost.

Next motion, Ms. Churley: 5(k).

Ms. Churley: I move that clause 5(k) of the bill be struck out and the following substituted:

“(k) to promote sustainable resource use by a variety of measures, including by increasing requirements for the reduction and recycling of aggregate products.”

I believe I mostly made my point on this in my other two failed amendments. I would simply say that it's even more critical that this one be supported because the government and the Tories have voted down the two crucial motions before to stop the aggregate extraction. Or maybe you guys actually abstained; I'm not sure.

Mr. Hudak: We didn't hear enough debate.

Ms. Churley: Oh, I see, not enough debate.

Interjection: Not enough science.

Ms. Churley: Not enough science. OK. There's a lot of scientific debate in this document right here.

What this motion is all about is that it is imperative that aggregate demand be reduced through increased dependence on such measures as recycling and substitution. It is not happening on its own. The reports that I referred to earlier make that clear. The aggregate producers are likely not interested in funding the necessary research in aggregate substitutes, although I'd like to see them participate in it. So this is intended to get the government to act and fund research into aggregate recycling and substitution so that the greenbelt does not become, as I've described before, an ecologically debased gravel belt instead of a greenbelt. So I would ask for your support on this one.

Mr. Hudak: A gravelbotch.

Ms. Churley: A gravelbotch.

The Chair: I see no further speakers. Are members ready to vote?

Ms. Churley: Recorded, please.

Ayes

Churley.

Nays

Duguid, Matthews, Rinaldi, Van Bommel.

The Chair: I declare that motion lost.

Shall section 5, as amended, carry? All those in favour? That's carried.

Subsection 6(1)(a.1). Mr. Hudak.

Mr. Hudak: I move that subsection 6(1) of the bill be amended by striking out “may” in the portion before clause (a) and substituting “shall” and by adding the following clause:

“(a.1) policies to support the long-term viability of greenbelt communities;”

The Chair: You have the floor.

Mr. Hudak: Again, this is follow-up to the motion brought forward by Mayor Bill Hodgson, a mayor I'm proud to say represents Lincoln in the riding of Erie—

Lincoln. He talked about the importance of changing “may” to “shall” in his submission. In his, he called it “(e) policies to support the long-term viability of greenbelt communities.” I think for proper context it should be called (a.1), but other than that, we take it directly from the mayor’s presentation. He made a very sincere and well-researched presentation. I think it impressed all members of the committee. Therefore, I ask that this too be added to the bill.

The Chair: No further debate? Are the members ready to vote?

Mr. Hudak: Recorded vote.

Ayes

Hudak, Klees.

Nays

Duguid, Matthews, Rinaldi, Van Bommel.

The Chair: I declare the motion lost.

Mr. Hudak, you’re up again: 6(1)(a.2).

Mr. Hudak: I thought that one was going to go through; I really did. I’m not sure what part they didn’t like, whether it was “may” to “shall” or (a.1). Nonetheless, I will go to the next portion of my amendment.

I move that subsection 6(1) of the bill be amended by adding the following clause:

“(a.2) policies to maintain and substantially improve the Bruce Trail;”

The Bruce Trail is something very near and dear to the hearts of Ontarians. I have talked about the initiatives and that I’m quite proud to be part of a party that brought in the Bruce Trail under then Premier Frost, the Niagara Escarpment Commission and plan under Premier Davis, the Living Legacy under Mike Harris, and the Oak Ridges moraine act under Harris as well. I think this gives us an opportunity to contribute to the improvement of the Bruce Trail.

Again, if members have a concern with any of the particular words, I’m willing to entertain an amendment. But it looks like it fits very nicely here, the Bruce Trail of course going all the way from Niagara Falls, Niagara-on-the-Lake, all the way to Grey-Owen Sound along the Niagara Escarpment.

It is not only a treasure across the province as a whole but something widely supported by the residents of the riding of Erie–Lincoln. I’d like to see this, in order to actually enhance whatever the greenbelt eventually becomes. I think this would be an important enhancement that should be included in the legislation.

Mrs. Van Bommel: As a government we all support trails. The greenbelt plan speaks to many trails, and the Bruce Trail is just one of them. But I think also that the Bruce Trail is specifically addressed under the Niagara Escarpment plan, so by addressing it here again, it’s becoming redundant. Unless you can explain to me what is missing and why we would need to address it again

under the Greenbelt Act, I really don’t understand why we are taking this one trail when it is one of many.

Mr. Hudak: I don’t like the tone. I’m a little nervous about the tone because I was hoping that this one would similarly receive support. It’s a non-partisan motion.

While we did not have a particular presentation about the Bruce Trail, I think those who are supporters would see this as an opportunity to enshrine its importance in legislation and in fact to improve it beyond what currently exists in the recognition in the Niagara Escarpment plan.

With due respect, there are important trail systems, but it ain’t a trail like every other trail. This is a treasure with wide support. It covers a massive area. It fits in very well with how the government describes the goals of the greenbelt area. I think it nicely links together some of the major initiatives that have happened over the last 40 years.

Despite the fact that it might be mentioned in another piece of legislation, I think it fits in very neatly with the government’s intentions behind the Greenbelt Act, and as a gesture to those supporters of the Bruce Trail that the government is committed to it. I do hope I will win some support for this motion.

Mr. Klees: I’d like to add my support to my colleague’s amendment. As a former Minister of Tourism, I certainly understand the importance of the Bruce Trail, particularly. As Ms. Van Bommel indicated, there are many trails throughout the province and they are an important part of our natural heritage, and some significant impact on tourism in our province as well.

I agree with Mr. Hudak that it’s important to send a signal through this legislation, to include specific reference. I think it’s symbolic and it would be an encouragement to the many volunteers over the years who have ensured that the Bruce Trail is what it is today. I always feel that whenever there is an opportunity for government to send a signal to the many people, who often are unheralded, who give many hundreds and thousands of hours of their time. For this special mention to be made in this legislation would be most encouraging to them. For that reason, I certainly would support it and encourage government members. It’s not going to take away from the substance of the bill, but I do think it will show a great deal of goodwill.

1650

The Chair: Seeing no further speakers, are the members ready to vote?

Mr. Hudak: Recorded vote.

Ayes

Churley, Hudak, Klees.

Nays

Duguid, Matthews, Rinaldi, Van Bommel.

The Chair: I declare that motion lost.

Mr. Klees: On a point of order, Madam Chair: I really do think that there's a struggle going on in the minds of government members of this committee. I am sure that I saw a spontaneous reaction wanting to vote for this. I'm willing to make a request for unanimous consent that we redo this vote and give the government members an opportunity here to do the right thing.

The Chair: I appreciate your desire to deal with the spontaneous nature on the other side of the table, but considering we're only at section 5 and we have 30 to go, maybe they can—we have some more votes to go. I declare that motion lost.

Our next motion is clauses 6(2)(d.1) and (d.2), government motion.

Mr. Rinaldi: I move that subsection 6(2) of the bill be amended by striking out “and” at the end of clause (d) and by adding the following clauses:

“(d.1) policies,

“(i) prohibiting official plans and zoning bylaws from containing provisions that relate to specified matters and are more restrictive than the provisions relating to such matters that are contained in the greenbelt plan, and

“(ii) specifying matters referred to in subclause (i);

“(d.2) land use policies to support the long-term viability of agriculture in the greenbelt area; and”.

The Chair: Mrs. Van Bommel, are you speaking to the government motion?

Mrs. Van Bommel: Yes, I will speak to this. This is in response to the concerns that we heard from agricultural stakeholders about the importance of agriculture in the greenbelt, and we want to confirm that the importance of agriculture and the viability of agriculture is part of what we want to do when we're talking about the preservation of farmland. We heard many times from farmers who feel that it is important to save farmland and to save farmers. So we're trying to address that.

Ms. Churley: First of all, I have some concerns about the wording, and I may ask to have it split so we can vote on it separately, (d.1) and (d.2), because, of course, I support the second part: “land use policies to support the long-term viability of agriculture in the greenbelt area,” although I would say that that should include viability of farmland everywhere in Ontario. Having said that, I'm just wondering what you mean by (d.1), if that can be explained.

Mrs. Van Bommel: When we're talking about official plans and zoning bylaws that could be more restrictive, we want to make sure that all farmers are treated equally across the province and that there are consistencies in how bylaws are carried through, especially consistencies through the greenbelt. I'm going to defer to our technical support as well; as you question the wording, I'll ask them to deal with that.

Ms. Konyi: Ms. Churley, clause (d.1) is consistent with the approach that was taken in the Oak Ridges Moraine Conservation Act. For example, as Mrs. Van Bommel was stating, with respect to certain uses in the Oak Ridges moraine example, it was with respect to agricultural uses. You couldn't use the Oak Ridges

moraine conservation plan as a reason to prohibit any more restrictive agricultural practices in that municipality. So you couldn't use that as a way to put, say, a series of performance standards in an official plan that would thereby not allow that provincial interest to be put in place.

Ms. Churley: To follow up on that: As an example, a large factory hog farm environmentally near some wetland or whatever, would that be—

Ms. Konyi: No. I think, actually, what it's meant to do is—with respect to the policy, you'd still have to conform to the policies of the greenbelt plan. You just couldn't add any extra policies that would go over and above which would cause that not to be put in place.

Ms. Churley: I understand. In the Places to Grow Act, though, there's a difference. I understand you said that it's the same as in the Oak Ridges moraine, but in the Places to Grow Act, it's my understanding that it says that the strongest environmental and human health policy overrides. Therefore, why not in this case?

Mr. Irvin Shachter: Good afternoon. I'm Irving Shachter, from legal services branch, municipal affairs.

Ms. Churley: Welcome. For the record, he has been here all day.

Mr. Shachter: Unlike the typical lawyer, I was hoping not to have to say anything today.

Ms. Churley, you're referring to the conflict provisions in the Places to Grow Act, as I recollect. Both this provision and the provision in the Oak Ridges Moraine Conservation Act are to cover off the situations. As you know, when one does planning, municipal official plans and zoning bylaws are usually done as minimums, and standards that are higher than minimums are appropriate. But you can sometimes, in some circumstances, by prescribing higher than the minimum, in fact stop what it is you're trying to permit. The example would be performance standards, such that a certain use that purportedly otherwise would be permitted could not be carried on.

Ms. Churley: So this, then, would only apply to agricultural uses, not—

Mr. Shachter: No. The way the motion is phrased, it isn't only applied to agriculture; it would allow for matters as prescribed. Agriculture, I think, was the example that was put forward, but the wording of the motion itself does speak to “that relate to specified matters.”

Ms. Churley: So I guess that is the rub for me. I'm sympathetic to the argument around agricultural land and farm viability, but I can't support this as is. I don't suppose you'd see it as a friendly amendment for me to put agriculture specifically in there, would you?

The Chair: Are you asking a question of the parliamentary assistant?

Ms. Churley: Yes.

Mrs. Van Bommel: I'm going to defer to our staff. Can we get that specific?

Ms. Konyi: Could you repeat your question, Ms. Churley?

Ms. Churley: It doesn't just apply to agriculture, and I was asking if it would be a friendly amendment, although I guess it substantially changes it. But I'm very concerned—except for the explanation you gave me about the reasons for agricultural land, which I think is valid and important—about it applying to all other land uses as well, where I believe that the strongest regulations on the environment and human health should prevail. That would be my question.

