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(Hansard)**

**Journal
des débats
(Hansard)**

Monday 18 April 2005

Lundi 18 avril 2005

Speaker
Honourable Alvin Curling

Président
L'honorable Alvin Curling

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Monday 18 April 2005

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Lundi 18 avril 2005

The House met at 1845.

ORDERS OF THE DAY

ONTARIO HERITAGE
AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT LA LOI
SUR LE PATRIMOINE DE L'ONTARIO

Mrs. Meilleur moved third reading of the following bill:

Bill 60, An Act to amend the Ontario Heritage Act /
Projet de loi 60, Loi modifiant la Loi sur le patrimoine de
l'Ontario.

**Hon. Madeleine Meilleur (Minister of Culture,
minister responsible for francophone affairs):** I will
share my time with the member from Stoney Creek.

Mr. Speaker, we are at an important milestone for
heritage in Ontario. For years, our heritage resources
have been left vulnerable. Many have been destroyed.
We have watched helplessly as heritage buildings have
been razed to the ground. We have been powerless to
protect what is most important to our society: the legacy
built and left to us by generations of Ontarians.

Au cours des années pendant lesquelles j'œuvrais à
titre de conseillère au sein de la municipalité d'Ottawa,
j'ai trop souvent assisté à la démolition de sites histo-
riques irremplaçables, et, malheureusement, rien ne pou-
vait être fait à cette époque pour arrêter cette destruction.
Si la destruction de notre patrimoine m'a remplie de
tristesse et de colère, j'ai toutefois ressenti une grande
fierté et un immense plaisir lorsque des édifices et des
sites de ma ville ont été sauvés. Le Pavillon Aberdeen,
par exemple, dans le parc Lansdowne, la Cour des arts, le
centre communautaire du Glebe, la maison Patterson et la
maison Wallis : voilà quelques-uns des édifices qui ont
été sauvés, et qui embellissent la capitale nationale.

Across the province, other sites are equally important
landmarks or sources of community pride. For instance,
both the old and new city halls in Toronto are evocative
symbols of the eras in which they were built. Castle
Kilbride in Waterloo captures the splendour and opulence
of an earlier age. With its amazing and intricate interiors,
this national heritage site was almost lost to us. It sat
empty for five years and was beginning to deteriorate
when the local community rallied to purchase and restore
the property.

Ruthven Estate in Haldimand, the Distillery District in
Toronto, Parkwood Estate and Gardens in Oshawa: each

has its story to tell. Each is an irreplaceable aspect of
Ontario's cultural landscape.

I am certain that every member of this House feels as
passionately about the heritage buildings and sites in
their own communities, and unfortunately I am certain
they have experienced those moments of despair when
they were helpless to save a local landmark.

That ends today. We have the opportunity before us to
say in no uncertain terms that heritage matters to our
province and its people. We have the will and the way to
ensure that our heritage survives and thrives for the
benefit of present and future generations.

Nous sommes garants de cet héritage; à nous revient la
responsabilité de le léguer à nos enfants et petits-enfants.

1850

I stand in the House today to say that the time has
come for a new and stronger Ontario Heritage Act. Our
province's heritage has been at risk for much too long.
The current Ontario Heritage Act is weak and outdated.

Depuis l'adoption de la Loi sur le patrimoine de
l'Ontario en 1975, nous sommes le premier gou-
vernement à proposer de profondes modifications pour
harmoniser la Loi sur le patrimoine de l'Ontario avec
celle des principales juridictions du Canada et du monde
entier.

Des gouvernements précédents se sont penchés sur ce
dossier, et je loue les efforts qu'ils ont déployés au fil des
ans. J'espère que les membres honoreront cet engage-
ment et donneront leur aval aux modifications proposées
à la Loi sur le patrimoine de l'Ontario. Ces modifications
changeront profondément la manière dont l'Ontario
considère et protège son patrimoine.

At an alarming rate, unique and irreplaceable heritage
buildings and sites have fallen victim to the bulldozer or
wrecker's ball. We have paid a high price. Communities
have lost economic potential. Our cultural identity has
been eroded. Our quality of life has been diminished.
Without strong and expanded heritage protection laws,
valuable heritage resources and the opportunities they
represent will continue to be lost.

In Ontario's communities, our heritage is reflected in
landmark buildings, small-town Main Streets and historic
neighbourhoods. We see it in our scenic landscapes,
archaeological sites and special cultural places, including
places of worship, cemeteries and aboriginal sites. On-
tario's heritage is the rich legacy we inherit from the past
and preserve for future generations. Our heritage
expresses our collective experience and values. It gives
us insight into who we are and confidence about what we
can achieve.

The McGuinty government values and is committed to conserving Ontario's heritage for the enjoyment and benefit of present and future generations. A stronger Ontario Heritage Act will prevent the demolition of Ontario's precious heritage landmarks. A stronger act would provide more tools and flexibility to protect local and provincial heritage. It would put Ontario among the leading jurisdictions in heritage conservation.

L'adoption des modifications proposées marquerait le début d'un processus, et non la fin. Le gouvernement continuerait à dialoguer avec les intervenants à propos des règlements et des lignes directrices pour s'assurer que la mise en application des principales modifications à la Loi sur le patrimoine de l'Ontario soit effectuée de manière efficace. Nous avons beaucoup apprécié et continuons d'apprécier l'appui et les idées des intervenants et de tous nos partenaires dans ce processus.

Our amendments include new municipal powers to prevent rather than delay the demolition of heritage properties. These amendments will also ensure that increased demolition control will be balanced with a property owner's right to a binding appeal.

Another important amendment would provide new provincial powers to identify and designate heritage sites of provincial significance. It would also give us the ability to stop the demolition of those sites.

The proposed amendments will also provide for clear conservation standards and guidelines to be established for provincially owned heritage property. We would continue to work with our stakeholders to develop these standards and guidelines.

Other proposed amendments would provide greater clarity in the municipal designation process and provide better planning tools for the protection of heritage conservation districts.

The amended act would increase provincial protection for the most significant and fragile marine archaeological sites. There would also be enhanced provisions to conserve unique archaeological resources, such as increasing fines for the illegal alteration of sites.

The amended act would also update provisions for the province's heritage agencies to give them a greater ability to deliver their mandate.

I wanted to acknowledge today the leadership and dedication of the Honourable Lincoln Alexander, chairman of the Ontario Heritage Foundation, and Jill Taylor, chair of the Conservation Review Board.

Grâce aux modifications proposées, ces deux organismes provinciaux assumeraient de plus grandes responsabilités. Je suis convaincue qu'ils sauront relever ce nouveau défi. Je voudrais également remercier les membres de mon personnel au ministère pour leur travail acharné et leur dévouement.

I would also like to give special thanks to the deputy minister, M^{me} Smith, to the ADM, Marjorie Mercer, and to Dan Schneider.

There are many other people who have been instrumental in bringing us to this important juncture today, and I wanted to mention a few by name. Jim Brownell,

MPP for Stormont–Dundas–Charlottenburgh, and John Wilkinson, MPP for Perth–Middlesex, have been determined advocates within our government for stronger heritage legislation. My parliamentary assistant, Jennifer Mossop, MPP for Stoney Creek, played a key role in committee hearings on Bill 60 and in ongoing consultations with our heritage stakeholders.

Some individuals and other members of the heritage community are here with us in the gallery today. I salute them and thank them for all the support they gave me. For many of these dedicated people, the road to a stronger and more effective Ontario Heritage Act has been long and often bumpy, but they have persevered. Their vision has endured, and today we can finally make that vision a reality.

A stronger, more effective Ontario Heritage Act would mark a new era for heritage conservation in our province. It would empower the province and local governments to save our irreplaceable and unique heritage resources. Our proposed amendments to the Ontario Heritage Act would help to build strong and vital communities and improve the quality of life for all the people in Ontario.

This is an historic moment for Ontario. C'est un moment attendu par les Ontariens et les Ontariennes.

I urge the members of this House to pass Bill 60 without delay. If we don't take steps to preserve and celebrate our past, we will compromise our future. Ontario's potential and promise will not be fully realized.

I wanted to take a moment to also name developers in my community who worked very hard to save our heritage buildings. I'd like to name Sandy Smallwood, Ted Phillips and Lise Lauzon, who are owners of heritage property and have invested a lot of money to protect their buildings.

We must act today. We owe it to the people of this province, to generations past and to generations to come.

1900

The Acting Speaker (Mr. Michael Prue): Before I recognize the member from Stoney Creek, which I will in a minute, I've just noticed that the Honourable Lincoln Alexander has joined us. I think we should acknowledge his presence.

Applause.

The Acting Speaker: The member from Stoney Creek.

Ms. Jennifer F. Mossop (Stoney Creek): I rise in the House today to acknowledge the tremendous public support for the proposed amendments to the Ontario Heritage Act. In numerous letters, public hearings and meetings with heritage stakeholders, the concerns of Ontarians were communicated to us in clear and unambiguous terms. What we heard very loudly and clearly was that the Ontario Heritage Act is weak and outdated. We heard example after example of built heritage sites and buildings being bulldozed regardless of their heritage value. Municipalities have been left to pay the price in the loss of economic potential, the erosion of local identity that defines and enriches the lives of residents, and the loss of the inherent beauty and soul that our

oldest buildings, like this one, contribute to our surroundings and to our senses.

Heritage resources are present in every community in many different forms: museums, archives and library collections, historic buildings, barns, monuments, bridges, railway stations, places of worship, cemeteries, archaeological sites and artefacts, streetscapes and landscapes. The amended Ontario Heritage Act would empower municipalities to preserve their heritage and reinvigorate their business economies.

The proposed amendments include new municipal powers to prevent, not just delay, the demolition of heritage buildings—this amendment is counterbalanced with the landowner's right to a binding appeal—and new provincial powers to identify sites and designate heritage sites of provincial significance, as well as the power to prevent their demolition. Also, the proposed amendments would enable the Ministry of Culture to develop mandatory standards and guidelines for identifying and protecting heritage property owned or controlled by the province, in consultation with affected provincial ministries and agencies.

If Bill 60 is passed, the government will continue its dialogue with heritage stakeholders to build upon this new beginning for Ontario's heritage. Other proposed amendments to the act would provide greater clarity in the municipal heritage property designation process and empower municipalities further by providing better planning tools for the protection of heritage conservation districts.

Our proposed amendments hold great promise for municipalities across Ontario. The heritage conservation district, planned and implemented strategically, can significantly revitalize a local economy. Across Ontario, historic properties are being restored and adapted to new uses. In urban centres, factories and warehouses are being converted to new residential and commercial uses. In small towns, Main Street properties are being rehabilitated, often combining retail downstairs with residential space upstairs.