Ms. Konyi: I think the decision on what policies would be in the plan that these restrictions could possibly apply to is inappropriate for staff.

Ms. Churley: Right. That's why I'm asking of the government—do you want to stand it down and think about this?

Mrs. Van Bommel: No.

Ms. Churley: You can't accept that as a friendly amendment? OK. In that case, just to be clear, then, that is why I can't support it. I certainly would like to support (d.2) on the long-term viability of agriculture in the greenbelt area. Would you split it so I can vote for (d.2)?

Mrs. Van Bommel: We can certainly split it, if you like.

Mr. Duguid: If it makes you happy, we're OK with that.

1700

The Chair: So the mover has agreed that they'll split the motion. I still have two more speakers, I believe, speaking to the whole motion.

Mr. Hudak: Actually, I have an amendment, but that is to the (d.2) part of the motion, so I'll table my amendment until we get through (d.1).

The Chair: Mrs. Van Bommel, you were on my list. Did you want to speak to—

Mrs. Van Bommel: No, that's fine.

The Chair: OK. So I have no more speakers on (d.1). Are the members ready to vote on (d.1)? All those in favour of (d.1)? All those opposed? That's carried.

(d.2): Mr. Hudak, you have the floor.

Mr. Hudak: I move—how do I phrase this?—that (d.2)—

The Chair: Excuse me, just so I'm procedurally correct, can I have Mrs. Van Bommel move (d.2) separately and read it into the record.

Mrs. Van Bommel: Certainly, that's fine: "(d.2) land use policies to support the long-term viability of agriculture in the greenbelt area; and".

The Chair: Thank you. Mr. Hudak.

Mr. Hudak: I'd like to amend the motion as follows:

"(d.2) land use and economic support policies to support the long-term viability of agriculture in the greenbelt area; and".

So I'm adding the words "and economic support" after the words "land use."

The Chair: I don't know if that's a friendly amendment to—

Mr. Hudak: I consider it very friendly.

The Chair: Maybe I could ask Mr. Hudak to explain it, and then people can listen to his explanation. Mr.

Hudak, you have the floor, while we struggle with your change.

Mr. Hudak: While I think farmers will be somewhat pleased to see language regarding the support and long-term viability of agriculture in the greenbelt area, they were very clear that it is more than simply land use policies. I think overwhelmingly, if not unanimously, the presentations by the agriculture community spoke about economic support for greenbelt farmers. Similarly, I believe almost all other deputants who spoke in this area, whether environmental groups, municipalities or other interested stakeholders, also supported an economic support plan. So it's not simply land use policies alone, but it is actual economic support for farm viability that they're asking for. I think that should be clear and I hope that that additional language of "and economic support" policies will be included in this bill.

Mrs. Van Bommel: I can't support that, and the reason I can't do that is because I think you're setting farmers inside the greenbelt into a special category and you're going to give them something—you're asking that they have something that the rest of the farmers in this province don't have.

One thing that we heard during the deputations was the fact that the farmers in the GTA were already experiencing—one deputant spoke, and she's here today, on the fact that over the last 10 years she hasn't had access to the same support programs that I have had as a farmer in southwestern Ontario. So she's already had to deal with the fact that she hasn't been on a level playing field with me. Now you're asking that again we not have a level playing field. I have a real difficulty with that. I think there should be consistent treatment of all farmers in this province and you shouldn't start taking certain groups and setting them aside and giving them special treatment or you disadvantage other groups. That is an issue I have very real difficulty with.

Ms. Churley: I would like to amend the amendment and use the wording that Mr. Hudak gave, but take out "greenbelt area" and put in "the province of Ontario." That's an issue that I raised earlier as well. So yes, I'd like to make that as an amendment to the amendment, to remove "greenbelt area" and put in—I can't remember your wording, Tim, but your wording, the economic viability, and to change "greenbelt area" to "the province of Ontario," because I share your concerns and I raised it earlier. I said I'd support it, but it's very clear that farms across the province need support.

Mr. Hudak: That should solve the problem.

The Chair: I have other speakers, and now I'm totally confused. I'm not sure which amendment we're speaking to. Can you give me a second?

Mr. Hudak, did you want to speak to any of the amendments or the original motion? You're my last speaker—no, you're not the last.

Mr. Hudak: I appreciate Ms. Churley's amendment to my amendment to the motion. I hopefully will get support from all members of the committee for that.

Mr. Klees: I'm pleased to add my support to Ms. Churley's amendment to the amendment, and thank the parliamentary assistant Ms. Van Bommel for bringing this forward so that we can all vote for this. I agree with her as well that it should be a level playing field. She expressed that her concern with this amendment was the fact that there wasn't a level playing field and that it was treating some farmers differently. So the fact that we've removed that impediment I think speaks to the goodwill that is being demonstrated here around the table. I look forward to this amendment passing.

Mrs. Van Bommel: So we keep things straight, I'm going to speak to the amendment that Ms. Churley has put forward. While I appreciate that approach, because we're dealing with enabling legislation for the greenbelt, I don't think this is the appropriate vehicle to do that in. I think we need to have something very specific to the whole issue of viability for agriculture across this province.

Interjection.

Mrs. Van Bommel: I so appreciate your support, you know—

The Chair: Thank you, committee.

I see no other speakers, and I believe what we're dealing with is Ms. Churley's first. I believe the wording—

Ms. Churley: Recorded vote.

The Chair: A recorded vote, but let me just make sure that I have the wording correct:

“(d.2) land use policies and economic support policies to support the long-term viability of agriculture in the province of Ontario; and”.

Ms. Churley: Yes, that's right.

The Chair: A recorded vote has been requested.

Ayes

Churley, Hudak, Klees.

Nays

Duguid, Matthews, Rinaldi, Van Bommel.

The Chair: I declare that motion lost.

The original amendment that Mr. Hudak put forward is back on the floor, which is:

“(d.2) land use policies and economic support policies to support the long-term viability of agriculture in the greenbelt area; and”.

Mr. Hudak: I'm shocked that that last amendment didn't go through, because the parliamentary assistant herself had said that we should address this across the province as a whole. The motion was amended appropriately and still the government member shot it down and now has said, “Well, this is not the way to do that.” I guess we'll put our faith in the Minister of Agriculture, who has been absolutely absent from the field on this legislation.

Ms. Churley: He's not out standing in the field?

Mr. Hudak: He is not standing in anybody's field.

Ms. Churley: I want that on the record. I asked the question, “He's not out standing in the field?”

The Chair: Thank you, Ms. Churley. Mr. Hudak, you wanted to—

Mr. Hudak: I believe quite strongly that farmers have said that it's not land use alone. An incredible number of groups have said that as well, that a successful greenbelt cannot be based on land use alone and there should be further government support. Clearly, there should be some support for greenbelt farmers. We heard that in Durham, Halton, Peel, Wellington, and especially from the good folks in Niagara.

So I do feel quite strongly that the government should show that they support greenbelt farmers by adding the words “and economic support” to the motion. I would argue that greenbelt farmers will find themselves in a different situation, if this legislation passes, than somebody across the road who is not in the greenbelt area. There will be the ability of the government to put further restrictions on their operations. I can't think of a single group that came before us that objected to this economic plan for farmers, a viability plan for greenbelt farmers, and I do hope it will win support.

Mr. Klees: Further to the parliamentary assistant's concern about treating farmers in the greenbelt differently than farmers who are outside of the greenbelt, I would put to her the question, why are you comfortable, then, with this clause, which provides very specific protection for farmers within the greenbelt area that you're not extending legislatively to farmers outside of the greenbelt area?

Mrs. Van Bommel: I certainly want to go back also and speak to something I mentioned earlier, which is the fact that, first of all, we now have in place amendments to the Planning Act which will give land use policy protection to farmers outside the greenbelt as well, in terms of we no longer “have regard for,” we now must “be consistent with” the provincial policy statement. Also, the provincial policy statement is being reviewed. So there is opportunity to strengthen the provincial policy statement as well so that we create a level playing field for farmers outside the greenbelt as well as inside.

1710

Mr. Klees: The parliamentary assistant, then, is giving this committee and farmers across the province the assurance that whatever protection will be provided to farmers here under this legislation will be extended to farmers not in the greenbelt. Is that correct?

Mrs. Van Bommel: The intent of this is to protect farmland as well as natural heritage lands and such within the greenbelt. But, yes, it is also our intention to help farmers outside the greenbelt to stay in agriculture as well.

We've heard from farmers outside the greenbelt for years, and you will certainly attest to the fact, that during the Smart Growth panel hearings, farmers and farm organizations came forward telling you that farmland needed to be preserved, and that hasn't changed. Farm

communities still feel very strongly about the need to protect and preserve valuable farmland.

Mr. Hudak: Let me note, for the record, that the amended motion that I put forward to include the words “and economic support”—and then it would be, “... policies to support the long-term viability of agriculture in the greenbelt area”—is but a modest amendment. If the government votes this down, it will be a slap in the face to farmers in the greenbelt area who have come before this committee, who have come to the open house and have said universally that there should be a viability plan, a support plan for Ontario farmers. It’s bad enough that the Minister of Agriculture has failed to stand up for greenbelt farmers, but to see the government now vote down a modest amendment about economic support for farmers in the greenbelt is an insult to those who came before the committee and is very frightening for what will become of the greenbelt farmers.

Mrs. Van Bommel: This legislation is enabling legislation. I have noticed that the political farmer has come up for air again and you’re using this opportunity to delay this legislation.

We’re talking about the viability of agriculture across this province. There is no question that we recognize that agriculture is in a crisis right now. This crisis has been a long time coming. We have to deal with that through the Ministry of Agriculture. Quite frankly, the minister has to deal with that and he is speaking to the farm community at this time. But to say that we’re going to put that in here, and to imply that somehow by not supporting this amendment we don’t support farmers in this province, you’re very wrong.

You’re just playing politics with these farmers. If you had been so concerned about these farmers, then we would not have heard about the fact that for the past 10 years farmers in the GTA were disadvantaged. You had the opportunity to rectify that; you didn’t. Now you are all of a sudden saying that you want us to deal with this. I’m saying to you, we treat everyone equally. We value agriculture. We value the farmers. We value what they do for us in terms of food production. At this time they are in a crisis and there is no question in my mind that we need to address that, but this is not the appropriate vehicle to do it.

Ms. Churley: Just briefly on this, it’s certainly an area where I don’t think anybody wants to be playing politics with it. It was very distressing for all of us to hear the plight of the farmer. In some cases, some in the farm community, because I support moving forward with greenbelt legislation, see that as a contradiction.

I just want to make it clear that we may differ on that, and we do in some cases, although some farm groups came out in support and wanted it expanded to include those agricultural lands that I pointed out on the map earlier, and some other things. But the message we got time and time again was that, with or without the greenbelt, these supports have to be put in place and have to be put in place now as a priority.

I guess to not play politics with this, but to make it very, very clear that something is going to come out of this as a result of those hearings—it’s clear that this motion is not going to pass here today, although I thank everybody for supporting mine earlier. I think it’s a key message coming out of these committee hearings and in the House when we go through this that we have done something together as a committee to recognize and support and deal with the very serious issues raised to us by the farm community. I think that’s why it is so important that we not only acknowledge but make very clear statements and pass as many motions as we can to indicate that we’re serious about this. So I’m going to support the motion. I think it’s important, and I don’t see it that differently from the one that we passed earlier. If it’s not supported, I think we’re all going to be looking for statements from the government, either inside the greenbelt or outside, in response to all of the concerns—and very good recommendations, by the way—that were brought to us from many farmers across the area.

Mr. Hudak: I’ve got to say that I’m disappointed in the parliamentary assistant’s remarks. Every single agriculture group that came forward talked about the necessity of an economic support plan for greenbelt farmers—and she agrees with me. I cannot think of another group, aside from the government of Ontario, that has disagreed with that statement. As far as I can recall, when we addressed the issue, environmental groups, municipalities and other landowners unanimously spoke about the importance of a viability strategy for Ontario farmers.

Clearly, if they won’t even support this modest—I’m not calling for \$5 billion; I don’t specify. It’s a modest amendment. We certainly have some stronger ones coming forward. If the government votes down this most modest of amendments, they are clearly abandoning greenbelt farmers and they are absolutely ignoring every piece of evidence that has come forward before this committee. It would be a sad reality if they vote down economic support.

Mr. Klees: I want to express my disappointment as well with the parliamentary assistant’s comments. To accuse us of playing politics with farmers by raising on their behalf the issue of economic sustainability and encouraging the government to incorporate into this legislation specific reference to economic support policies, I suggest, is an affront to Mr. Hudak, who brought this forward, it’s an affront to every farmer who is suffering in this province today, and it’s an affront to every farmer who presented to this committee over the last number of weeks appealing to the government and asking it to incorporate economic support policies.

I’d also ask the parliamentary assistant to look very carefully at the government’s own amendment, which reads “land use policies to support the long-term viability....” If the objective, the end goal, is viability of agriculture, you have to include a reference to economic support plans, because the farming community has told you time and again that without that, there is no viability, no long-term viability. So what we’re pointing out to you

here is very simply that if you want to achieve the objective of your own amendment, then you will include a reference to the economic support policy. I don't understand why on the one hand you would accuse the opposition of playing politics with this issue when your objective is the same as ours. We're simply trying to provide some substance to this that would help achieve the objective that you've set up.

1720

Mrs. Van Bommel: Long-term viability is more than just economic viability. We heard from presenters and deputants who talked about issues such as trespass. We had an individual, a farmer, who came and showed us photographs of people walking on to his land and storing their things on his property. That deals with trespass. He also showed us issues around drainage. There are a lot of things that need to be dealt with, not just one thing such as economics.

Long-term viability means a lot of different things to the farm community. The one thing I heard, in all those deputants—we heard from farmers who stayed on their farms, whose neighbours left. I've heard people talk about such things as calling farmers speculators. That's the last thing I'm going to call those people who stayed, because that's what they didn't do. They weren't speculating. They stayed on their farms. They were farmers there for keeps. They need help to stay there. They need viability. To start taking out one part and to say you're going to deal only with economics, that's not fair. Those people need far more than just the economics. Not only that, but farmers deserve more than to have policies that affect their viability dictated only through the one act. It should be something very specific from the Ministry of Agriculture, and I think that the farmers should have that dignity of having their minister help them through their difficulties.

Mr. Klees: We've been looking for the Minister of Agriculture to show up on behalf of farmers. He's nowhere to be seen. What we're hearing from the farming community is that they hear one thing from the Minister of Agriculture, but he appears to have no ability to deliver his message to the cabinet table. There's no response, there's no recognition, there's no evidence that this minister is effective as an agriculture minister.

At least we here have had the benefit of very public hearings. I don't know where the Minister of Agriculture is. You say he's out there. I don't see him; I don't hear him. I don't know what private meetings he's having, but we're having a very public forum on a very important issue that affects farmers in this province. We have heard in a very public way that long-term viability for them, yes, means many things but, fundamentally, it means economic viability. You can have all of the land use issues in place, but if they're not economically viable, those farmers have no way of staying on that land.

We're simply saying that for we who have had the benefit of those public hearings and those deputations, one after another, why do we not, through this legislation, take the opportunity to send the signal to the

Premier, to all of the cabinet and to the people of Ontario that this government is in fact serious and understands that the issues of economic support policies are fundamental, are a cornerstone to achieving that long-term viability?

Mr. Hudak: The summary report prepared for us by staff for Bill 135 has example after example from group after group of those who call for agricultural sustainability and viability: "The focus should be on agricultural sustainability and viability, not just a land use planning exercise." I don't know what all the acronyms mean, but that was Mary Lou Garr, who was on their task force, ASASBW, Moore, Lambrick, OFA, Halton Region Federation of Agriculture, TNOL, Ontario Fruit and Vegetable Growers' Association, PFOA. "Agriculture viability support should be considered in concert with the Greenbelt Act": NNFA, Councillor Kirkby, Howard Staff, fruit and vegetables, Ontario Federation of Agriculture. The evidence we heard was consistent, overwhelming and universal.

The parliamentary assistant's defence on this has shifted several times. First, it was tabling a motion with land use alone, that land use was sufficient. Then in the talk about economic support, she said, "It has to be province-wide." When put to the test in a vote, they voted down economic support. Then when I talked about economic support, she said, "Well, it's more than economic support. It's land use, trespass and other things." But initially they said it was simply land use that was all they'd need to look at. There is no defence to this.

Do you believe in your heart and will you vote to support greenbelt farmers with a viability plan? I cannot think of a single deputant who disagreed with that approach. In fact, your own task force made this point for me on page 5 of their report. They said, "Protection of the land alone does not ensure agricultural viability, and the province should pursue complementary initiatives including economic development, research and monitoring, promotion of agricultural easements and land trusts for farmers" etc.

Your own committee and your own member, Mary Lou Garr, talked about the importance of enshrining this in the bill. You support the greenbelt farmers or you don't. If you vote this down, there is no argument other than you don't.

The Chair: Are the members ready to vote?

Mr. Hudak: Recorded vote.

The Chair: A recorded vote has been requested. Just in case—

Ms. Churley: What are we voting on again?

The Chair: I thought I'd remind you because I know it's become a little confusing. We're voting on the second amendment, which was Mr. Hudak's, which was, "the land use policies and economic support policies to support the long-term viability of agriculture in the greenbelt area; and".

This is a recorded vote.

Ayes

Churley, Hudak, Klees.

Nays

Duguid, Mossop, Rinaldi, Van Bommel.

The Chair: I declare that motion lost.

The remaining motion on the floor is the original one moved by Ms. Van Bommel.

Mrs. Van Bommel: On a point of order: Because we've split this into two, I need to amend this part of the motion so that it is consistent. So I need to amend it by taking out "greenbelt area" and substituting "protected countryside," so that it would read,

"(d.2) land use policies to support the long-term viability of agriculture in the protected countryside; and".

The Chair: No discussion? Are members ready to vote?

Mr. Hudak: Obviously, land use is part of the equation. We support land use policies that are going to support the long-term viability of agriculture in the greenbelt area. I regret deeply that economic support is not part of this. Nonetheless, we will take land use policies and support this motion, noting again for the record that it should also include economic support.

The Chair: No further discussion? Are members ready to vote?

Mr. Rinaldi: Recorded vote.

The Chair: A recorded vote has been requested and this is on (d.2). I'll just remind everybody. It says, "land use policies to support the long-term viability of agriculture in the protected countryside; and". Is that right, Ms. Van Bommel?

Mrs. Van Bommel: Yes.

The Chair: A recorded vote has been requested.

Ayes

Churley, Duguid, Hudak, Klees, Mossop, Rinaldi, Van Bommel.

The Chair: I declare that motion carried.

The last procedural is to vote on clause 6(2)(d.2), as amended. All those in favour? That's carried.

Shall section 6, as amended, carry? All those in favour? That's carried.

Section 7: Ms. Churley, subsection 7(3) is your next amendment.

Ms. Churley: I move that subsection 7(3) of the bill be amended by striking out "no municipality or municipal planning authority" in the portion before clause (a) and substituting "no ministry, board, commission or agency of the government of Ontario and no municipality or municipal planning authority".

1730

This is pretty self-evident. The environment doesn't distinguish between different levels of government.

Without this amendment, the act now tries to make that distinction. It's to ensure that any provincial public works improvement of a structural nature or other undertaking must conform to the greenbelt plan, as the municipal level of government does. The public works undertaken by municipalities should have to conform to the provisions of the greenbelt plan, presumably for the protection of the natural environment. Why in the world should provincial public works and undertakings be exempt? Are provincial undertakings such as roads, the big pipe in King City and sewer extensions any more environmentally benign than municipal infrastructure?

This amendment would treat provincial public works equally with municipal public works in making both conform to the greenbelt plan. That's it; I think that makes eminent sense to support.

The Chair: I have no speakers. Are the members ready to vote on this motion?

Ms. Churley: Could I have a recorded vote, please?

Ayes

Churley.

Nays

Matthews, Mossop, Rinaldi, Van Bommel.

The Chair: I declare that motion lost.

Shall section 7 carry? Carried.

Ms. Churley, you have section 8.

Ms. Churley: OK, let me try again. I move that section 8 of the bill be struck out and the following substituted:

"Conflicts with greenbelt plan

"8(1) Despite any act, if there is a conflict between a provision in the greenbelt plan and a provision in a plan, bylaw, policy, act or regulation that is mentioned in subsection (2) with respect to a matter relating to the natural environment or human health, the direction that provides more protection to the natural environment or human health prevails.

"Same

"(2) The plans, bylaws, policies, acts and regulations to which subsection (1) refers are

"(a) an official plan;

"(b) a zoning bylaw;

"(c) a policy statement issued under section 3 of the Planning Act;

"(d) the Niagara Escarpment Plan established under section 3 of the Niagara Escarpment Planning and Development Act, the Oak Ridges Moraine Conservation Plan established under section 3 of the Oak Ridges Moraine Conservation Act, 2001 and any amendments to those plans; and

"(e) any of the following acts or a regulation made under any one of the following acts:

"(i) Aggregate Resources Act,

"(ii) Drainage Act,

- “(iii) Environmental Assessment Act,
- “(iv) Environmental Protection Act,
- “(v) Mining Act,
- “(vi) Ontario Water Resources Act,
- “(vii) Public Lands Act.”

So what’s this one all about? The amendment allows the greenest provision to stand in cases of conflict, which there sometimes are between the greenbelt plan and a policy, plan, bylaw, act or regulation.

I know the government has introduced amendments to clarify and strengthen their intent that municipal official plans or bylaws must conform to the greenbelt plan, but it just doesn’t go far enough in this regard. You’ll remember that during the committee hearings we heard examples where the official plan of a municipality, and Caledon is a good example, was established through a local process and a compromise was reached—I’m sure it was painstakingly reached—among various land users, and it was more environmentally progressive than what exists in the proposed greenbelt plan. So that should supersede, because it’s stronger.

What this does is to recognize that the greenest policy, plan, regulation etc., that which provides the most protection to the natural environment or human health, should prevail in cases like Caledon, which is a good example of conflict in direction.

I would expect that all government members should be able to support this, because the concept comes directly from their Places to Grow Act, wherein if a conflict exists between a growth plan and a direction in another plan or policy, the act states that “the direction that provides more protection to the natural environment or human health prevails.” That’s right out of the Places to Grow Act, so why is it OK for the Places to Grow Act and not for the Greenbelt Act? That’s what this does.

The Chair: I have no speakers. Are the members ready to vote?

Ms. Churley: Can I have a recorded vote, please?

Ayes

Churley.

Nays

Matthews, Mossop, Rinaldi, Van Bommel.