Ontarians genuinely care about their heritage resources and what happens to them. How else can one explain the resounding success of the Ontario Heritage Foundation's annual Doors Open Ontario initiative? This OHF program has become Ontario's most popular heritage tourism adventure. During the Doors Open season, which runs from April to mid-October, participating municipalities quite literally open the doors of local heritage sites, many of which are generally closed to the public. It provides residents and visitors with free access to buildings and properties of architectural, historic and natural heritage value. This innovative opportunity to experience Ontario's rich heritage first-hand has been an unmitigated success since it was launched in 2002, attracting over one million visitors, and this year promises to be just as successful.

From east to west, from north to south, our heritage resources tell our stories. And what are we if not stories? In many cases, the stories are still being written, as

heritage buildings and sites are preserved, restored and adapted for new use in our modern society.

In southwestern Ontario, places like the North American Black Historical Museum complex in Amherstburg and Uncle Tom's Cabin Historic Site in Dresden serve as a lasting tribute to the fugitive slaves who came to Ontario in search of freedom.

In Tweed, visitors can marvel at North America's smallest jailhouse, built in 1899. It is still helping to serve the public good as a community police office.

Business still thrives in many sites and buildings that speak to our industrial heritage. In the north, the site on which Kenora Forest Products presently stands has been used continuously for sawmilling since 1905. Here in Toronto, the Gooderham and Worts Distillery has fast become a popular centre of arts and entertainment. It is the place to be—not yesterday, but now.

The Museum of Health Care in Kingston started its life in 1903 as a nurses' residence at Kingston General Hospital. Today it houses a collection of 28,000 objects documenting health care history in Canada.

Among our more recent heritage landmarks is the London Muslim Mosque, built in 1964. This was Ontario's first mosque and only the second one in Canada.

The Gravenhurst Opera House has welcomed more than six million people since opening its doors in 1901. It's still going strong, as vacationers in Muskoka flock to its doors for summer theatre.

These are just a few of the places and spaces that communities have identified as having heritage significance, and all will be open during Doors Open Ontario 2005. These are just a few of the places and spaces that we can ensure will stand the test of time with our proposed changes to the Ontario Heritage Act.

I have to add an example from my own riding. Just a few weeks ago, I attended the designation and the re-opening of the Carnegie public library in Grimsby, one of more than 100 such buildings erected in the province in the early 1900s and one of only a handful still standing. Through the diligence and passion of a group of volunteers, that building is living yet another life. The public archives, the adult learning resource centre, and a space for teens to drop in and find some support and a community are all being housed under those sweeping high ceilings, enjoying the expansive windows which let in an avalanche of light and air. The warm wooden floors of the Carnegie public library in Grimsby are absorbing the footfalls of yet another generation, with so many more stories to live and so many stories to tell.

In communities across Ontario, the history and achievements of this province and its people are celebrated in our unique and irreplaceable heritage resources. They are an integral part of our collective identity, a source of pride for local residents, and a rich and empowering legacy for our children and many future generations to come.

Heritage resources are unlike other kinds of resources in that they are nonrenewable. Once the bulldozer or the wrecking ball has levelled an historic building, no

amount of money, effort or hope can bring it back; it is gone forever.

Heritage encompasses the values and institutions we all share as well as the distinct histories and expressions and aspirations of the many communities and cultures that make up this province. Ontario's character and very identity are rooted in this rich and diverse heritage. Our ancestors, our forebears, our predecessors live on through our built heritage.

There are currently 130 municipal heritage committees operating in this province, 65 heritage conservation districts, and approximately 20,000 known archaeological sites that have been documented by the Ministry of Culture. Currently, over 75,000 Ontario volunteers are actively involved in some kind of heritage conservation initiative. For many years now, they have been working without the support of stiff, strong legislation to back them up in their efforts. Through no fault of their own they have failed, in many cases, to save our built heritage, and we are now providing them with the backbone they need to do their work and to succeed. We are going to provide you the legislation you need.

The numbers of people who are involved in protecting, preserving and restoring our heritage tell a story in itself. They tell us the story that Ontarians are demanding better protections for their heritage—the kind of protection that we are delivering in the amendments to the Ontario Heritage Act that will make all of that possible.

1910

Before I wrap up, I just want to mention something that I have mentioned before in this House. People travel around the world to many beautiful cities. The reason they are beautiful cities is because they have protected their heritage. Paris, Rome, Chicago: All these cities, and many more, have taken the time and effort and have realized the value of their built heritage and have taken the time, energy and resources to protect and preserve them. As a result, they are the most sought-after destinations in the world.

Ontario is now going to take its place among the most sought-after destinations in the world with the legislation to make it happen. The McGuinty government is the first government to bring forward comprehensive amendments to the Ontario Heritage Act since its introduction back in 1975.

The people of Ontario—past, present and future—must be heard. I encourage the members of this House to support the adoption and implementation of the proposed amendments to the Ontario Heritage Act.

The Acting Speaker: Before we go to questions and comments, I notice that Karen Haslam from the 35th Parliament, representing Perth in those days, is here with us. Welcome back.

Questions and comments?

Mr. Garfield Dunlop (Simcoe North): I'm pleased to respond to the minister and to the member from Stoney Creek on their comments on the third reading of Bill 60.

I'm very pleased tonight to see the Honourable Lincoln Alexander in the House. I find it a little ironic that, as the chairperson of the Ontario Heritage Foundation, he also has the honour of having the Ontario Provincial Police headquarters named after him. What's ironic about that is that this particular facility is probably one of the most modern facilities we have in the province as an Ontario structure.

I think that all of the members in this House support anything that can strengthen our Heritage Act. This bill has gone on for some time.

Interjection.

Mr. Dunlop: I hear the House leader wanting us to rubber-stamp this bill. Of course we want to caucus it and want to make sure that if you're going to strengthen the bill, you're going to do it right. That's why there have been some concerns about this bill, and I expect there'll be members of your caucus.

I'd also like to congratulate former minister David Tsubouchi for his work on this bill, because this is a bill that David Tsubouchi introduced originally and now Madeleine Meilleur, the minister, has brought forward. I compliment her on that because if we look at almost all the communities in our province, in rural Ontario, we see the heritage and the history, and we want to make sure that that history is preserved. It's a very important part of what makes Ontario a very special place to live.

I look forward to further debate tonight. I look forward to the comments by the member from York North in our leadoff on third reading. Hopefully we'll come to an agreement that we'll all be able to support this bill in the end.

Mr. Rosario Marchese (Trinity-Spadina): I won't be taking the full two minutes because I'll have a little extra time after the Tories.

I have to tell you that this bill was introduced on April 21, 2004—almost a whole year ago. To hear the member from Stoney Creek and the Minister of Culture, you'd think we were just debating it fresh from second reading debate. Do you know how long ago that was? Last November or December, even then—

Interjection: We want to get it right.

Mr. Marchese: They want to get it right—as if they accepted any of my amendments that I introduced in committee. It has been in suspended animation for a long, long while.

I've got to tell you, I'm happy it's here. I can't complain. I want to praise the member from Stoney Creek, who spoke so beautifully about this bill, and the Minister of Culture. You'd never know; you'd think they dealt with it just yesterday. Mercifully, they've reintroduced it, it's here for debate, and maybe by the end of this evening we might have it passed, or at least by tomorrow when the Tories meet to discuss this—

Hon. Marie Bountrogianni (Minister of Children and Youth Services, Minister of Citizenship and Immigration): Let's pass it right now.

Mr. Marchese: "Pass it now." I was ready to pass it last December, but your minister wasn't ready last December because she wanted to get it right.

Anyway, for the record, those of you who are watching us, I don't know how long the Tories are taking, but after them I'm up, in case you want to listen to what I've got to say.

Mr. John Wilkinson (Perth–Middlesex): Tonight, colleagues, could be an historic night in this Legislature, after all of these years. His Honour is here this evening; my colleague the former Minister of Culture; Karen Haslam, as you mentioned, is here. There are people who have devoted their entire public lives to the conservation of our precious heritage, and they're here this evening. The question is, will we move forward at third reading debate or will one party stand in opposition, a party which has within it the name "Conservative," to conserve? Will they stand here and oppose the fact that tonight we could move forward to third reading on this bill? I know that Mr. Tsubouchi, who used to be here, would be very proud of his colleagues who have succeeded him if we move forward tonight after all these years and the work that has gone on.

As the minister mentioned, I have the honour of representing Perth–Middlesex and particularly the fine city of Stratford, a city that debated this very issue about 30 years ago when the question of our magnificent city hall came about. It was going to be torn down in the heart of the city. What preserved the Victorian heritage of our city, and continues to make it a wonderful place for people around the world to come—not only for the Shakespearean festival and for the experience of being in Stratford—was that decision which was made when the citizens rose up and said, "No, we are going to preserve our heritage."

I remember as well when I worked with the former mayor of Stratford, who's also the former Minister of Culture, Karen Haslam, to save the historic normal school beside the festival. The Carnegie library in St. Marys, which is neoclassical, is a wonderful example of the type of heritage we need.

Tonight is an historic night—or will it be?

Mr. Norman W. Sterling (Lanark–Carleton): As you know, I represent the riding of Lanark–Carleton, with one of the most beautiful historic towns in all of Ontario, and that's the town of Perth. If you go down the main street of Perth, you see wonderful buildings that were built in the early 1800s.

I also want, though, to read a letter I received from St. Paul's United Church. They are, of course, in favour of heritage and heritage buildings, but this church, as many other churches in our province—I also got one from St. Andrew's Presbyterian Church—cannot support this bill because they don't feel that they can afford to continue to maintain the building under the guise of this legislation. This legislation has to have a proper balance between the interests of the public at large in maintaining our heritage and the interests of the owner of the building. Unfortunately, this government did not accept suitable amendments from our party to protect churches or people in my riding who own heritage buildings. This government has an abysmal record with regard to prop-

erty rights and the respect of property rights. We saw that in earlier legislation. They have no regard for property rights.

You won't find a member who is stronger with regard to maintaining our heritage buildings than I am. I'm a civil engineer. I understand these kinds of heritage and how important they are to keep. But you cannot abrogate property rights out of hand, like this government has in this bill. Therefore, I cannot support this bill.

1920

The Acting Speaker: There are now two minutes to respond, Minister of Culture.

Hon. Mrs. Meilleur: I'd like to thank the members from Simcoe North, Trinity–Spadina, Perth–Middlesex and Lanark–Carleton for their comments on the bill. I hope that tonight I will get your support because with every day that passes, precious heritage buildings are disappearing. As my parliamentary assistant said, these buildings are very important. When you have visitors coming to town, they don't come to visit the strip malls; they come to visit museums and beautiful heritage buildings.

Think about different cities and villages in Ontario where they are very successful. Why are they successful? Because there were people preceding us with vision who did everything they could to protect heritage buildings. Tonight, I want to thank these municipal heritage committees for the work that has been done. If it were not for their dedication and good work, we wouldn't be here tonight voting for a bill that is nothing like that proposed by the previous government. I ask you tonight to support the bill. We have to close this chapter tonight, and I'll go out and celebrate. The Honourable Lincoln Alexander is here watching you, and he wants your support.

The Acting Speaker: Further debate?

Mrs. Julia Munro (York North): I just want to point out that I will share my time with the member from Durham. I'm pleased to be able to join in the debate this evening. I think all of us understand the importance of Ontario's history and heritage and the fact that it tells us where we have come from, who our ancestors were and how they lived.

Heritage is not just about old places and buildings and sites that have meaning in the past; it is about who we are today. One of the interesting things about the whole notion of heritage is the fact that we tend to think of it in terms of that which has gone before us. We also have to understand that we are currently creating the heritage for tomorrow. So while we set a standard in terms of honouring our ancestors' lives, their creativity, their commitment to their communities and also their need to leave their own mark on the world, in looking at any legislative framework for heritage you also have to look at it from the perspective of what we leave today that will tell future generations who we were.

I think it's fitting that we debate this bill today in the middle of a building that represents our heritage, a building erected in a time when people believed that the seat of government should be a very special place. We are

very fortunate that we have a building such as this, built in the 1890s.

People who know me know that heritage is a subject I have always been interested in. When I was thinking about the opportunity we have this evening for third reading debate, it reminded me of when I was a pre-teen and had a sense of the way life changes and of having an historical record. I remember getting on my bicycle and riding up to the corner of Finch and Bathurst. At that time, there were fields at the intersection. On the north-east corner, quite a distance in from the road, was a huge barn—at that age it seemed to me to be a very big structure. On the other corner, the northwest, was a very large farmhouse. So when I think about the kind of legislative requirements we need, I think back to having an appreciation and an understanding of the kinds of changes that have taken place.

I have lived in the riding for more than 30 years, but I remember when Davis Drive and Yonge Street had a flock of sheep on the corner opposite to what today is Upper Canada Mall. I think that in the lives of most of us we can see those kinds of changes that have come about, and we understand how important it is to be able to preserve those, whether it is pictorial, archival or built heritage.

I guess I come by this interest honestly. I remember when my mother was a volunteer at Gibson House in Willowdale, when Dorothy Duncan was involved in the acquisitions for that museum. My mother was later to become a historical interpreter. As someone who grew up with an understanding and an appreciation of the importance of heritage, I guess it is no surprise that I would have been asked by the then Minister of Culture, the Honourable David Tsubouchi, to lead consultations on looking at amendments to the Heritage Act.

Heritage supporters have been waiting a long time for amendments to the Heritage Act. Reference has been made to the fact that the first bill was introduced in 1975 by the Bill Davis government. Though the act had undergone numerous reviews and studies over the years, there were very few small changes that were made.

In 2002, as part of the Government Efficiency Act, an omnibus bill introduced by my colleague Jim Flaherty, the PC government made some substantial changes to the act. One of those was to clarify that altering an archaeological site and removing an artifact from a site were not permitted without a licence. It also clarified that archaeological sites include marine sites. It allowed municipalities to broaden the mandate of their municipal heritage committees. It made demolition controls consistent across Ontario and increased the maximum fine from \$250,000 to \$1 million for illegally demolishing designated properties. It removed the requirement that the Ontario Municipal Board approve municipal bylaws establishing heritage conservation districts where there were no objections.

In December 2002, the then government published a consultation paper on reforming the entire Heritage Act and conducted a consultation process, which I chaired. At

that point, it was certainly the most extensive consultation process that had been set up. It included making 30 specific changes to the current act.

One of the things—and there are many, but I am afraid that time does not allow. The minister has referred to some of the new provincial powers and some of the designation powers we're looking at in Bill 60, most of which, with few exceptions, are based on Bill 124. But I want to spend a moment talking about one aspect of the consultation that I think should give heart to people who perhaps don't appreciate the importance of heritage and preservation of built heritage, and that was the important role that became obvious to us in the consultations with regard to the important economic aspects.

Very often, and with totally good reason, the whole issue around heritage preservation is quite naturally for the sake of the preservation. But in those consultations we heard so many people who talked about the opportunities that preservation provides, the kinds of initiatives that both municipalities and individual entrepreneurs are able to take on as a result of a designation and as a result of being able to look at something a little bit differently. So we heard about the many examples across the province where there were activities related to restoration, and the kinds of incentive they provided for people, because there is a whole group of people who want to participate, who want to have an office space in a heritage building, who see an opportunity for a B&B, who understand the value of being a destination, a place where people who understand history and heritage recognize the numbers of people who will treat any place as a destination.

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Mention and recognition has been given to the fact that we are very pleased to have with us the Honourable Lincoln Alexander as chair of the Ontario Heritage Foundation. The introduction of Doors Open in the last few years demonstrated just how important the heritage business, if you like, is to not only this province but to other places as well. So it is only fitting that we should be looking at extending the kind of security to built heritage in this province that exists elsewhere.

One of the things, as an aside, on the entrepreneurial opportunities is all of the things that happen with regard to restoration and the job creation and opportunities for skill development that come when you have a busy restoration activity going on in the province. In fact, we see courses that have been developed to, for instance, rekindle the interest in stonemasonry. If you look at this building and the kind of renovations that have been undertaken by the assembly, you can certainly see the tremendous benefits that come with an active restoration process. So there is kind of an interesting renaissance in so many of the skills that go along with restoration.

At this year's Canada Blooms, I was quite interested by the fact that the Dry Stone Wall Association was there presenting different demonstrations about the skills with dry-stone buildings. Of course, they have opportunities for volunteers to build and learn how, and even competitions for such things. So you can see there is a

tremendous opportunity for an entire level or scope of restoration and the kinds of skills that can be encouraged by this.

Mention has been made about the previous bill. Certainly I would be remiss if I did not mention the fact that as a result of the consultations that were done, the then Minister of Culture, my good friend David Tsubouchi, prepared the Heritage Amendment Act, which he introduced in June 2003. That bill, Bill 124, would have given the Minister of Culture the power to designate provincially significant heritage sites, which of course we see in this bill as well. It would also have increased protection for significant marine heritage sites, and this goes back to the work that was done by our colleague the member from Brant–Haldimand, Toby Barrett, in protecting our marine heritage. The bill also includes standard designation criteria which would have been developed for the municipal designation process, and heritage conservation districts would also have been strengthened. The bill came to the House in 2003. We asked for unanimous consent at the time, but it was not given by the Liberals at the time.

The member from Trinity–Spadina has already referenced the amount of time that this government has taken in terms of coming up with the bill that we are looking at. I believe we were looking at its first introduction one year ago and then the second reading seven months later when it came back in December. I could echo the sentiments made by the member for Trinity–Spadina in terms of the length of time.

I was very pleased that the minister was able to be in my riding for the launch of Heritage Week. At that point the government, she indicated, was planning on introducing it in February. So I'm pleased we're here now, at least.

One of the concerns I had was that, when we got to the committee, it seemed that there were, unexpectedly for the government, indications from stakeholders with very strong concerns. This was of concern to me because it seemed that at that point, in December, there was a sense of urgency to get the bill through committee as fast as possible, and I was concerned about some of the issues that were raised.

I want to make reference that even though at that point it seemed that it was being rushed through, it seemed to be recognized that our heritage is important to me, to our leader, John Tory, and to caucus members—as, I'm sure, all members of the House—but in the hearings we had in December, there seemed to be some key themes. I would like to spend a moment reviewing some of those.

First of all, let me say that none of the presenters opposed the protection of Ontario's heritage buildings or sites, yet several pointed out flaws in how the government was instituting this bill. A number of deputants spoke on behalf of cemeteries, which the government had left out from the bill. I appreciated the opportunity to hear the deputations, and I can honestly tell you that I learned a lot from them. We had the opportunity to hear a very eloquent—as one might expect—presentation from

the Honourable Lincoln Alexander, our former Lieutenant Governor and chair of the Ontario Heritage Foundation. A number of other heritage groups made presentations in favour of protecting our heritage. Most presenters supported increasing heritage powers and indicated that legislative change had been a long time in coming, yet a number of presenters indicated grave concerns about being excluded from the bill or how they would be able to pay for the new obligations under the bill.

In particular were the omissions, as I mentioned, of any reference to cemeteries and their protection. Marjorie Stuart of the Ontario Genealogical Society told the committee that her society had passed a motion last November stating “that the Ontario Heritage Act be amended to recognize the cultural, historical and natural heritage value of Ontario's cemeteries.” She gave evidence of a number of local disputes over development of disused cemeteries where her society and descendants of those buried had to spend thousands of dollars defending the graves of their ancestors. The society wanted the Ontario Heritage Act to state that all provincial cemeteries are of provincial interest and that it is in the public interest that all of Ontario's inactive cemeteries be protected, preserved and maintained in their original locations.

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Ian Reilly of the Seventh Town Historical Society in Prince Edward county asked the committee, “Can we save our cemeteries, especially those that are inactive, in an ever-changing society? We think the answer is yes, but it will only happen if the provincial Legislature shows leadership by amending the Ontario Heritage Act to clearly protect inactive cemeteries in their original locations.”

Mr. Reilly asked us to consider, “When our descendants look back to the 20th and 21st centuries, do we want them to shake their heads and ask why we did not do something to protect all historical places to the best of our abilities? To do nothing may mean that your grandparents', your parents', your children's and even your own grave may be the next host of a condo.”

The cemeteries Mr. Reilly knows in his home near the Bay of Quinte stretch back more than two centuries. They contain the graves of the founders of Upper Canada. Diane Clendenan of Toronto spoke of her work in helping transcribe names from markers and tombstones, and Carolynn Wilson spoke of helping protect cemeteries of black settlers in Grey county. Anna Clapp spoke for the Brougham Pioneer Christian Cemetery. None of the presenters who spoke on behalf of cemeteries believed that the Heritage Act protected burial grounds.

Speaking on behalf of the government, the parliamentary assistant to the Minister of Culture repeatedly told presenters that the Heritage Act protected cemeteries as part of the protection of “real property.” Legal counsel for the Ministry of Culture told the committee that the Heritage Act could not protect all cemeteries because protecting them in the Heritage Act would conflict with the Cemeteries Act. The counsel said specifically:

"The bill doesn't come to grips with this conflict. The conflict, quite frankly, was not in the forefront of our minds when we were preparing the bill. It's not part of our policy instructions. It's clear now that there is an issue, and we're aware of the issue, but when the bill was being drafted, it was not part of our policy considerations."