The Chair: I declare that motion lost.

Shall section 8 carry? Carried.

On section 9: Ms. Churley.

Ms. Churley: I move that section 9 of the bill be struck out and the following substituted:

“Conformity

“9(1) The council of a municipality located within the area to which the greenbelt plan applies shall amend its official plan to conform with the greenbelt plan on or before the day that is 18 months after the day the greenbelt plan comes into force.

“Failure to amend

“(2) If the council of a municipality fails to amend its official plan within the time specified in subsection (1), the minister may, by order, amend the official plan of the municipality so that it conforms with the greenbelt plan.”

This is to decrease the time municipalities have to conform to the greenbelt plan, and to provide the minister with powers to bring municipalities into conformity. The rationale behind this one is that Bill 135 allows municipalities to wait until their next official plan review is done in order to conform to the greenbelt plan. For some municipalities that have just completed an official plan review, this will push the conformity date well into the future. It could be up to five years, so there’s a technical glitch here. How do you deal with that? This attempts to fix that.

Again, in contrast, under the Oak Ridges Moraine Act, municipalities were given 18 months to bring their official plans into conformity. I assume that Mr. Klees would think they did the right thing on that and will support this motion.

Equally important is that the minister may have the powers to amend a municipality’s official plan in the event that it does not conform with the greenbelt plan. Again, I come back to the Places to Grow Act. There are provisions that permit the Minister of Municipal Affairs and the Minister of Public Infrastructure Renewal to amend the official plan to bring them into conformity with provincially initiated growth management plans.

The issue here is, if it is important enough for the minister to have these powers for growth plans, then why in the world would we not think it’s important enough to have them for green plans? I think it’s a glaring oversight, and I’m hoping that it actually is an oversight and that you will support this amendment.

The Chair: I have no speakers. Are the members ready to vote on this motion?

Ms. Churley: Could I have a recorded vote, please?

Ayes

Churley.

Nays

Matthews, Mossop, Van Bommel.

The Chair: I declare that motion lost.

The next motion is a government motion. Ms. Mossop, I believe you will be reading that.

Ms. Mossop: I move that section 9 of the bill be struck out and the following substituted:

“Conformity

“9(1) The council of a municipality or a municipal planning authority located within any of the areas designated as protected countryside in the greenbelt plan shall amend every official plan to conform with the greenbelt plan,

“(a) no later than the date the council is required to make a determination under subsection 26(1) of the

Planning Act, if the minister does not direct the council to make the amendments on or before a specified date; or

“(b) no later than the day specified by the minister, if the minister directs the council to make the amendments on or before a specified date.

“Same

“(2) For the purposes of subsection (1), a provision in an official plan that relates to a matter specified under subclause 6(2)(d.1)(ii) does not conform with the greenbelt plan if it exceeds the requirements of the greenbelt plan or is more restrictive than a provision in the greenbelt plan.”

1740

Mrs. Van Bommel: I think that this tries to answer the same concerns that Ms. Churley had. In looking at the history of what happened around the Oak Ridges moraine, it is my understanding that, even though there was an 18-month timeline requirement, a lot of municipalities came forward and asked for extensions on that time. For a lot of municipalities, especially the more rural municipalities, the exercise of going through the official plan is a very expensive one. We have municipalities that are doing this exercise at this time, and to ask them to go through that again in 18 months, as was suggested, is onerous for them and for their ratepayers as well. What we’re doing with this particular motion is we’re addressing that need.

Ms. Churley: Just briefly, I would ask again for your indulgence to split this. I want to support clauses 9(1)(a) and (b) because, you’re right, it does do what I was doing—not as well; it doesn’t go quite as far, but it goes some distance to correcting that problem, which I very much appreciate. The problem with subsection 9(2) is—without going into the detail again as I did before—that the greenbelt plan supersedes any other plan, even if it’s more environmentally sound. So I want to vote against that, but I would like to vote for clauses 9(1)(a) and (b).

The Chair: Are you requesting that the mover split the motion?

Ms. Churley: Yes.

The Clerk of the Committee: You have to reread it.

Mrs. Van Bommel: I have to reread this?

The Clerk of the Committee: Yes, and then you have to reread the second motion properly.

Mrs. Van Bommel: OK, thank you. I move that section 9 of the bill be struck out and the following substituted:

“Conformity

“9.(1) The council of a municipality or a municipal planning authority located within any of the areas designated as protected countryside in the greenbelt plan shall amend every official plan to conform with the greenbelt plan,

“(a) no later than the date the council is required to make a determination under subsection 26(1) of the Planning Act, if the minister does not direct the council to make the amendments on or before a specified date; or

“(b) no later than the day specified by the minister, if the minister directs the council to make the amendments on or before a specified date.”

The Chair: So this means that the previous motion is withdrawn?

Mrs. Van Bommel: Yes. We’ve split it into two now.

The Chair: We have no further speakers. All those in favour of the motion? All those opposed? That’s carried.

Mrs. Van Bommel, would you read the second part of that?

Mrs. Van Bommel: I’m hoping that when I read this out, I read it correctly into the record. I don’t need to preface it with anything? I’m just going to check with legal to make sure.

The Clerk of the Committee: You start with “I move that.”

Mrs. Van Bommel: I move that section 9 of the bill be struck out—is that proper?

Ms. Sibylle Filion: Not “be struck out,” but “be further amended by adding the following subsection.”

Mrs. Van Bommel: OK. I move that section 9 of the bill, as amended, be further amended by adding the following subsection:

“Same

“(2) For the purposes of subsection (1), a provision in an official plan that relates to a matter specified under subclause 6(2)(d.1)(ii) does not conform with the greenbelt plan if it exceeds the requirements of the greenbelt plan or is more restrictive than a provision in the greenbelt plan.”

The Chair: Further discussion? All those in favour? All those opposed? I declare that carried.

Shall section 9, as amended, carry? All those in favour? That’s carried.

The next section is section 10, a government motion.

Ms. Mossop: I move that clause 10(2)(a) of the bill be amended by striking out “Greenbelt Advisory Council” and substituting “Greenbelt Council.”

Mrs. Van Bommel: This is complementary to a motion that we have later. That seems a little backwards in a sense, but what we want to do is create a name change that reflects the broader role of the council in the implementation of the greenbelt.

Mr. Hudak: I’m fine with that. I know there are some subsequent ones like that. We do have some motions for particular additional advisory councils, but to change the name from the Greenbelt Advisory Council to the Greenbelt Council is fine. I think “may” and “shall” will be an issue that we’ll get into shortly as well.

The other thing I think I’ll say too, it’s a quarter to 6 and we are making some pretty good progress. I may suggest that we just continue past 6. I think if we break from 6 to 7—we probably could get it done well before 7 o’clock. So if members are agreed, why don’t we just work through 6 and maintain the momentum?

The Chair: Just so you know, supper has been ordered because it wasn’t going this smoothly about 45 minutes ago. So supper is ordered anyway. I’m happy to work through.

On the motion that we have in front of us, 23, any further speakers? Seeing none, all those in favour of the motion? All those opposed? That’s carried.

Shall section 10, as amended, carry? All those in favour? All those opposed? That's carried.

New section 10.1; Mr. Hudak.

Mr. Hudak: I move that the bill be amended by adding the following section:

"Reviews of official plans

"10.1(1) A municipal planning authority may review its official plan once every five years after the date the greenbelt plan comes into force to determine whether there is an adequate supply of land for industrial, commercial and residential needs in the applicable area and whether this is enough land to allow for job creation.

"Same

"(2) The minister shall have regard to a review performed under subsection (1) in determining whether to propose amendments to the greenbelt plan under section 11."

We heard from a number of municipalities, and I certainly did during my own greenbotch tour, that they're concerned that they may not have enough supply available at this point in time. They're all waiting for a chance to update their official plans to ensure that; Uxbridge being one, Grimsby being another. This will give them an opportunity to do so.

The Chair: No further speakers? Are members ready to vote? All those in favour of the motion? All those opposed? I declare that motion lost.

Section 11 is a government motion; Ms. Mossop.

Ms. Mossop: I move that clause 11(4)(a) of the bill be amended by striking out "Greenbelt Advisory Council" and substituting "Greenbelt Council."

Mrs. Van Bommel: Again relating to a later motion. It's a matter of consistency.

The Chair: No further speakers? Are members ready to vote? All those in favour of the motion? All those opposed? I deem that carried.

The next clause is Mr. Hudak.

Mr. Hudak: I move that clause 11(4)(c) of the bill be amended by adding "ensure that notice of the proposed amendment is published in a newspaper of general circulation in the area that would be affected by it and" at the beginning.

It's just a public notice provision to ensure that if an amendment is coming forward that impacts in the area or on particular landowners, they will have notice at least through a newspaper publication.

The Chair: No further speakers? Are members ready to vote?

Mr. Hudak: Recorded vote.

The Chair: A recorded vote has been requested.

Ayes

Churley, Hudak, Klees.

Nays

Duguid, Mossop, Rinaldi, Van Bommel.

The Chair: I declare that motion lost.

Shall section 11, as amended, carry? All those in favour? All those opposed? That's carried.

Clause 12(1)(b): Ms. Churley, I believe this motion is out of order.

Ms. Churley: That's because my very first one was voted down.

The Chair: Yes, so we can't deal with that one.

Subsection 12(2): You're up again.

Ms. Churley: I move that subsection 12(2) of the bill be struck out and the following substituted:

"Limitation

"(2) The minister shall not recommend a proposed amendment under clause (1)(a) if the proposed amendment would result in the removal of lands from the greenbelt area."

This, of course, is the same as the motion we talked about before, dealing with making the greenbelt boundaries permanent. As you know, I tried to do that in a previous amendment and it was voted down, so now we don't have a permanent greenbelt; we've got a floating greenbelt. This attempts to deal with that again.

1750

The Chair: I have no other speakers.

Ms. Churley: Recorded, please.

Ayes

Churley.

Nays

Duguid, Mossop, Rinaldi, Van Bommel.

The Chair: I declare that motion lost.

Shall section 12 carry? All those in favour? All those opposed? That carries.

Section 12.1; Ms. Churley.

Ms. Churley: I move that the bill be amended by adding the following section:

"Selection of hearing officer

"12.1 In appointing a hearing officer under clause 12(1)(b) or under subsection 18(5), the minister shall select a person from among the members of the Environmental Review Tribunal."

This was in anticipation of my amendment on the greenbelt tribunal dying a quick death. I seem to have been right about that. This is aimed at at least having the appointed hearing officer, established in the act to potentially hold hearings into amendments to the greenbelt, be a member of the Environmental Review Tribunal.

The primary role of the Environmental Review Tribunal is adjudicating applications and appeals under various environmental and planning statutes. The tribunal hears applications and appeals under the Environmental Assessment Act, the Environmental Protection Act, the Ontario Water Resources Act and the Pesticides Act, and leave to appeal applications under the Environmental Bill of Rights, 1993.

These are individuals with a lot of environmental expertise beyond natural resources expertise, and the skills and expertise in all kinds of areas that could come

before the—what are we calling it now?—hearing officer. I'm hoping that, given my other attempt to have experts be dealing with these appeals, we at least make sure that this person is appointed from an area where there's a lot of expertise.