So what was the government's response to the wish of presenters to protect cemeteries, which we were told would conflict with other legislation? The parliamentary assistant to the Minister of Culture told us that "ministry staff have undertaken to work with the staff at consumer and business services on the regulations of the incoming Cemeteries Act."

We have a government commitment to do something to protect cemeteries, yet since this bill was debated in committee before Christmas, have cemetery supporters heard from the government, from any ministry? People who have talked to my office say no. When I asked the Minister of Culture in the House today if she had consulted with the cemetery supporters, she was able to tell me that she had spoken with the Minister of Consumer and Business Services, who is responsible for the Cemeteries Act.

I think that there is still some clarity necessary on this issue for those people who have raised these concerns. The first issue that cemetery supporters were initially left with was the assertion that cemeteries are protected as real property. We have now got a commitment from the parliamentary assistant that they would work with the staff of consumer and business services and, most recently, the comment made today by the minister that she had spoken to the Minister of Consumer and Business Services, who is responsible for the Cemeteries Act.

Clearly, there needs to be clarity around this issue, because burial grounds and cemeteries are a special case. They are more than the heritage value of tombstones and grave markers; cemeteries contain the remains of our ancestors, and they deserve protection. They're also an extremely important record of our communities and the work of many researchers going in to look at particular issues that can only be available by looking at the demographics that cemeteries provide.

One of the other issues was raised by the deputants of six of Ontario's churches. The Anglican, Baptist, Evangelical Lutheran, Presbyterian, Roman Catholic and United churches brought their concerns to Queen's Park. While they support protecting heritage buildings, they are opposed to several consequences of the bill. Their concerns surround the shifting financial burden of owning and maintaining heritage properties from the whole community to the property owner, regardless of the ability to pay, and the fact that churches may find themselves in a position where they are spending money on preserving heritage buildings instead of for charitable or religious purposes.

They are also concerned about the fact that they will find it difficult to either redevelop or sell designated buildings that are no longer needed. They also raised the issue that in certain areas where the demographics have

changed, it would be very difficult, as the church would be unable to use funds from selling a building in an area of declining membership to construct a new building in a growing area.

Finally, the way the bill is constructed at this point suggests that their only recourse would be to appeal to the Ontario Municipal Board. One of the limitations to that appeal, of course, is the fact that it is based on questioning the designation of the building as opposed to being able to look at some kind of support.

It was quite clear that this was an area that the government had not consulted on, so the churches felt that it was very important to bring their concerns forward. Bishop Richard Smith of Pembroke, president of the Ontario Conference of Catholic Bishops, explained the concept in these terms:

"When the churches accept funds from faithful people, given for mission and ministry, we consider this a moral trust. These people have trusted us to use these funds for this purpose in the most effective way we can."

Bishop Smith stated that, in most cases, using current church buildings was the most effective way, but asked us, "What happens when the most effective way of carrying out ministry is to make major alterations to these buildings, such as new space for social outreach programs, Out of the Cold facilities, affordable housing and other community-centred facilities? What happens when the most effective way of carrying out mission, and honouring this trust, is to dispose of the building and the site, thus freeing up the funds originally donated and using them for mission in another, more effective location?"

All of us could appreciate the fact that this does create some considerable dilemma. Bishop Richard Grecco, the auxiliary bishop of Toronto, told the committee that the Archdiocese of Toronto spent \$4 million for the foundations of St. Michael's Cathedral, almost \$3 million to restore St. Paul's Basilica and \$1.5 million restoring St. Anne's parish church. Certainly, they are not alone; other churches and religious institutions also spend millions preserving the cultural heritage of their buildings.

Ontario's churches came to the committee hearings to make their views known to the Legislature and the government. Their presentation was the first time the government had heard that churches were concerned about the government's Heritage Act amendments. At no time before this bill was introduced did the government consult the churches about their concerns, and obviously there was no consultation at this time. Thus, when the bill came to committee, the government was unable to take the time to resolve the churches' concerns.

On behalf of our caucus, I made this motion to the committee: "That this committee defer its clause-by-clause consideration of Bill 60 until such time as the ministry has addressed the concerns of churches, cemeteries and schools and provided a balance to the bill by including within it incentives to property owners."

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The intention of my motion was to give the ministry and the government time to study the concerns of the

churches and to develop solutions, keeping in mind that this was at the clause-by-clause phase of the committee hearings, which took place only one day after the public presentations to the committee. The motion was lost, and obviously the position of the government was that they felt quite comfortable in proceeding.

In fairness, I think what has happened in the interval—and I did ask the minister today about the position with regard to the churches. We know that meetings have taken place since December, but there are no amendments at this point or regulations that have been proposed. I think we have to look at the fact that there are two areas of concern. In the question I asked the minister today, she has given her comments in terms of supporting looking at some of these issues that have come forward.

The bill is something that is extremely important to the heritage community. I think all of us recognize the importance of the protection of heritage sites and buildings. We all have examples in our own experiences where we have regretted the loss of historical architecture, and I think it's most important that we move forward. But I think we have to look at legislation that provides comfort to everyone who is affected by this legislation. So I think we look at this bill as something to move forward with, recognizing the importance of making sure that it is fair.

Mr. John O'Toole (Durham): I want to rise and compliment the member from York North for her work and the commitment she has made as critic in preserving heritage in Ontario, and also in her role when we were in government. I also want to recognize the members of the trust who are here tonight in the gallery. I would include in that Peter Zakarow, who is also a member and whom I know, coming from my riding of Durham. Their family is well known for preserving, endorsing and enhancing the preservation of heritage in Ontario.

That being said, I think you've got to bring this down to a level beyond what the member from York North was mentioning, into the reality that faces Ontario in preserving heritage. In my riding of Durham, in the municipality of Clarington there would be many landmark situations, not the least of which would be the Massey building in Newcastle, a well-regarded piece of heritage which indeed has been identified and designated through the good auspices of the board in Newcastle, as well as the municipality.

I also want to be on the record as endorsing and complimenting the volunteer boards of the LACAC group, the local architectural conservation advisory committees, which do the work voluntarily to preserve Heritage Ontario—built heritage, for the most part. Also, I want to respect the riding I live in. It has what I would call aesthetic heritage, which is the rural landscape of not just my riding of Durham but indeed Ontario.

There are a couple of things that need to be put on the record here—not just the work that has been done to date when we were government, but the work that continues under the good auspices of great, straightforward Conservative values. If you want to look at the history here,

what has occurred over the past is a very good statement of the commitment of the Conservative caucus, today and yesterday, to the recognition and preservation of the heritage and values entrusted to us.

I reviewed this bill extensively, because I know that under the leadership of Julia Munro in our caucus we have consulted on the two major issues, in many parts of Ontario, of heritage cemeteries and churches with declining populations in many parts of rural Ontario, and the burden that has onerously placed on the church communities. In fact, with the assistance of the member from York North, I have sent letters to all of the ministerial associations as well as the LACAC group, the local architectural conservation advisory committees, and the members of councils who sit on cemetery boards. I've heard the same arguments that have been made by the member from York North. I think the minister needs to recognize the work that has been done there.

There was a softball question raised in the House today, for those members and those viewers listening, intended to—what was said, I think, was quite clear. The minister said there were some things that we agreed to disagree on. In fact, they're just going to motor ahead without regard to trying to resolve those issues.

I think we are looking here for legislative balance. What you're looking for here is the consistent and age-old argument of the importance of heritage. I would tell you that I did support this legislation on first and second readings, much out of respect for the work done by David Tsubouchi in 2003 under Bill 124. In fact, he did take the time to meet with members in my constituency who have committed themselves, not through just the LACAC process, but for the vigilance that's necessary at the community level.

I look at my riding, in Port Perry, and I see the heritage landscape there. I see it in Palmer Park. I see it in Port Perry in the Main Street buildings that are preserved at the expense of the owners. Many people in society find that the most important missing ingredient here technically is that there is no money. There were always, historically, grants for architectural or heritage improvements, or consistencies with the designation on the particular building, and that's what is missing here. I don't think there's any argument to be made that those in any party would want to somehow put at risk the built heritage or the landscape heritage we've all come to enjoy and appreciate. I would say that I've been educated by my time, when on council, serving on the LACAC group, and appreciated the knowledge and insights and advice that they offered free to council to protect and enhance their communities.

There are a lot of inconsistencies when I look—this may not be a shock to the Liberal members here. There are some here. I'm glad to see that the minister is here. In their promise, they said, "We will rewrite the Ontario Heritage Act"—I'm quoting here, for Hansard; I'll give you a copy of this later—"to safeguard Ontario heritage properties for future generations. There is no recognition of the public value of community museums, archival

institutions or archaeological sites in Ontario. In fact, it is nearly impossible to save heritage buildings or promote and preserve heritage streets in Ontario.” This is under “Arts and Culture Matter” in the Liberal platform in 2003.

Of course, the record is well established. They promised many things, and quite often have failed to deliver. That is really the essence of why I have little confidence in this. If you look at some of the proposed amendments, which I have outlined in my notes, they are putting at risk what I consider the work that has been done so far. I do want to put on the record, because some members are getting anxious, that there are probably three things—

Hon. Dwight Duncan (Minister of Energy, Government House Leader): Let’s vote on it.

Mr. O’Toole: They’re calling for a vote.

If you look at the minutiae in the bill, there are some important aspects that are missing. Section 28 is probably the part that worries me most. Section 28 of the bill would add a new section. Section 39.1.1 would provide that the heritage conservation designation provisions of part V of the act do not apply to government properties or properties owned by prescribed bodies under part III.1. This is an exemption clause which needs, in its final analysis, to be fully understood, and it’s one of the treacheries, Mr. Speaker, if I may use that word in a parliamentary sense, of what we’re dealing with with this government. Not only is there no money, no grants; there is the omnipotent power of the government.

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It appears in section 20 of the bill that the government is exempting itself from the act by stating that heritage conservation district designation provisions in part V of the act do not apply to the government itself. As the member from York North said, it puts at risk the very building we stand in. If it’s the right thing to do, why isn’t it in here? That’s the balance we’re looking for. It’s the trustworthiness, if you will, the transparency—a word you’re prone to use.

I should, out of respect for the Main Street property owners in my riding of Durham, put on the record that property owners want to do the right thing. They want to find the right mechanisms to enhance building façades and do the various enhancements without putting their property and property values at risk. That’s the bottom line here. Each of the property owners—

Interjection.