Mr. Hudak: Our first best situation would have been if the tribunal that the official opposition proposed had passed; second, it would have been if Ms. Churley's tribunal had. Seeing that the two tribunals have been shot down, we have an ongoing concern about who may be appointed as a hearing officer. We've certainly heard from a number of groups, including Ontario Nature, Environmental Defence and others, and CONE—I'm getting a nod, a signal, from these ardent fans who are here into the evening. Given that the tribunals have been shot down, at the very least the minister should find members of the Environmental Review Tribunal when looking for a hearing officer. I will support this motion.

Mrs. Van Bommel: There's nothing in this bill that precludes the minister from going to the Environmental Review Tribunal for a hearing officer. I just feel that the minister should have the option of finding the best-qualified person to do the job.

Ms. Churley: I know we want to get through these motions, but come on. This is simple. We've stepped way back from my original tribunal motion, and this is still fairly broad in not asking to have somebody from CONE—God bless; I don't think you're going to do that—or Environmental Defence, who are sitting here. It's still fairly broad in terms of all of the acts I mentioned, which, if you look through them, deal with these kinds of issues all the time. I don't think the minister should have the option of appointing outside of this area where people do have the expertise.

I'm very, very concerned about upholding the integrity of the greenbelt, and so are some of the folks who are here and your own advisory council. This is quite a climb-down from what I originally asked for, but it would still go some way to addressing those concerns. Let me come back to the fact that you may trust your minister to do the right thing—and perhaps he will; I don't know—but this is our opportunity to make sure that whoever is in government, whoever is the minister, we can ensure that the person appointed will come from one of these areas of expertise in not only the environment but in natural resources, conservation, all of those things that are so key.

The Chair: Are the members ready to vote?

Ms. Churley: Recorded, please.

The Chair: A recorded vote has been requested.

Ayes

Churley, Hudak.

Nays

Duguid, Mossop, Rinaldi, Van Bommel.

The Chair: I declare that motion lost.

Subsections 13(1), (3), (4), (5) and (6) are out of order.

The remaining motion would be subsection 13(7), page 35. Ms. Churley, you have the floor.

Ms. Churley: I move that subsection 13(7) of the bill be struck out and the following substituted:

“Limitation

“(7) The minister shall not recommend a proposed amendment under subsection (6) if the proposed amendment would result in the removal of lands from the greenbelt area.”

I'm coming back again—this is self-explanatory—trying to prevent the government from making a huge mistake today and coming out of here having a floating greenbelt, not a permanent greenbelt.

The Chair: Having no other speakers, are the members ready to vote?

Ms. Churley: Recorded vote, please.

The Chair: Mr. Klees, are you voting, or are you requesting to speak?

Mr. Klees: I'm requesting to speak.

The Chair: Sorry. I'm trying to move right along. I thought maybe it was a cry for help. Mr. Klees, you have the floor.

Mr. Klees: I don't know if any other members of the committee are noticing this, but there is a trend developing in that these amendments being proposed by the opposition parties are not being adopted. We could save ourselves an awful lot of time by simply recognizing that on the record, that we appear to be wasting our time even proposing them. We could just deal with all the opposition motions collectively and get it done. There seems to be absolutely no movement on the part of the government to accept any of these amendments, all of which—well, certainly ours—would add a great deal to this legislation. I just make that point. I don't know if you've noticed that trend, Madam Chair, but for the record, I felt I had to at least state it.

Ms. Churley: This is my last kick at the can in this area, and it's so fundamental to this bill, absolutely key. You can't have what you call a permanent greenbelt should you allow the bill to go ahead without this amendment. It is a last opportunity to come out of here today having fixed this loophole. The amendment that the government brought forward—we went into that—doesn't do it. It doesn't change the substantive issue, and, as I pointed out, the greenbelt boundaries are not permanent. They are not permanent. I sound like the Attorney General on pit bulls: bam, bam, bam. The greenbelt will not be permanent. It will not be permanent. It will not be permanent. It will be a floating greenbelt. The boundaries can be moved around—the ministerial amendment—as long as the total land area of the greenbelt does not change. This allows for the potential substitution of lands and the ability to move lands in and out of the greenbelt, opening the boundaries to political interference and speculation by developers.

1800

This is absolutely key to this bill. I made a whole bunch of other amendments which are important and

critical, including that the necklace and a whole bunch of other areas be included. The government members say there's still an opportunity to put these in. I'm living with that today and will continue to focus and pressure the government under the regulations to include those lands. However, if we do not fix this today in this committee, we're going to walk out of here tonight without a permanent greenbelt. We're going to walk out of here with what I call a floating greenbelt. It just belies everything you're saying about this greenbelt. I still hope that some other lands will be included.

You know I'm supportive of a greenbelt; I always have been. I want to work to try to improve it. I know I still have the opportunity to do that between now and March 9. Believe me, you will be hearing from me and I'm sure from a lot of other folks who came to recommend that those lands be included.

But this is now. This is now, tonight. We must make this amendment or it's such a glaring—I guess it's not a glaring mistake. It's a loophole that's put there deliberately to allow this to happen, and that's very disappointing. I do hope you will agree to support this amendment now, to fix this awful, glaring problem with the legislation.

The Chair: Are the members ready to vote on this issue? A recorded vote has been requested.

Ayes

Churley.

Nays

Duguid, Mossop, Rinaldi, Van Bommel.

The Chair: I declare that motion lost.

Shall section 13 carry? All those in favour? All those opposed? That carries.

Committee, I would just remind you that you have indicated you would like to get through this bill, but we're not even at the halfway point. Is there still a desire to work through your dinner hour?

Mr. Hudak: Yes.

Ms. Churley: Yes.

Mr. Klees: Yes.

The Chair: Section 14: Shall it carry? All those in favour? All those against? That's carried.

Section 14.1: Ms. Churley, you put in a motion. I believe it's out of order, so I can't deal with that one.

Mr. Hudak, your motion 14.1.

Mr. Hudak: 14.1: I move that the bill be amended by adding the following section:

“Interpretation

“14.1(1) In this section,

“Minister” means the Minister of Agriculture and Food.

“Establishment of agriculture plan

“(2) The minister shall establish an agriculture support plan for all of the greenbelt area.

“Same

“(3) In developing the agriculture support plan, the minister shall have regard to,

“(a) the GTA agricultural action plan; and

“(b) the report of the Niagara agricultural task force.

“Endorsement by farmers

“(4) The minister shall ensure that the agriculture support plan has received the endorsement of,

“(a) the Ontario Federation of Agriculture;

“(b) the Christian Farmers of Ontario;

“(c) the Grape Growers of Ontario;

“(d) the Ontario Tender Fruit Growers' Association;

“(e) the Ontario Fruit and Vegetable Growers' Association;

“(f) the Greenhouse Growers; and

“(g) any other association or group of farmers prescribed.

“Copies

“(5) The minister shall ensure that a copy of the agriculture support plan, as endorsed in accordance with subsection (4), and of every amendment to it is filed,

“(a) in the offices of the Ministry of Agriculture and Food;

“(b) with the clerk of each municipality that has jurisdiction in the greenbelt area;

“(c) in the offices of the Ministry of Municipal Affairs and Housing;

“(d) in the offices of the Ministry of Natural Resources; and

“(e) in the offices of the Niagara Escarpment Commission.

“Date of effect

“(6) The agriculture support plan takes effect on the day the greenbelt plan takes effect under subsection 3(5).

“Objectives

“(7) The objectives of the agriculture support plan are,

“(a) to recognize the critical importance of the agriculture sector to the regional economy;

“(b) to recognize that the application of this act and the greenbelt plan may adversely affect the viability of farming as a way of life in Ontario;

“(c) to ensure that farmers who want to continue farming are not unduly prevented from doing so by the application of this act and the greenbelt plan; and

“(d) any other prescribed objectives.

“Tabling of plan

“(8) The minister shall table the agriculture support plan required under subsection (2) in the Legislative Assembly on the day after the day this act receives royal assent if it is in session or, if not, at the beginning of the next session.”

To be honest, I'm not optimistic this will pass. I had a much more modest amendment earlier that was defeated by the government members, and this is a bold, far-reaching plan to support farmers in the greenbelt area. We've tried to do our best to encapsulate the recommendations we got from farmers who came before the committee into one powerful motion. We believe that the minister must have a plan to support farmers within the

greenbelt, and the agricultural task force has recommended such.

We heard over and over again that to save the farm, you have to save the farmer. If greenbelt farmers are unable to farm profitably, they'll simply let their land go fallow and there'll be tremendous pressure in the future to develop that land for housing or industry or other such uses. We believe fundamentally that the greenbelt must include a solid, thoughtful, provincially funded plan to support the economic viability of the farm. I believe that is supported universally by agriculture groups and others who have come to this committee.

If government members want to make amendments to this, I'd be amenable to that, as long as we ensure that there is an agriculture support plan enshrined in this legislation.

Mrs. Van Bommel: Certainly I thank you for the support of agriculture, but the bill is intended to be enabling legislation for land use planning. I'll stand by what I said earlier when we discussed this: I don't believe this is the appropriate vehicle to address the issue.

Mr. Hudak: I won't belabour it, because the parliamentary assistant and I have had a lot of debate on this today and throughout the committee hearings. I just want to reinforce that we fundamentally believe, and believe universally from agriculture groups, that an economic support plan is necessary for greenbelt farmers for this legislation to be successful. It is just. It is the right thing to do. I do hope we win support for this motion. It addresses one of the key, if not the most important, fatal flaws of the legislation. We've done our best to take any advice of the groups we've heard from and we hope it does pass.

The Chair: No further speakers? Are members ready to vote?

Mr. Hudak: Recorded vote.

Ayes

Hudak.

Nays

Duguid, Matthews, Mossop, Rinaldi, Van Bommel.

The Chair: I declare that motion lost.

Section 14(2); Mr. Hudak.

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

“Interpretation

“14.2 (1) In this section,

“‘Minister’ means the Minister of Public Infrastructure Renewal.

“Proposed growth plan

“(2) The minister shall prepare a proposed growth plan for the part of Ontario known as the Golden Horseshoe.

“Same

“(3) For greater certainty, if Bill 136 receives royal assent on or before the day this act receives royal assent, a proposed growth plan prepared by the minister for the

purposes of that act and for which the minister has given notice in accordance with subsection 7(1) of that act, as that subsection read in the first reading version of the bill, may be treated as a proposed growth plan for the purposes of this section if the plan is for an area that includes all of the Golden Horseshoe.

“Same

“(4) If Bill 136 does not receive royal assent on or before the day this act receives royal assent or the minister has not prepared a proposed growth plan under that act on or before the day this act receives royal assent, the proposed growth plan required under subsection (2) shall be prepared in accordance with Bill 136 and sections 5 to 8 of that act, as they read in the first reading version of the bill, apply with necessary modifications for the purposes of this act.

“Tabling of plan

“(5) The minister shall table the proposed growth plan required under subsection (2) in the Legislative Assembly on the day after the day this act receives royal assent if it is in session or, if not, at the beginning of the next session.”

One of the other fatal flaws we've identified in this legislation, supported by a significant number of groups, including the Ontario Chamber of Commerce, the Ontario Professional Planners Institute and a number of municipalities, is that it's essential that a transportation and infrastructure strategy be in place to complement the greenbelt initiative. We need to ensure that we support those municipalities within the greenbelt and have a plan to help those in the leapfrog area. Ideally, they should proceed hand in hand. We've heard that from a large number of groups. This amendment, if passed, will ensure that the growth plan is simultaneous with the greenbelt plan.

Mr. Rinaldi: I'll just restate what I said before on one of the previous amendments. Bill 136 is going through. There are discussion papers. The member opposite and members of the public have had ample opportunity to review Bill 136 before it comes to the House—and it will come to the House very shortly, hopefully this month. They'll see the similarities, where the lines match. I'll go back to the argument of putting the horse before the cart or the cart before the horse. We really need to move on with this legislation and not procrastinate, as has been done for God knows how many years. We've started going down this road and we need to carry on. I can't support another, “Wait, wait, wait, wait.”

1810

The Chair: No further speakers? Are the members ready to vote?

Mr. Hudak: Recorded vote.

Ayes

Hudak, Klees.

Nays

Duguid, Matthews, Mossop, Rinaldi, Van Bommel.

The Chair: I declare that motion lost.

The next motion is yours, Mr. Hudak; section 14.3.

Mr. Hudak: I move that the bill be amended by adding the following section:

“Establishment of municipalities support plan

“14.3 (1) The minister shall establish a municipalities support plan for all of the greenbelt area.

“Copies

“(2) The minister shall ensure that a copy of the municipalities support plan and of every amendment to it is filed,

“(a) in the offices of the Ministry of Municipal Affairs and Housing; and

“(b) with the clerk of each municipality that has jurisdiction in the greenbelt area.

“Date of effect

“(3) The municipalities support plan takes effect on the day the greenbelt plan takes effect under subsection 3(5).

“Objectives

“(4) The objectives of the municipalities support plan are,

“(a) to recognize the critical importance of municipalities to the regional economy;

“(b) to recognize that the application of this act and the greenbelt plan may adversely affect the ability of municipalities to grow and develop infrastructure;

“(c) to recognize that the application of this act and the greenbelt plan may adversely affect the ability of municipalities to effectively raise revenue and manage financial resources;

“(d) to provide ongoing financial support to municipalities whose ability to grow is adversely affected by the application of this act and the greenbelt plan;

“(e) to provide ongoing financial support to municipalities whose ability to effectively raise revenue and manage financial resources is adversely affected by the application of this act and the greenbelt plan; and

“(f) any other prescribed objectives.

“Tabling of plan

“(5) The minister shall table the municipalities support plan required under subsection (2) in the Legislative Assembly on the day after the day this act receives royal assent if it is in session or, if not, at the beginning of the next session.”

This is another fatal flaw that we have highlighted in the government’s approach. We need a municipalities support plan, and I hope the government members will support it.

The Chair: Seeing no speakers, are the members ready to vote?

Mr. Hudak: Recorded vote.

Ayes

Hudak, Klees.

Nays

Duguid, Matthews, Mossop, Rinaldi, Van Bommel.

The Chair: I declare that motion lost.

The next motion is yours, Mr. Hudak; subsection 15(1). Congratulations, committee, we’re at the halfway point.

Mr. Hudak: I move that subsection 15(1) of the bill be amended by striking out “may” and substituting “shall”.

The greenbelt advisory council is too important not to be mandated in legislation. I know the government has a similar motion. I hope they will support me in making the Greenbelt Council mandatory.

Mrs. Van Bommel: We certainly will be happy to support this motion. I think we all agree that a greenbelt council should be mandatory.

The Chair: No further discussion? Are the members ready to vote? All those in favour of the motion? All those opposed? That’s carried.

Mrs. Van Bommel: On a point of order, Madam Chair: In light of what we’ve just done, I would like to withdraw motion 41 and substitute the following:

I move that subsection 15(1) of the bill be amended by striking out “the greenbelt advisory council, and in French as”—I sincerely apologize for my French—“conseil consultatif de la ceinture de verdure” and substituting “the Greenbelt Council and in French as conseil de la ceinture de verdure.”

The Chair: Any debate? Seeing no debate, are the members ready to vote on this motion? All those in favour of the motion? All those opposed? That’s carried.

Ms. Churley, you have subsections 15(1) and (2); that’s page 42. I’ve been told it’s out of order, based on the last decision we made, because we just carried the motion—unless we separate a portion of it out.

Ms. Churley: Can we stand it down for a minute and let me figure out what I want to do with it?

Mr. Hudak: If I can jump in, my colleague Mr. Klees brought this up earlier. He pointed out, and I have researched it and agree with him, that with a couple of exceptions, a pattern has been established. Government members tend to win most of the votes. I don’t know if there is capacity, through you, Chair, or through the clerk, for block voting on the remaining amendments—

The Chair: They have to be read into the record.

Mr. Hudak: Just in the interest of time, do we have an option to read them into the record and then do a block vote?

The Chair: I guess we could.

The Clerk of the Committee: As long as we can determine what everybody is voting on, so it’s safer just to read it and then vote. We don’t want any discrepancy.

Mrs. Van Bommel: In the interest of due diligence and the democratic process, I feel we need to deal with each motion one at a time.

Mr. Klees: If we’re truly going to speak about the democratic process, it would be refreshing to see some of the government members break ranks and actually vote with some sense of doing the right thing, as opposed to just being whipped into shape.

The Chair: Committee, I'm trying to understand where we are. Ms. Churley, are you happy to deal with 42 yet?

Ms. Churley: Yes.

The Chair: OK. How about we go back to 42 and try to make our way through this? We're at the halfway point.

Ms. Churley: I appreciate this opportunity. Thanks to the clerk for helping me so I understand what I'm doing. It's 15(1) that's out of order. I'm going to move that subsection 15(2) of the bill be struck out and the following substituted:

"Same

"(2) Within six months of the day this section comes into force, the minister shall appoint nine persons to the council as follows:

"1. Eight persons representing the various regions of the greenbelt area.

"2. One person as chair of the council.

"Terms of reference

"(2.1) The minister shall fix the terms of reference of the council."

The Chair: I have no speakers to this. Are the members ready to vote? All those in favour of the motion? All those opposed? That's lost.

Subsection 15(2): Mr. Klees, I believe you're the only member who can read this motion.

Mr. Klees: I move that subsection 15(2) of the bill be struck out and the following substituted:

"Same

"(2) Subject to the requirements set out in subsection (2.1), the minister may make appointments to the council and fix the terms of reference of the council.

"Membership of council

"(2.1) The following groups shall be represented in the membership of the council:

the scientific community, the aggregate sector, planners, environmentalists, municipal officers, the development community, farmers, ratepayers and landowners in the greenbelt area."

The Chair: Are members ready to vote? All those in favour? All those opposed? I declare that motion lost.

Ms. Churley, you have the final section.

Ms. Churley: I move that section 15 of the bill be amended by adding the following subsections:

"Annual report

"(4) The council shall prepare an annual report relating to the implementation of the greenbelt plan and on whether or not the objectives of the greenbelt plan set out in section 5 are being met.

"Same

"(5) The council shall table its annual report in the Legislature each year on the anniversary of the day this section comes into force."

1820

This is self-explanatory. It's about public accountability and transparency. That's all the explanation you need. That's missing from the bill, and I think this is important to bring into the bill.

The Chair: No further debate? Are the members ready to vote?

Ms. Churley: Could I have a recorded vote?

Ayes

Churley.

Nays

Duguid, Matthews, Mossop, Rinaldi, Van Bommel.

The Chair: I declare that motion lost.

Shall section 15, as amended, carry? All those in favour? All those opposed? That's carried.

Mr. Klees, 15.1 and 15.2 are yours.

Mr. Klees: I move that the bill be amended by adding the following sections:

"Holland Marsh advisory committee

"15.1 (1) The minister shall establish a committee to be known as the Holland Marsh advisory committee.

"Same

"(2) The minister may appoint one or more persons to the committee and fix the terms of reference of the committee.

"Functions

"(3) The committee shall advise the minister on matters relating to specialty crops and this act.

"Niagara advisory committee

"15.2 (1) The minister shall establish a committee to be known as the Niagara advisory committee.

"Same

"(2) The minister may appoint one or more persons to the committee and fix the terms of reference of the committee.

"Functions

"(3) The committee shall advise the minister on matters relating to the unique nature of the tender fruit areas and this act."

Mrs. Van Bommel: As the legislation stands at this point, nothing would prevent the minister from appointing committees, but setting out exactly how committees should be named, setting them out exactly, is too prescriptive at this stage. The way it is written into the legislation at this point leaves more flexibility.

Mr. Hudak: I'm sorry; I had stepped out. I appreciate Mr. Klees's moving the motion on the official opposition's behalf.

We heard from a number of groups about the importance of a Niagara advisory committee during the hearings in Grimsby, if I recall, from the grape growers, the tender fruit, the OFA North, the region and perhaps other municipalities as well. It's certainly been in the media as well as the committee hearings. I thought it was a good amendment, a very good idea, and I wanted to bring it forward on their behalf.

Then that posed the question, what about the other specialty crop area, the Holland Marsh? I thought, to use Ms. Churley's expression, what's good for the goose is

good for the gander, and therefore Holland Marsh should similarly have an advisory committee. I think this would be of enormous benefit to the minister, to have specially focused individuals to ensure that greenbelt policies are successful in the specialty crop areas. Therefore, I believe this is an important amendment and one that I hope I will get some support from across the floor.

Mrs. Van Bommel: We'd be very happy to take these recommendations to the minister in terms of the establishment of advisory committees. I heard the same things you did, and I feel it's very important, but like I said, I think we should give the minister the flexibility needed to establish advisory committees based on the need at the time.

The Chair: No further speakers?

Mr. Hudak: Recorded vote.

Ayes

Churley, Hudak, Klees.

Nays

Duguid, Matthews, Rinaldi, Van Bommel.

The Chair: I declare that motion lost.

Mr. Hudak, you're up again with 15.3.

Mr. Hudak: I move that the bill be amended by adding the following section:

"Establishment of an environmental benefits task force
"15.3 (1) The minister shall establish an environmental benefits task force.

"Same

"(2) The Lieutenant Governor in Council may, on the recommendation of the minister, appoint members to the task force and may, by regulation, prescribe the terms of reference of the task force.

"Same

"(3) The members appointed under subsection (2) shall examine environmental incentive models used in other jurisdictions to,

"(a) encourage farmers to adhere to environmentally friendly practices; and

"(b) ensure viable farming for the protection of clean water and fresh air.

"Regulations

"(4) The Lieutenant Governor in Council may make regulations that, in the opinion of the Lieutenant Governor in Council, are necessary to the effective functioning of the Environmental Benefits Task Force."

This comes from the Christian Farmers. We've worked with them to try to get an intriguing idea on to the government's agenda. Farmers contribute significantly to the environmental protection of our land by helping provide clean air and ensuring that we have clean water. At the same time, it's vital to ensure that farmers can continue farming their land. I'd ask the government to investigate this interesting idea that we've heard from the Christian Farmers of Ontario. Also, I believe the

OFA, in referencing Pennsylvania, had some similar suggestions.

Ms. Churley: I want to speak briefly in support of this. I have the submission from the Christian Farmers in front of me. They gave a very good presentation, with really good recommendations, so I will speak in favour of this motion.

Mrs. Van Bommel: I haven't gotten through all the information that was given to us, but I have certainly looked at that particular Pennsylvania program with great interest. I know that in this province we are also looking at farmland trusts and all those kinds of possibilities. But as much as I support what is being proposed here, I still think it isn't within the scope of this bill. This is enabling legislation, so I think we need to deal with the land use planning issues this bill addresses.

The Chair: Are the members ready to vote?