Mr. O’Toole: You made promises. You recognized that government, in its omniscient wisdom—

Mr. Sterling: On a point of order, Mr Speaker: The member from Durham has done a fair bit of work with regard to presenting his remarks on this bill. I find it extremely rude and very difficult to follow his argument when members of the government do not want to listen to the debate before they vote. All they want to do is vote, because they’ve been told to vote one way on this particular bill. I find it rude; I find it demeaning to the parliamentary process. I think we should listen to the

debate and then make our decision with regard to which way we would like to vote on this bill.

The Acting Speaker: The member’s point is well taken. There is a fair amount of heckling starting to develop. For the sake of the House, we should all listen to what he has to say.

I would suggest too that there are members heckling who are not in their seats. If the member does not cease, I’m going to have to ask him to either go to his seat or leave.

Please continue.

Mr. O’Toole: I thank the member of our caucus for intervening and trying to bring reason and respect to the debate. I think it’s important for the government to hear the—

Interjection.

Mr. O’Toole: The government House leader is once again making jaded remarks that are in no way a contribution to the debate. Each of us, in our own way, can show respect, and I guess we’re responsible for our own actions.

I want to talk for a moment about the issue of property rights. It’s the quiet, underlying message here, and it needs to be stated. The legislation reduces the rights of property owners by providing that, unless the act specifically contains a provision that compensation will be payable with respect to a designation, order or decisions made under the act, no compensation will be payable. That’s in subsection 68.3(1).

Nothing done under the act constitutes an expropriation under the Expropriations Act. They’ve exempted themselves from go-forward liability. It’s sort of the nanny state you’re providing in terms of all the initiatives, whether it’s the greenbelt legislation or other initiatives, which most people support. But what you are failing to do is properly compensate people under the property rights discussion.

The Liberals plan to give themselves a big stick to be brandished by the provincial government and municipal councils against property owners, but have failed to provide any carrot through measures such as tax breaks or other compensation to owners. If heritage properties are being preserved for the public good and for the public benefit, it follows as a matter of fundamental fairness that the public should pay, at least in part, for the public benefit that is gained. That’s a very salient argument to this particular legislation before us. The government members, in haste to get one more check-off on bills passed, are not prepared to listen and to treat this as a serious matter that deserves government funding.

The law is unfair, but consistent with the Liberals’ anti-business attitude. They have added insult to injury by exempting the government from the law, and possibly even agencies such as the Ontario Realty Corp. If the government is not willing to protect heritage properties that are already in public hands, it has no moral authority to basically expropriate the property of private citizens. The government should be willing to abide by the same rules it wants to impose on everyone else.

These are reasonable arguments. I can only say that it's my duty, as a member of the opposition, to point out one of the weaknesses in terms of this particular bill.

I'm going to quote now, with your indulgence, from an editorial in the *Toronto Star* on April 23:

"Toronto had sought substantial tax breaks for heritage buildings, but those aren't in the legislation. They should be.

"The new rules do give land or building owners the right to appeal to the Ontario Municipal Board any heritage decision by city council."

Further from the *Toronto Star* on April 22:

"The city of Toronto welcomed news of the bill," as did many municipalities, "but there was also disappointment that several other changes" that cities wanted, "including enhanced tax breaks for heritage properties, were not included.

"If we don't have the carrot to encourage owners to retain and restore their heritage properties we will continue to have demolition applications," said Kyle Rae....

"The city wants to give heritage property owners who agree not to demolish their buildings without city permission a 40% break on their property taxes."

The Conservative government record, it should be clearly stated, by the member from York North, as well as Minister Tsubouchi in his time—as well as Minister Flaherty, I might say—is as follows: to make clear that the removal of archaeological artifacts is not permitted without a licence. The Conservative record was also to make demolition control consistent across Ontario. There was an increase of fines, as the member from York North has pointed out, from \$250,000 to \$1 million. Amendments allowed municipalities to prosecute offences without having to obtain a minister's consent, and allowed municipalities to expand their mandate to their heritage advisory committees to advise on heritage issues.

Quite honestly, I supported this bill at both first and second reading. I am only disappointed that the work done by the member from York North, as well as by Minister Tsubouchi on Bill 124, after the consultations, isn't mentioned. It needs to be on the record as forming a genesis within the context of Bill 60.

It still remains to be resolved—and we saw the question in the House today as a prelude to the debate tonight. The minister had a friendly question raised by a member of her caucus to address the issues with respect to cemeteries and churches. For the most part, this affects rural Ontario, which is often in need of a larger assessment base to deal with this. Ultimately, she said that at the end of the day, they agreed to disagree. It's the high-handed arrogance that I see continually in this case. They have the greatest intent, as would our leader, John Tory. But what's missing is the economic equation of how to deliver. I see an ongoing inability to manage complex issues, and it's not just heritage.

To digress for a moment, I saw it recently in the Minister of Energy's statements with respect to bringing more generation on line. He failed to tell the consumers of Ontario one consistent thing: At what price?

Right now, we have the Minister of Finance holding, under his auspices, certain consultations on the greenbelt legislation at \$10,000 a plate. We have a Minister of Energy who is reluctant to tell us the price on the RFPs for the cost of energy. We have another piece of legislation here that arbitrarily forces the communities of Ontario, the churches, the cemeteries, the heritage locations—without one red nickel. This is what I call a democracy, where balance and time are of the essence, yet tonight, Mr. Speaker, even in your remarks in chastising the government House leader, they're trying to force the vote to shut down the debate and to cease and desist. The opposition's role is to point out the frailties, as was done very thoroughly by the member for York North.

I stand today in respect to my riding. I think of one of the more recent debates in council on a very contentious issue, widely publicized in my riding of Durham. It had a heritage district designation within the municipality of Clarington, in fact in Bowmanville, incorporated in 1856. It has a beautiful area, its Beech Avenue and Centre Street, which are very familiar. It's a spectacular landscape aesthetically. The widths of the streets don't conform with the allowances and all these things, but it is a treasure, as are many parts of Toronto, like the Beaches, where your riding is, Mr. Speaker. It is a treasure. All of us, I believe, including the government—unfortunately, the legislation is well intended, but there's no mechanism to get there from here.

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It was clear that in the heritage district area, some people wouldn't want a prescriptive remedy for what colour they could paint the trim on their house because it wouldn't be consistent with the heritage district. There needs to be a process here.

In my reading of the legislation, I see that the ministry has somehow obsequiously advantaged themselves by allowing a demolition permit after a 180-day waiting period for an ultimate demolition. That's my understanding.

Ultimately, you are not going the full route. You are not providing the money, and you're allowing appeals to the Ontario Municipal Board to address the property rights issues.

I always respect work done by the member for York North and, in this case, Minister Tsubouchi also. As well, the omnibus bill by Jim Flaherty in 2002 went a long way toward advancing the traditions of heritage in this province begun by the Conservative government of the day.

There is no doubt in my mind that our leader, John Tory—who is here tonight; it's good to see one of the leaders here—sees the importance of this debate and seizes the opportunity to show his support for the importance of heritage. We leave the future of our province to those who move forward without what I would say is a real plan. Ultimately, it comes down to that.

If I look at the issues around agriculture—I see the minister is here tonight. Possibly there could be a ministerial change and he could end up in this ministry.

Who knows? I'd say that his dealing on that file has left much tribulation. I look at the minister of family and children's services, who is here as well. The promise to have a national daycare program is unravelling before their eyes. They consistently are unable to manage these very complex files as society moves forward. I can only say that the ministers who are here each have a challenge.

Hon. Steve Peters (Minister of Agriculture and Food): At least we made it, John.

Mr. O'Toole: Again there are interruptions. I'll overlook those for now.

Last week I went to the Lakeridge Health annual general meeting. It was sad, but a positive commentary on my constituency of Durham. It was in Port Perry, actually. Lakeridge Health was making the presentation of their budget. I've spoken directly to Minister Smitherman on this. He knows the problems of rural health, knows the problems of multi-site facilities, yet they're laying off 350 people. There again, the plan I can in some respects support, but the execution fails completely. They promised more nurses. What they're doing is laying off 750-plus nurses. So there's no consistency in the vision and goal of Dalton. There wasn't in the leadership debate—

Mr. Wilkinson: On a point of order, Mr. Speaker.

The Acting Speaker: I have a point of order, but if the point of order is to deal with speaking to the issue, I think the member from Durham is starting to stray pretty far from the issue at hand. I must remind the member from Durham that this is heritage Bill 60 we're speaking to tonight. Please continue.

Mr. O'Toole: The argument here, full circle, is that this bill is just one more statement about good intentions but with a lack of funding commensurate with it. That is the issue with Bill 60, the issue with Bill 135, the issue with Bill 136, the issue with Bill 133. The litany goes on.

I lack confidence in this government to manage complex issues where you're trying to find a balance between property rights and heritage. How much more fundamental could it be?

Interjections.

Mr. O'Toole: There is barracking from the Liberal government. Clearly, there's no need to stand on a point of order. I would point out that first of all they didn't use their time to argue the completion and the contents of their bill. They lack the commitment to really put it on the record using all their time.

In the very little time I have left, I want to say that I'm somewhat disappointed. The member for York North should have had more time and I should have had less; I understand that.

Mr. Dunlop: I disagree. You should have more. We need to hear more.

Mr. O'Toole: Well, I'll try to keep this brief.

The response to the faith groups' proposed amendments to the Ontario Heritage Act: This is kind of a secret briefing note; maybe I shouldn't be reading it. Nonetheless, it's no longer secret:

"The Minister of Culture and faith groups established a technical working group to explore ways to address concerns of religious organizations"—a fair-minded thing to do; I'm sure Mr. Tory would have done the same, but there's a difference here, and I'll get to that.

"The meeting of these groups and subgroups proved very productive and constructive.

"The groups reached agreement in most areas, and its discussions and recommendations will help the development of regulations and guidelines necessary for Bill 60 implementation.

"Areas of agreement included: elements of an effective heritage designation strategy; minimum maintenance standards"—here's the softening language—"for designated properties; need for guidelines and toolkits outlining planning incentives"—there aren't any incentives in this bill—"and best practices under the Ontario Heritage Act, the Planning Act and the provincial policy statement; need for bulletins outlining principles and best practices with respect to the adaptive reuse of heritage properties; and ensuring ongoing stakeholder involvement, including consultations with the faith groups and other stakeholders, in the development of regulations, guidelines and implementation tools.

"The Ministry of Culture and faith groups have agreed to disagree on the issue of compensation for property given"—there it is in a nutshell: There is not one red cent in this legislation. It's a property rights issue; it always has been and always will be.