Mr. Hudak: Recorded vote.

Ayes

Churley, Hudak, Klees.

Nays

Duguid, Matthews, Rinaldi, Van Bommel.

The Chair: I declare that motion lost.

Mr. Hudak, I believe you're up next, with section 15.4

Mr. Hudak: I move that the bill be amended by adding the following section:

"Establishment of land trust task force

"15.4(1) The minister shall establish a land trust task force.

"Same

"(2) The Lieutenant Governor in Council may, on the recommendation of the minister, appoint members to the task force and may, by regulation, prescribe the terms of reference of the task force.

"Objectives

"(3) The objectives of the land trust task force are,

"(a) to document the ways in which the application of this act and the greenbelt plan will result in diminished farmland in Ontario;

"(b) to ensure that there is enough farmland maintained in Ontario so that the agriculture and food needs of the province will be met in this and future generations;

"(c) to develop a land trust model that would allow the province to hold farmland that would otherwise be at risk of being sold to non-farming interests in trust for the people of Ontario;

"(d) to develop a strategy by which farmers who would otherwise discontinue farming as a result of the application of this act and the greenbelt plan could continue farming on the farmland held in trust by the province; and

"(e) to make recommendations to the minister on any matter that is described in this subsection or that is set out in the terms of reference of the task force.

“Regulations

“(4) The Lieutenant Governor in Council may make regulations that, in the opinion of the Lieutenant Governor in Council, are necessary to the effective functioning of the land trust task force.”

We heard from the Ontario Land Trust about the importance of this notion. A number of other agricultural and environmental groups have talked about land trusts. As well, the Greenbelt Task Force asked the government to pursue them. This will enshrine it in legislation. I look forward to the report of the Land Trust Task Force.

Ms. Churley: This one is kind of ironic. I support a land trust idea, but the New Democratic government brought in something called the Niagara tender fruit lands program, which actually was designed as a trust fund that would have paid tender fruit farmers to stay on the land and not sell to developers, but the Tories killed it in 1996. I’m glad to see you’ve come back into the tent and now support trust funds. I think they’re absolutely key and critical. If I’m not mistaken, I believe there were some lawsuits over that, because they were about to be paid out when the Tories cancelled the program. It was a very good program, and it was the beginning, we thought, of expanding that into other trust funds, but they killed it. This might be the beginning of bringing the trust fund idea back, because it was just the beginning and we need to go further.

Obviously, I support the main thrust of this amendment, but I’ve got some problems with (3)(a), where it says, “to document the ways in which the application of this act and the greenbelt plan will result in diminished farmland in Ontario.” I’d rather have it say that it would affect farming in Ontario, because that’s a value judgment there, if that could be amended.

But the other one may be more problematic: “to develop a land trust model that would allow the province to hold farmland that would otherwise be at risk of being sold to non-farming interests in trust for the people of Ontario.”

1830

The Chair: Ms. Churley, could you help us? You’re moving a little quickly. Are you amending this motion?

Ms. Churley: Well, I seem to have support for amending (3)(a) and changing the wording from where it now says “will result in diminished farmland in Ontario” to “and the greenbelt plan will affect farming in Ontario.”

The Chair: Can you read the wording of how you would change it?

Ms. Churley: I’ll try, if I can still read. It’s (3)(a).

“(3) The objectives of the land trust task force are,

“(a) to document the ways in which the application of this act and the greenbelt plan will affect farming in Ontario.”

That’s it. I’m not sure if I’m amending (c), but if I can’t fix this, I won’t vote for it anyway and perhaps the amendment won’t be necessary. What do you mean by (c)? Can I ask the mover of this amendment—

The Chair: First of all, can we just make sure we understand what you’ve requested to happen in (a)—

Ms. Churley: Can we hold off on that request until I get an answer? We may not need to go there.

The Clerk of the Committee: So we’re not amending it right now?

Ms. Churley: Not right now. We might be. I’ll let you know.

Mr. Hudak: Chair, it’s the principle of the land trust in support of the greenbelt, so if they’re friendly amendments, I’d be glad to entertain them. Clause (c) is simply trying to indicate that the land trust would hold farmland that may have been in jeopardy of being sold off. But if the member wants to eliminate the last clause, I’m fine with that. I’m just trying to define what a land trust does, and that’s hold farmland that otherwise might not have stayed in active agricultural production.

Ms. Churley: Thank you for that explanation. I’m just looking at this and discussing it with staff. Although I support trust funds in general and want to see the tender fruit land program brought back, I have some problems with the wording in (d) as well. If it were earlier in the day and my head were on straighter, perhaps I could suggest amendments I could live with, but I don’t think I’m going to do that. I’m just going to have to not support it because of concerns I have about some of the wording.

Ms. Mossop: Similar to Ms. Churley, I support the whole concept of the land, and there are a number of concepts we’re touching on here that I really do support. But getting it right is also important, and I will be following up on ideas that have been brought forward in many of these motions, a land trust being one of them. You can see what we’re trying to wrestle with here; this really isn’t the place to do it. I agree with Ms. Churley. I feel the sense that’s there, but I don’t think this is going to do it. I will be moving forward. I want to assure the opposition members that many of their concerns are shared, but this just isn’t quite the right format.

The Chair: Committee, I have two other speakers. We’re still only at 15.4. I realize you want to move forward, but supper’s next door. It’s already 6:30, going on to 7 o’clock. If we took a half-hour break, I think we’d do much better work.

I’m suggesting that if you want to get through this one, we can keep going till we get to the end of this one, but I’m going to call a recess right after this one or right now so you can get your thoughts in order. I just don’t think we’re going to be that much more productive in the next 20 minutes.

Mr. Klees: What if we promise?

The Chair: No, you won’t promise. You’ve promised already and you haven’t gotten anywhere. I think I’m going to call a recess now.

Ms. Churley: Can we finish this one, though?

The Chair: You can, if you think you’re really going to get there, but I have a sense—I see the cross-debate, and although I appreciate your desire to get there, personally, I think you can do better if you have some food and a few minutes of break.

Ms. Churley: I have a meeting in my riding tonight.

The Chair: But we're not going to get through this the way—if you want to get through this one, we can. OK. Mr. Hudak, you have the floor.

Mr. Hudak: I'll withdraw the amendment and instead simply move that the bill be amended by adding the following section:

“Establishment of land trust task force

“15.4(1) The minister shall establish a land trust task force.

“Same

“(2) The Lieutenant Governor in Council may on the recommendation of the minister appoint members to the task force and may, by regulation, prescribe the terms of reference of the task force.”

The Chair: So the rest is not included?

Mr. Hudak: Exactly. I've deleted subsections (3) and (4).

The Chair: Any more discussion on this? Seeing none, all those in favour of the motion?

Mr. Hudak: Recorded vote.

The Chair: A recorded vote has been requested.

Ayes

Churley, Hudak, Klees.

Nays

Matthews, Mossop, Rinaldi, Van Bommel.

The Chair: I declare that motion lost.

I'm going to call a recess. We're recessed for half an hour. We're back just after 7.

The committee recessed from 1837 to 1907.

The Chair: We're back. Mr. Klees, you have 15.5. I understand you'd like to do a block reading. So 15.5 and 15.6 are both yours; you can do them in succession if you want, but you do have to read them.

Mr. Klees: I move that the bill be amended by adding the following section:

“Establishment of land value monitoring task force

“15.5(1) The minister shall establish a land value monitoring task force.

“Same

“(2) The Lieutenant Governor in Council may, on the recommendation of the minister, appoint members to the task force and may, by regulation, prescribe the terms of reference of the task force.

“Objectives

“(3) The objectives of the task force are

“(a) to monitor the value of farmland in the greenbelt area; and

“(b) periodically report to the minister on changes in the value of farmland in the greenbelt area.

“Regulations

“(4) The Lieutenant Governor in Council may make regulations that, in the opinion of the Lieutenant Governor in Council, are necessary to the effective functioning of the land value monitoring task force.

The Chair: We can vote on them separately. As long as it's not a recorded vote, we'll go fairly quickly.

All those in favour of the motion? All those opposed? That's lost.

Mr. Klees: I move that the bill be amended by adding the following section:

“MPAC review

“15.6(1) The Municipal Property Assessment Corp. shall examine value-added agricultural production with respect to this act and creating incentives to prevent farmers from discontinuing farming, including ways of lowering property tax assessments on value-added operations.

“Report

“(2) The Municipal Property Assessment Corp. shall report on its examination within 60 days of the day this act receives royal assent.”

The Chair: Any discussion? All those in favour of the motion? All those opposed? That's lost.

The next one is a government motion.

Ms. Mossop: I move that subsection 16(3) of the bill be amended by striking out “with respect to lands within the greenbelt area” at the end and substituting “in respect of the areas designated as protected countryside in the greenbelt plan”.

The Chair: Any debate?

Mrs. Van Bommel: This is simply a housekeeping issue.

The Chair: Are members ready to vote? All those in favour of the motion? That's carried.

Shall section 16, as amended, carry? All those in favour? All those opposed? That's carried.

Ms. Churley, subsection 17(2), page 51, is yours.

Ms. Churley: I move that subsection 17(2) of the bill be struck out. It's not clear why it's necessary.

The Chair: Any discussion? All those in favour? All those opposed? That's lost.

Shall section 17 carry? All those in favour? All those opposed? That's carried.

Ms. Churley, page 52 is yours, subsection 18(5).

Ms. Churley: I move that subsection 18(5) of the bill be struck out and the following substituted:

“Tribunal hearing

“(5) If the minister has given notice under subsection (1), the minister may, within 30 days after—”

The Chair: Sorry. This isn't one I had marked, but it is out of order.

Ms. Churley: Did you notice my delighted tone of voice? “She's letting me get away with it. Let's go for it.”

The Chair: It was a test. You didn't fool me. It's out of order, and 53 is out of order, as are 54 and 55. So shall section 18 carry?

Mr. Klees: Chair, I think you've skipped over my notice.

The Chair: It's just a notice.

Mr. Klees: Well, I'd like to speak to it.

The Chair: You'd like to speak to the notice? Fine. We're at the point where you can debate it, prior to the vote.

Mr. Klees: We feel strongly that this section should be voted against by the committee. We feel that this entire section contains provisions that erode the rights of property owners. Of specific concern is the fact that it has been left unclear whether a property owner whose land falls within the greenbelt area, lands then taken for purposes of transportation, communication or other major services, continues to be protected by the expropriation laws.

Perhaps before we proceed I could ask the parliamentary assistant to clarify for the record whether the expropriations laws and all the protections a landowner in this province have would continue to apply to lands contained within the greenbelt area.

Mrs. Van Bommel: Section 18 addresses the minister's ability to stay matters before the OMB and joint boards. The question about expropriation has come up, so I'm going to defer to our legal counsel for an explanation.

Mr. Shachter: I don't think section 18 of the bill refers to expropriation powers. There is a reference to a limitation of liability with respect to claims from injurious affection or expropriation under the act, I believe in section 19. Section 18, currently before this committee, relates to the minister's stay powers. I'd certainly be pleased to explain it if you require.

Mr. Klees: I don't want to prolong the proceedings. Now that staff is prepared to speak to this, I would simply like to have a clarification, for the record, on this issue of whether or not a property owner whose land falls within the designated greenbelt area has all the rights afforded to the property owner under the Expropriations Act.