What you should do, Minister, respectfully, is this: You should respect the issue of property rights, as you did not in Bill 135, as you have not in any other bill—

Interjection.

Mr. O'Toole: The Minister of Agriculture is now barracking. He also knows full well that people in agriculture are suffering a crisis, and he has basically ignored them. It turns out that this minister has done the same. They have turned their backs on the people of Ontario who want to do the right thing.

I can, in the few calm moments left, say this: Minister, do the right thing. Stand at the cabinet table for property designation, stand for heritage and take the fall in the front-line headlines when you disagree with cabinet and resign.

Interjections.

Mr. O'Toole: Oh, no. They don't want to give up the car and the briefcase and the cadre of aides who write most of the speeches.

If you want to make a statement, the member from York North, who will probably take over this portfolio in 2007, really has a handle on this and the heart for it. She has a handle on it, she has the heart for it and she has a knowledge about that which she speaks of. It has been my privilege to sit on committees with her and to see the passion, the commitment. I can just see that at the cabinet table now.

Under our leader, John Tory, times are changing. You can just sense it. You've lost the will and the ability to

govern, and this bill is just a small piece of the overall equation.

Interjection.

Mr. O'Toole: The Minister of Energy should be quiet or I'm liable to switch topics. There's another file that's out of control. Check your electricity bill: It has doubled. They haven't increased the price of electricity; it's all the fees. I think of the heritage buildings; they're going to have to pay electricity bills to keep the buildings warm in case it affects the architectural structure of the building. He's going to charge you double; you can count on it.

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In the final minute, if I can tie this into energy—because I'm the critic for energy; at the moment, anyway—think of Niagara Falls. They're putting heritage at risk in the redevelopment of the pump storage project at Beck 3. In terms of energy, I'm carefully vigilant in reminding the people of Ontario to watch this file closely, because the heritage of Ontario has been safe, reliable, affordable power. What we will have in the future is unreliable and expensive power. Last week, they actually reduced energy in the Ontario grid by 5%.

Heritage, to me, begins with a government that is prepared to support with dollars the policy initiatives that they want to move forward with. There's nothing in this bill that wasn't done by David Tsubouchi, there's nothing in this bill that wasn't consulted broadly on by the member for York North, and there's nothing in the bill that solves the issues that have been raised in the debate tonight.

The Liberal government has members hiding in the back rooms, lounging and sitting around because they know there will be a vote tonight. They will probably have a deferred vote, because the House leader is here. I think they should have a vote tonight. If they had a vote right now, there are enough members of the opposition that are interested enough—look at the official opposition here tonight. Our leader, John Tory, is here. I don't want to name members individually. But we can take them out tonight.

See? They have members hidden away in the boardrooms. There's a fear of a threat. This bill could take you down, because it doesn't move us forward.

Mr. Speaker, my time has expired, and it's only just beginning.

The Acting Speaker: Questions or comments?

Mr. Marchese: I'll take just a couple of seconds to congratulate the Conservative Party for their work, while they were in government, to help modernize the Heritage Act.

Hon. Mr. Duncan: I'm pleased to respond and say that I haven't heard this much hooley in the House in my 10 years here.

First of all, no bill has had as much reading as this has at second debate. I find it passing funny that the member would criticize the bill and at the same time say that this was their bill. I find it passing funny that the members—there were eight concerns raised by the churches; we addressed seven of them.

Yes, we disagree. I say to Mr. Sterling: Yes, let's vote. Let's vote on third reading and get this done. It's time to move forward on the bill.

I say to Mr. Tory, this isn't about substantive differences. What this is about, sir, is that fully half of your caucus voted against the bill at second reading. It's not about a free vote; it's about your party delaying the passage of your own bill and what your party wouldn't do when it was in government. Twelve members voted against it at second reading: Barrett, Chudleigh, Dunlop, Flaherty, Hardeman, Hudak, Klees, Murdoch, Ouellette, Runciman, Sterling and Yakabuski—half of your caucus. Let's pass the bill tonight. The people here need to know that your party has signalled to us that you want to keep the debate alive beyond tonight, that you have it scheduled for Wednesday night. We'd like an undertaking that we can finish third reading debate. We have had public hearings—something that party did not do on very many bills, did it? They time-allocated everything. We have taken, as Mr. Marchese said, a year. The bill has been on the order paper a full year. We wanted it passed in the fall. Your party and Mr. Marchese's party said, "Negotiate with the churches. Sit down with them." The minister did that in good faith. We've responded to seven of the eight concerns. The time to pass this is now. If half of your caucus wants to vote against it, so be it. Let us pass the bill.

With respect to money, it was your party that cut the money. That's who did it. It wasn't us. Do you remember the designated heritage funds? What a crock.

You didn't do it when you were in government; you let it die on the order paper. We've consulted, had hearings, had debate. Let's vote on it, let's be public and let's get it done. It's in the interest of the people of this province.

Mr. Jerry J. Ouellette (Oshawa): It's the usual diatribe from the member for Windsor—St. Clair.

Many of us would like to speak on the bill, and I appreciate the opportunity. There are a number of areas of concern.

I heard the minister's speech earlier, and I wanted to comment on some things. She mentioned Parkwood Estate and what has taken place in the riding of Oshawa. Parkwood Estate is a well-known facility, a great location that was donated by Colonel Sam McLaughlin to the people of Oshawa. It's a wonderful facility. I don't know if the minister has been there, but she should take the opportunity to view it. You see numerous things taking place there. The filming of X-Men was there, The Wind at My Back, and a number of other things. But when it comes to the restoration at the facility, they had to go to the southern states to get the same stone to build the gardens there. It cost millions of dollars to recreate that. Where are the costs going to come from? Who is going to cover all these costs when these things move forward? A number of other things have taken place there, in the internal gardens. Colonel Sam did a wonderful job of providing our community with a great piece of history that we're very proud of.

But there are a number of other areas. Where are the mandatory costs and who is going to cover these costs? I think you'll find that the churches' ability to raise funds will be limited because of previous legislation passed by this Legislature. I don't think that has been taken into account by either the government debating the bill here today or the churches. The ability to raise funds by those churches is going to be extremely limited, yet the onus on those churches to maintain certain structures in a certain fashion is also going to take place. That's a big concern of mine.

Another concern, quite frankly, is the control of private property and the losing of one's own property rights and control of what takes place with that. That's one of my biggest concerns.

Mr. Richard Patten (Ottawa Centre): The first thing I want to do is acknowledge Mr. Lincoln Alexander's presence this evening. I want you to know, sir, that we miss the days when you were the Lieutenant Governor of this province and brought to that post a high degree of dignity and grace and a very wonderful sense of humour. We appreciate that very much. It's a delight to see people here. It's not often that we have anyone here in the evenings other than our security staff. It's a pleasure to have you here.

Cutting through all the rhetoric of opposition and government parlance, there is a sense that each of us recognizes the importance of our heritage, especially when we see it slip away. I come from Ottawa Centre, and our city hall is part of a heritage building, an old teachers' college that was converted as part of the city hall. There was a structure called the old Cattle Castle, the Aberdeen Pavilion. The previous mayor—I won't mention her name—was going to tear it down and warehouse it because it was costing the city too much money. Mr. Sterling smiles because he remembers that time. We were able to save that with a contribution from the province that started the process going, and then a contribution from the federal government and from the city. Now it's a wonderful, attractive place that actually makes money for the city because people want to have fairs, dances and parties there seven days of the week.

I could go on with other examples, but I just want to say that after 30 years, it seems to me, we have taken the time to move ahead with this very important bill that helps us continue to identify who we are historically and, therefore, who we are today as Ontarians.

The Acting Speaker: The member from York North has two minutes in which to respond.

Mrs. Munro: I want to thank all the people who have come here this evening to hear the third reading debate.

I want to comment on the remarks made by the government House leader when referring to the delay of the bill. Nothing has been done by this caucus that would delay the bill. The government chose when the hearings were. The government called the bill back for second reading. It was this caucus that asked, before the House rose in December, when the bill was going to come back. We asked for unanimous consent to bring the bill back

for third reading. As I mentioned in my remarks, the minister said on February 21 that the bill would come back before the House rose on March 9. Our House leader again asked for unanimous consent on March 9 when it appeared that the bill was not being brought forward. So there have been no times when this caucus has delayed the bill. The fact that there has been a difference of opinion, as expressed this evening by various speakers, is part of the process: identifying those areas that people recognize as controversial. I think it's really important for everyone here to understand that this caucus has in no way ever been a party to anything that would delay the process by which this bill would go through the House.

2030

The Acting Speaker: Further debate?

Mr. Marchese: I'm happy to have this opportunity to speak to this bill. It's 8:30, and I welcome the citizens of Ontario watching this political forum to these debates, because I know they look forward to a number of speakers in this House speaking eloquently, as they do on so many important issues. This is one such important bill that we're debating tonight.

I have an hour. I'm not sure I have it in me to do that, but I will do my best. I really don't want to delay this bill any more than I have to. But you never know; I could get carried away and it could take the whole hour. It's hard to say.

It took a very long time for people working in the heritage community to come to this. They've been waiting for at least 15 years and longer, that I am aware of. To be fair, it all started with me in 1990, when I was the Minister of Culture, when we began the review of the Heritage Act. It continued with Karen Haslam, who followed me as the minister. I am sad to report that we as a government didn't have it in us to pass a heritage bill that I could have been proud of, but we did begin that process in 1990.

There was a lot of opposition from some of the ministry people, who may or may not be here, from the various ministries with whom we had to work. People in every ministry protect themselves as much as they can and hate to have other ministries infringe on their power and/or responsibilities. Any minister who has had to work with other ministries intergovernmentally understands the complexity of doing that work. Nobody wants to admit that publicly. You've got to play the game and say, "We're working interministerially with others," and "We're getting there," and so on. You've just got to say it. But it's hard. Every minister who is there now and every minister who has been there before, from every political party, knows how hard it is to work with other ministries to get things done.

But we began that work, and it took a long time to get it to where we want today. The Tories, to be fair to them, introduced a bill that had at least 80% or more of your bill. I know it's hard at times for the government to acknowledge that, although I think the House leader acknowledged that in his own inimitable way. But 80%

or more was introduced by the Conservative government, to be fair to them and to be fair to the culture critic, who has been very supportive of this bill.

This is something that people in the heritage world have longed for for a long time. There are about 50 or 60 people here tonight. You don't see 50 or 60 people coming to this place too often on any issue. These are people who volunteer in the field. Some are paid in their field, but many volunteer because they love and respect heritage. If the bill is before us today, it's because of them. I did my little part to push the Liberals along, but the biggest part has been done, instrumentally, by the people up in the galleries and to my left here.

Doors Open has been an instrumental part of educating people about our heritage, inviting people who otherwise would never have an opportunity to see the kind of heritage we have, here in Toronto and beyond. It politicized people. In its own way, it said to the people of Ontario, "We should value what we've got, and look what we've got." And it took so long, but without that program, we would not be here today, in my view. It helped to nudge the Tories and it helped with the Liberals.

That's the kind of politics we need to be engaged in. Governments respond to pressure. Generally speaking, they do not do the right thing—and I speak of all governments, ours included, although we did a couple of things when we were government that we got beaten on badly. Employment equity was one such thing. Introducing employment equity in the recession—I've got to tell you, you're taking a beating, and we did. But rarely do governments do the right thing. They have to be forced along. Pushing that elephant takes a great deal of work, but that's what it's about. It's about political pressure to get governments to do things, and we had them do this. People in the heritage community helped us to do this. And like this bill, so much else could happen when people are politically engaged and you force governments to do the right thing.

I'm happy that we are dealing with this bill, and the House leader is quite right: It's time to move forward. It has taken one whole year. I welcome the House leader when he says, "It's time to move forward," because the Tories and New Democrats said "Let's move now" a year ago and we're still at it. But better late than never, I would assume. To be fair, we were ready to pass this bill in December. New Democrats and, my suspicion is, most of the Tories, and I suspect the Minister of Culture, wanted so much to move ahead. I don't believe it was the House leader who stopped this bill from coming forward in December. I do not believe that. I don't. To be fair to you, I believe it was the Premier's office who stopped this. If I hadn't been a minister, I couldn't tell you this. If I had not been a minister, I couldn't tell you that the logjam happens in the Premier's office. The minister gets a call from the principal secretary to the Premier and everything stops. I know the MPPs smile, because they know that's exactly the way it works. But they can't tell the public. You don't want to tell the public, do you?

Interjection.

Mr. Marchese: Member for Stoney Creek, you don't want to tell the public that, do you?

I am helping the Liberals to tell the truth. Most members would rather hide it under the carpet and pretend, "Oh, no, we've been really diligently working to move this bill." But the Premier's office—and not the Premier, I suggest—stopped this bill, because they said, "Oh, my God, the churches are involved in this."

Interjection: Name names.

Mr. Marchese: The principal secretary et al.

One of the Premier's staff must have said, "We've got a problem on our hands. Good God, the churches are not behind us on this bill. We've got criticism. What the hell do we do?"

Mr. Jeff Leal (Peterborough): Young children are watching.

Mr. Marchese: It's not so bad to say, "What the hell." It's almost pristine language. But you understand what I'm saying. For months it was held there, suspended in limbo. It didn't go anywhere. You had the heritage people saying, "What's going on? I thought the minister was supportive, the parliamentary assistant, so many Liberals, possibly the House leader. What's going on? What's holding this?" So they would write letters. I wrote one, to be fair, helping the process. Then they started bombarding the House leader, the Minister of Culture, the Premier's office and other members, and eventually they had to surrender. They looked bad. It was embarrassing. They couldn't quite understand what the holdup was. Yes, there were criticisms of the bill, but they couldn't quite understand, if this bill was as great as the minister said it was on February 21—more or less, give or take a day or two—when she made a ministerial statement on Heritage Day about the fact that we had a most historical bill before us—she was referring to Bill 60—and that heritage buildings were being torn asunder as she spoke and that this bill that she had would prevent the crumbling, the tearing down of beautiful historical buildings. I said to myself, "If that is so, why hasn't she introduced this bill if she's so proud of it?"

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Again, with all due respect, if the government was so proud of that bill, why didn't they just introduce it, rather than making a ministerial statement saying, "What a great bill we've got. It's coming. Buildings are being torn down as we speak"? We had no bill before us. It was right there. All the Liberals supported it, Marchese and the NDP supported it, and so many Tories, with a few exceptions, supported it. We couldn't quite understand the holdup.

Interjection.

Mr. Marchese: Look at my audience?

Interjection: You're losing them.

Mr. Marchese: If I'm losing you, let me know, because I will stop. Let me know, because I can't see them. As soon as you get a sense that they don't like what I'm saying, do this to me and I'll stop.

Interjection.

Mr. Marchese: I need to know, right? You'll let me know. Because I've got to tell you that, even if I stop speaking—

The Acting Speaker: Order, please. The member from Trinity-Spadina knows that you're supposed to speak through the Speaker, not to the audience.

I would also remind the honourable member who has been standing up in plain view here, and who continues to speak, that he does not have the floor. I would ask the honourable member to please go to his seat, because he has been there for a long time. Thank you.

You may resume debate.

Mr. Marchese: Speaker, with all due respect to you, I'm always looking at you even though I might be there. I've got an eye on you and an eye on them and everybody else at the same time. Ubiquitous, I am, in my regard to you and everyone else.

Interjection: Where were we?

Mr. Marchese: Heritage. When I think about what places like Europe have—I'm Italian-born. I love to go back to Italy as often as I can afford, and that's not too often, but I do love to go back to Italy. Do you think people go back for the spaghetti? I think they do. Do you think people go back because Italians are friendly? I think that is true. Marie?

Hon. Mrs. Bountrogianni: Yes.

Mr. Marchese: But why do they go back? Not just Italians, but so many tourists—millions every year, from all over the world. Why do you think they go to Italy?

Hon. Mr. Peters: Heritage.

Mr. Marchese: You've got it, Minister: 44% of the world's heritage is in Italy, and they treasure it. Am I wrong in the number? Heritage people, how much? A lot.

Hon. Mrs. Bountrogianni: What about Greece?

Mr. Marchese: And Greece too. God bless.

Mr. John Yakabuski (Renfrew-Nipissing-Pembroke): What about England?

Mr. Marchese: And God bless England.

There is a great deal of heritage in Europe, and people go back because of their heritage, and they value it. The Minister of Culture in every government in Europe has power, unlike Canada. The Ministry of Culture in every government of Europe has a great deal of power, because they value it. Here, it's almost the least important. We give so little importance to culture and to heritage in particular. Those of you who won't admit that, as I do, should say that, because it's true. For so long in Ontario and Canada, we have destroyed so much of the beauty of our heritage. It has taken so long to get to support a bill that says, "Enough." We have to support our heritage because it speaks to who we are and who we were and who we need to be, and preserving it takes a great deal of political will.

I'm very excited and happy that the government has decided to bring forth this bill, because I've got to tell you that I was worried. We thought, given the support that we had, that they would have passed it last December, and I thought that with the support of the House leader we would have passed this bill during that last

sitting that we had here, starting in February and ending March 9. We had a good sense that the minister and the government was going to do that, and it didn't happen.

Mr. Yakabuski: Was it the Premier's office thing again?

Mr. Marchese: It's the Premier's office thing again. They claimed that they were working out some wrinkles with the churches and others, and they might have been working at it; it's possible. I don't know what they did. There is no result of those discussions that I am aware of, by way of amendments that we might get in the future or by way of commentary that says, "They might have had something to say and it's real and we're going to deal with it." There was no talk of that. So if they met with the churches, if that's what stopped this bill, we don't know the result of those discussions. I don't really want to know that, except to say that in committee, in the hearings that we had in December, I moved three amendments, and one of the amendments had to do with cemeteries. It wasn't supported by the government.

We know that the Minister of Consumer and Business Services continues to be responsible for all cemeteries and burial sites in Ontario. We know since 1995 the cemeteries branch of the ministry has ordered on two occasions that it was in the public interest for pioneer cemeteries to be relocated for real estate development. These two cases—Clendenan and St. Alban's Anglican Church cemeteries—were successfully appealed to the Licence Appeal Tribunal, which ruled against the cemeteries branch. The government of Ontario, in my view, was discredited, and it cost the taxpayers of Ontario over a million bucks.

The weakness of this bill vis-à-vis the Cemeteries Act continues. In spite of what the minister or any Liberal member tells you, the weakness of our protection of cemeteries continues. It's for that reason that I introduced an amendment trying to protect 4,500 sacred places, which in my view are also part of that heritage. The Liberals didn't see it that way. They still don't see it that way, from what I can tell. I'm not quite certain what discussions they might have had with people connected to cemeteries. I don't think they got a good hearing from them; maybe they did. But clearly they have not been moved enough to have made amendments, or at least accepted mine. That would have gone a long way with people worried about the connection to our cemeteries and to our history, to say that we were introducing amendments that would protect them.

In spite of what the minister and others tell you, cemeteries are not protected. It's up to municipalities to decide that they will protect them or not. If they choose not to protect them, they're not protected. The Ministry of Consumer and Business Services will continue to do what it has done, particularly in terms of the two instances we have witnessed. They are not the great protectors of cemeteries, quite clearly. So leaving that job to that ministry is not where we should be holding the levers of power to do that.

I'm hoping, in spite of the fact that the Liberals did not accept my amendment, that there will be time within

their mandate to review that—and the minister has the luxury to do so—and say, “We can make amendments,” and that would be OK.

I did not want to hold up the bill because they refused to accept my amendments. I felt it would have been wrong to have done that. We could have moved on this a lot faster.

I also introduced another amendment to the bill because the owner of a designated property will have a right of appeal to the Ontario Municipal Board in the case of either a municipal or provincial refusal of a demolition permit, and we said that this should be changed to allow third parties to appeal to the board the consent of a municipality to a demolition as well, which does not appear to be allowed under the current wording. So I introduced a motion that would permit this. The Liberals refused that as well, as they do with so many amendments that we make in our committees.

2050

I've got tell you, in spite of anything this government has told you about operating differently, they don't. We all operate the same: We get into government and then urge the opposition parties to be nice, to be agreeable, not to oppose us so strongly, not to be so negative. We all play that game. Nothing changes. People go into opposition and get into opposition mode; they get into government, and all of a sudden they're really nice people. Then they just wish that the opposition could just be nice and go away.

No changes were made to this particular bill. No changes were made to the bill that I debated, the Accessibility for Ontarians with Disabilities Act. Hardly any of the major changes were made, and it took a lot of effort, toward the last day or so, to get some changes to the bill. It's embarrassing. You introduce so many amendments that have no money implication, and they all say no, just like seals. They all raise their hands and say no, because they've been instructed to say no, unless instructed to do differently. Every government does this; it's embarrassing.

To be fair, it happened in our government as well. I recall, when I was in committee, I would listen to the opposition members introducing amendments, and I would say to myself, “What's wrong with that?” I recall going to a staff member and saying, “What's wrong with that amendment? It sounds OK to me.” When the staff member said, “I don't know,” and I said, “I'm going to vote for it,” all of a sudden the poor staff people went all over the world scrambling, particularly to the Premier's office, saying, “Marchese's going to freelance.” Then the Premier's office comes crumbling down with the weight of the power it has and tells you to behave. They did that then. They did it, we did it and you're doing it again. You're all doing it—all this with a promise to change. Even though amendments are made in every committee that are really reasonable, acceptable and have no money implication, government members decide they just cannot support them.