The Chair: Mr. Klees, do you need it today, or do you need something—

Mr. Klees: I would prefer to have it now for the record, and we can move on. It should be fairly straightforward.

Mr. Shachter: I'm pleased to answer. I'm just a little confused—I apologize—because I'm not sure where in section 18 it relates to, but if you could point it out to me, I would certainly be happy to speak to it for you.

Mr. Klees: My concern is that throughout section 18, there are several references to the fact that the minister has certain powers and can call for suspension, that his decision is final. The implication and the fear is there that somehow all these powers and the authority vested in the minister set aside the rights under the Expropriations Act. I want to have clarification: Regardless of what section 18 says, given what interpretations may be placed into this section, we should have that clarification on the record. I'm watching the body language of my colleagues in the government who are nodding. I think they understand what I'm requesting and would probably also benefit from this clarification.

Mr. Shachter: As you are aware, I can't speak to the political aspect of your question, but certainly—

Mr. Klees: The last thing I want is a political answer.

Mr. Shachter: You're not the only one.

With respect to section 18, as you've indicated, it does provide an authority for the minister to stay hearings currently before the Ontario Municipal Board. In terms of some insight into the rationale behind this particular provision, it is a provision that's consistent with what currently exists in the Oak Ridges Moraine Conservation Act. It was intended that the two provisions would work together in harmony in terms of one dealing with the Oak Ridges moraine area and the other dealing with the greenbelt plan area. You'll note that the effect of that section is to suspend a hearing that would be currently before the Ontario Municipal Board and gives the authority for the minister to then have a hearing officer hear that particular matter.

Hopefully, I've been able to clarify that for you. No? Then I apologize. I'm not sure I'm understanding the question as it relates to section 18.

Mr. Duguid: You're thinking of section 19.

Mr. Klees: Well, I'm asking the question specifically here, because there are some implications. If the parliamentary assistant is asking me to wait to get the clarification I'm asking for now until we're dealing with section 19, I'm happy to do that.

Mrs. Van Bommel: That's what we're asking. I think 19 might be more pertinent to that particular issue.

Mr. Klees: Then let's move on.

The Chair: There being no further debate, shall section 18 carry? All those in favour? All those opposed? That's carried.

Section 19: Mr. Klees, 19(6) is your motion, page 56.

Mr. Klees: I move that subsection 19(6) of the bill be struck out.

The Chair: Any discussion? Would the parliamentary assistant like to deal with the previous issue that Mr. Klees brought up?

Mrs. Van Bommel: We want to go back to the issue of expropriation, I understand,

Mr. Klees: I would appreciate getting that explanation.

Mrs. Van Bommel: You would like an explanation of property owners' rights under the Expropriations Act and the Greenbelt Act and how they relate to each other.

Mr. Shachter: There are two separate issues that have arisen. Let me just speak to subsection 19(6) first of all, if I may. It deals with claims for injurious affection or expropriation under the Expropriations Act. It is part of section 19, which deals with limitations of liability. Again, this is a provision that's consistent with what was done in the Oak Ridges Moraine Conservation Act. A provision such as this, because it limits liability, requires a certain level of specificity in order to be effective. In other circumstances, it might only be necessary to refer to matters such as claims in general. Because it's a limitation of liability, one has to be that clear, that it includes those types of claims as well, for matters done under this

act. It references back to the proposed Greenbelt Act and the plan and the regulations. It's not intended to take away from any existing property rights that exist under the Expropriations Act. It's not intended to take away from processes that occur under, for example, the Environmental Assessment Act.

Does that assist, Mr. Klees?

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Mr. Klees: It will assist me if I get an affirmative response to a clarification that I will seek now. Here's a specific example. I have property designated within the greenbelt area. The government effectively expropriates lands within the greenbelt area for a transportation or a communications corridor. I, as a property owner, continue to have all of the rights available to me under the Expropriations Act. Is that correct?

Mr. Schacter: That's correct.

Mr. Klees: Thank you very much.

The Chair: Are the members ready to vote? All those in favour of the motion? All those opposed? That is lost.

Shall section 19 carry? All those in favour? All those opposed? That's carried.

Shall section 20 carry? All those in favour? All those opposed? That's carried.

Section 21: Mr. Klees, you might want to speak against this section. I understand that you have a notice.

Mr. Klees: Oh, is that what I had the notice for?

The Chair: Yes. I just thought I'd help you out.

Mr. Klees: Thank you very much. It wasn't in my material. In that case, I would urge the committee to vote against this section.

The Chair: Thank you. No further debate? All those in favour of section 21 carrying? All those opposed? That's carried.

Subsection 22(1): There's a government motion.

Ms. Mossop: I move that subsection 22(1) of the bill be amended by adding the following clause:

"(d) prescribe applications, matters or proceedings for the purposes of subsections 24(1) and (3) and prescribe policies for the purposes of subsection 24(3)."

The Chair: Mrs. Van Bommel, did you want to speak to the motion?

Mrs. Van Bommel: This is to ensure that it is the Lieutenant Governor in Council that has the authority to make regulations for the transition and grandfathering applications in the greenbelt, because many ministries would be impacted.

The Chair: Any further debate? Seeing none, are the members ready to vote? All those in favour of the motion? All those opposed? That's carried.

Shall section 22, as amended, carry? All those in favour? All those opposed? That's carried.

Shall section 23 carry? All those in favour? All those opposed? That's carried.

Section 24; Ms Churley, page 58.

Ms. Churley: I move that section 24 of the bill be struck out and the following substituted:

"Transition

"24(1) Section 7 applies to decisions made on or after December 16, 2004, relating to areas designated as protected countryside in the greenbelt plan.

"Same

"(2) Section 7 does not apply to decisions made before December 16, 2004, relating to areas designated as protected countryside in the greenbelt plan.

"Same

"(3) Despite subsection (2), a decision referred to in that subsection that relates to such applications, matters or proceedings as may be prescribed shall conform to such policies of the greenbelt plan as may be prescribed."

The transition process is convoluted and potentially problematic, so this states that the rules applied should be the rules at the time of the decision. If you bear with me, you'll understand what the problem is here. Decisions prior to December 16, 2004, are not subject to the greenbelt plan, but decisions after December 16 are, so this amendment says that such matters as requests for official plan amendments prior to December 16 but decided after December 16 must conform to the greenbelt plan. Decisions regarding applications, matters or proceedings should be based on the rules in place at the time of the decision, not at the time of the receipt of an application or request, if you get my drift. This amendment should be adopted in order to prevent a potential rush of speculative applications prior to the adoption of the final greenbelt plan. The concern here is that gap: There could be a real rush of speculative applications, and this would close that gap, that loophole.

Mrs. Van Bommel: If we go with this motion, we're going to create uncertainty as to the status of some existing municipal decisions that have already been made, so I would be opposed to supporting this motion.

The Chair: All those in favour of the motion? All those opposed? That's lost.

Subsection 24(1); a government motion.

Ms. Mossop: I move that subsection 24(1) of the bill be amended by adding "except as may be otherwise prescribed" at the end.

Mrs. Van Bommel: This provision is intended to work in conjunction with clause 6(1)(d) and recognizes that certain applications may be more appropriately handled in the transition.

The Chair: All those in favour of the motion? All those opposed? That motion is carried.

Shall section 24, as amended, carry? All those in favour? All those opposed? That's carried.

Section 25(1), subsection 6(1).

Ms. Mossop: I move that subsection 6.1(2.2) of the Niagara Escarpment Planning and Development Act, as set out in subsection 25(1) of the bill, be amended by striking out "No person shall" at the beginning and substituting "No person or public body shall".

Mrs. Van Bommel: This is a housekeeping issue, to ensure that there's consistency in the use of the phrase "public body" in this section of the bill.

The Chair: Any further debate? Are the members ready to vote? All those in favour of the motion? All those opposed? That's carried.

Ms. Mossop?

Ms. Mossop: I move that clause 19(1)(a) of the Niagara Escarpment Planning and Development Act, as set out in subsection 25(3) of the bill, be amended by striking out "of the schedule to regulation 684 of the Revised Regulations of Ontario, 1980" and substituting "of the schedule to regulation 684 of the Revised Regulations of Ontario, 1980 (as the schedule read on December 31, 1990)".

Mrs. Van Bommel: This again is a housekeeping issue and is intended to clarify the description.

The Chair: Any further discussion? Are the members ready to vote? All those in favour of the motion? All those opposed? That motion is carried.

Shall section 25, as amended, carry? All those in favour? All those opposed? That's carried.

Section 26; Ms. Mossop.

Ms. Mossop: I move that section 26 of the bill be amended by adding the following subsection:

"(3) Clause 23(1)(f) of the act, as amended by the Statutes of Ontario, 2002, chapter 17, schedule F, table, is repealed and the following substituted:

"(f) require specified lower-tier municipalities and single-tier municipalities with jurisdiction in the Oak Ridges moraine area to pass bylaws under section 135 or 142, or both, of the Municipal Act, 2001, and specify the municipalities and the bylaw provisions;

"(f.1) prescribe powers that must be exercised by municipalities in making a bylaw referred to in clause (f) that are additional to those powers set out in section 135 or 142 of the Municipal Act, 2001;"

Mrs. Van Bommel: This is intended to harmonize the tree-cutting and site alteration regulation-making provisions of the Oak Ridges Moraine Conservation Act with those of the greenbelt bill.

The Chair: Any further discussion? Are the members ready to vote? All those in favour of the motion? All those opposed? That motion is carried.

Shall section 26, as amended, carry? All those in favour? All those opposed? That's carried.

Section 27; Ms. Mossop.

Ms. Mossop: I move that clause 22.1(1)(a) of the Ontario Planning and Development Act, 1994, as set out

in section 27 of the bill, be amended by striking out "of the schedule to regulation 684 of the Revised Regulations of Ontario, 1980" and substituting "of the schedule to regulation 684 of the Revised Regulations of Ontario, 1980 (as the schedule read on December 31, 1990)".

Mrs. Van Bommel: This is a housekeeping detail to add clarity to the description.

The Chair: Any further debate? Are the members ready to vote? All those in favour of the motion? All those opposed? That motion is carried.

Shall section 27, as amended, carry? All those in favour? All those opposed? That's carried.

Section 28; Ms. Mossop.

Ms. Mossop: I move that subsections 28(2) and (3) of the bill be struck out and the following substituted:

"Same

"(2) Sections 1 to 27 shall be deemed to have come into force on December 16, 2004."

Mrs. Van Bommel: This again is just to clarify that the proposed Greenbelt Act comes into force on December 16, 2004.

The Chair: Are members ready to vote? All those in favour of the motion? All those opposed? That motion is carried?

Shall section 28, as amended, carry? All those in favour? All those opposed? That's carried.

Shall section 29 carry? All those in favour? All those opposed? That's carried.

Shall the title of the bill carry? All those in favour? All those opposed? That's carried.

Shall Bill 135, as amended, carry? All those in favour? All those opposed? That's carried.

Shall I report the bill, as amended, to the House? All those in favour? All those opposed? That's carried.

This concludes the committee's consideration of Bill 135. I'd like to thank my colleagues on the committee for their work on the bill and their staying power. Good for you. The committee would like to thank the ministry staff and the members of the public who have contributed to the committee's work.

Ms. Churley: On behalf of the entire committee, I wanted to thank you, the Chair, who did a superb job of keeping us in order. I think it's important to put that on the record.

The Chair: Thank you very much. We are adjourned. *The committee adjourned at 1933.*

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