Here's the problem: While Mr. Lincoln might be watching you, or Mr. Sewell and others—by the way, in

my mind, most of the people here are important in terms of the weight they have on government and on me in terms of their influence. They're all watching, it's true. If we only had more of the citizens of Ontario watching us carefully in committee and carefully here, so much would change.

I also made another amendment dealing with compensation for people who have heritage buildings, and I want to acknowledge the fact that it's costly to maintain a heritage building. To maintain it and improve it means that your property values are likely to go up. The city doesn't pay for you; the provincial government doesn't pay for you. If your property is designated, you've got to pay it.

Hon. Mr. Peters: You can phase in the assessment.

Mr. Marchese: Phase it in? Yes, sure. You could phase in the assessment; I suspect they could do that. You could appeal the assessment, and many do. But by and large, when an assessment officer comes to your house and sees a building that has value, that has been improved and is likely to increase in value, your property taxes are going to go up. The minister might say that that's OK, because in the end, if he or she wants to sell, he or she will get more money out of that building. But most people don't want to sell their buildings. In the meantime, you are whacked with incredibly high property taxes, not just for the services that you've got to pay for, but because assessment keeps on going up regularly almost every year. So I introduced an amendment saying that we need to compensate people because of the increased property values that owners have, and the government refused to do that. They killed that amendment as well.

I find it difficult in opposition from time to time when you do these things and you don't get the support of the government, but there's nothing you can do about it. You move on. You debate and you present your amendments in committee and you present your amendments and your arguments in this Legislature and you hope for the best. You hope that people, as they watch this parliamentary channel, are able to understand and, with it, help to make governments change things for the better.

Minister, I will not prolong the debate because, from my point of view, I think I've said more than enough. We support this bill. We made amendments. We hope that in the future you will review those amendments that I made and others that other people in the field suggest as a way of making this bill stronger. But we have no interest in delaying this bill any further. At any moment that all the three political parties are ready to do so, we will support it.

The Acting Speaker: Questions and comments?

Mr. O'Toole: I always enjoy the member from Trinity-Spadina. He speaks with passion and conviction. His references to Italy having 44% of all the heritage sites is in some way respectful to the issue of how important it is to tourism, but also as we apply it to the province of Ontario.

There are parts of this bill that certainly should be revisited by the minister. I am on record as being

supportive of the group that sat here tonight and the work they do on an ongoing basis to advise the ministry. That work is important, to have the independence and the expertise that, I might say, is important to the debate, because many members here depend on your input. I would encourage you to contact members of all caucuses so that we know the issues that are substantively difficult in the implementation of the ministry's intent.

In defence of the minister's position here, as has been stated by the member from Trinity–Spadina, it is all run from the centre. We've heard the government House leader. He's just one of the small minions acting on behalf of Premier Dalton McGuinty, failing to move forward with initiatives that, in many cases, we know would have passed. They have the majority and they really, quite arguably—I sat this afternoon on Bill 136 and heard arguments made about the preservation of heritage within the planning regime in Bill 136. I heard the same debates on Bill 135.

But at the end of the day, under the Dalton McGuinty government and their provocative claim that they listen and respond—it clearly isn't there. The evidence before us today is that they're going to ram this through with their majority and aren't going to listen to any of the well-intended amendments brought forward by Mr. Marchese and the member from York North.

They are the government. There is some intent to this bill out of respect for the work done by Minister Tsubouchi on Bill 124. At the end of the day, they'll win the vote. They're just trying to wait it out and have the government House leader call this for third and final reading.

Mr. Gilles Bisson (Timmins–James Bay): I rise in support for my colleague Mr. Rosario Marchese, who is always most interesting and most entertaining and most on topic. I watched him from the office as I was making calls. I agree with him, in the sense that there are some issues in this bill that we think could have been dealt with differently, but overall we're not going to use those as objections for not allowing this bill to go forward.

We remind the people who are here today that it's because of your putting some pressure on the government that this bill has actually come forward. We indicated to the government—I can tell you this as whip for the New Democratic Party—that we have been prepared to deal with this bill for some time. For whatever reason, it has not come forward as quickly as it should have. But it's here now. I say to the government House leader, better late than never and better late than sorry, I guess. We intend to support this bill.

I want to say for the record that I have had an opportunity to meet with a number of church groups on this particular bill, as probably most members have been lobbied from different perspectives. I understand some of the issues and share some of the concerns that they've brought forward. I just say that this bill, in whatever form it's in now, is better than nothing. I think it moves forward on a number of issues.

2100

There's another point that Mr. Marchese made at the beginning of his speech—Speaker, you would have heard it—that I thought was quite refreshing to hear from a member of this assembly: He took some responsibility for his time as minister within the Rae government and said that, yes, the process started under his direction as the minister of the day but nothing followed, that successive governments have maybe dragged this thing on longer than they should have. It's refreshing to hear a member take some responsibility for a change, and I thought that was kind of nice.

I say to the member: Congratulations, work well done. Better late than never. Let's move forward on a vote on third reading.

Mr. Yakabuski: It's my pleasure as well to speak to third reading debate on Bill 60.

Some of the members of the government side have made comments tonight alluding to the fact that the Progressive Conservative Party is opposed to the protection of heritage sites and architecture in the province of Ontario. Of course nothing could be further from the truth. It was under former Premier Bill Davis in 1975 that the importance of protecting and preserving our unique and rich cultural architectural heritage in this province was recognized—a government of which I'm proud to say my late father was a member.

The concerns we have—the member for Timmins–James Bay just registered them, as did my colleague from Lanark–Carleton and our critic from York North. It's the lack of consultation on the part of this government. It was going to ram this bill through, but all of a sudden, “Oh, the churches are very upset.” I have met with church groups in my riding as well, as recently as last Friday. They have tremendous concerns about the implications of this bill.

The House leader was jumping up and down in one of his little tirades and going on about having settled seven of eight disputable points or concerns of the churches. It would be interesting, and I think it would be fair to the people of Ontario and those who are members of congregations of churches throughout the province, to hear what has been done. What kind of agreements or arrangements have been made to satisfy the very real and deep concerns of the churches throughout the province? Not just more backroom politicking on the part of the House Leader and they're going to ram it through.

We moved for unanimous consent to bring this bill back for debate. We've not been ducking it. This government has been afraid to bring it forward because there was so much opposition to certain components of it. There were—

The Acting Speaker: Further questions or comments?

Mr. Sterling: There could be no story more untrue than that the opposition parties in this Parliament stall the legislative business of this Legislature. If you had been here from 1995 to 2003, you would have seen the most obstreperous opposition ever on simple, straightforward bills. We were forced to sit here night after night and

were often forced to bring forward time allocation motions as a result.

Interjections.

Mr. Sterling: Well, we were. I was the government House leader. I had to work with these people—or try to work with them. The whole notion that we're stalling anything is such a joke. When you compare it to what happened here in the past, it's unbelievable. Even on bills they voted for, they would debate three days and we would have to debate another time allocation motion on the fourth. They would rather do that than have committee hearings. We couldn't negotiate with them.

This bill is an important bill—no question about that—and it has been a long time coming. Both previous governments had reports with regard to this and failed to take action. The previous government did take action but couldn't get the support of the opposition at that time. Therefore, in spite of my opposition to the property rights aspect of this bill, I think it is time for us to consider third reading of this bill.

The Acting Speaker: The member from Trinity–Spadina has two minutes in which to respond.

Mr. Marchese: I thank all of the members who did their two minutes, and would say to the government that I was a bit worried for quite a long time. I did not believe that the government had the strength to bring this bill forward, because since last December they indicated no interest or desire or strength to be able to say, "We are going to bring this bill forward." Then finally, because of the pressure, John, it worked, and we're debating this bill. It's an important bill.

One of the welcome additions to this bill is the fact that it will give municipalities the ability to prevent the demolition of heritage property. That's key. We didn't have that before. This is key. It also allows the province to be able to designate buildings. That's power as well, which means you can pressure the provincial government and not just municipalities to be able to designate a heritage building.

Churches raised a good point. They have buildings that sometimes take millions to restore. Sometimes they lose their following or they lose the people, and as a result they think they might have to get rid of the church. If it's designated as a heritage site, they say, "We lose all that investment. How are we protected?" My motion would have helped in some way, although I think other amendments have to be reflected on in terms of how to support those well-founded problems and fears that the churches have, including those who care about cemeter-

ies. They are an integral part of our heritage. You should make changes that protect them. You have the time within your mandate to review that, and I hope you will do that. Until then, however, I support and acknowledge the fact that we are dealing with this bill once and for all.

The Acting Speaker: Further debate? Are there any members who wish to speak further to this debate? Seeing none, Minister Meilleur, you may respond.

Hon. Mrs. Meilleur: I thank everyone who assisted tonight. I think you have been very patient. We appreciate your attendance here tonight and your contribution to the protection of heritage properties in Ontario. I also wanted to thank all those who have spoken in favour and those who did not speak in favour of the act.

It is a bill that we have been awaiting for quite some time. I recognize that there have been contributions to this bill from the three parties, and I wanted to thank you. I also wanted to thank those in Ontario who have invested their money in protecting our heritage.

I am very pleased, and I hope the bill will be passed as soon as possible.

The Acting Speaker: Madame Meilleur has moved third reading of Bill 60, An Act to amend the Ontario Heritage Act.

Is it the pleasure of the House that this motion carry? I heard some noes.

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the ayes have it.

There being more than five members—I was going to call on the members for a 30-minute bell, but we have here a notice.

Pursuant to standing order 28(h), it has been requested that the vote on the motion by Madame Meilleur for third reading of Bill 60, An Act to amend the Ontario Heritage Act, be deferred until deferred votes on Tuesday, April 19, 2005, at the time allotted.

Is there any other business before the House? Orders of the day.

Hon. Mr. Duncan: I move adjournment of the House.

The Acting Speaker: All those in favour? Opposed? I heard a nay.

All those in favour will say "aye."

All those opposed will say "nay."

The ayes have it.

The House will stand adjourned until 1:30 tomorrow afternoon.

The House adjourned at 2110.

LEGISLATIVE ASSEMBLY OF ONTARIO
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Speaker / Président: Hon. / L'hon. Alvin Curling

Clerk / Greffier: Claude L. DesRosiers

Deputy Clerk / Sous-greffière: Deborah Deller

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

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