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**Official Report  
of Debates  
(Hansard)**

**Wednesday 1 June 2005**

**Journal  
des débats  
(Hansard)**

**Mercredi 1<sup>er</sup> juin 2005**

**Standing committee on  
justice policy**

Law Enforcement and Forfeited  
Property Management Statute  
Law Amendment Act, 2005

**Comité permanent  
de la justice**

Loi de 2005 modifiant des lois  
en ce qui concerne l'exécution  
de la loi et l'administration  
des biens confisqués

Chair: Shafiq Qadri  
Clerk: Katch Koch

Président : Shafiq Qadri  
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

## STANDING COMMITTEE ON JUSTICE POLICY

Wednesday 1 June 2005

## COMITÉ PERMANENT DE LA JUSTICE

Mercredi 1<sup>er</sup> juin 2005

*The committee met at 1005 in room 228.*

### SUBCOMMITTEE REPORT

**The Chair (Mr. Shafiq Qaadri):** Good morning, committee members, ladies and gentlemen. I call the meeting of the standing committee on justice policy to order to resume clause-by-clause consideration of Projet de loi 128, Loi modifiant diverses lois en ce qui concerne les pouvoirs d'exécution, les pénalités et l'administration des biens confisqués ou pouvant être confisqués au profit de la Couronne du chef de l'Ontario par suite d'activités de crime organisé et de culture de marijuana ainsi que d'autres activités illégales.

We have a subcommittee report, and I would invite Mr. Brownell to read that into the record.

**Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh):** Thank you, Mr. Chair.

**Mr. Peter Kormos (Niagara Centre):** In French.

**Mr. Brownell:** No, it won't be in French. Sorry.

**Mr. Kormos:** You're not running for leadership?

**Mr. Brownell:** No, I'm not.

I would like to move the report of the subcommittee.

Your subcommittee on committee business met on Monday, May 16, 2005, and recommends the following with respect to Bill 128, An Act to amend various Acts with respect to enforcement powers, penalties and the management of property forfeited, or that may be forfeited, to the Crown in right of Ontario as a result of organized crime, marijuana growing and other unlawful activities:

(1) That the committee meet for the purpose of resuming clause-by-clause consideration of the bill on Wednesday, June 1, 2005, at 10 a.m.

(2) That the clerk of the committee, in consultation with the Chair, be authorized, prior to the adoption of the report of the subcommittee, to commence making any preliminary arrangements to facilitate the committee's proceedings.

**The Chair:** Are there any comments or questions regarding the subcommittee report? Seeing none, we'll proceed to the next item. All those in favour? The subcommittee report is carried.

### LAW ENFORCEMENT AND FORFEITED PROPERTY MANAGEMENT STATUTE LAW AMENDMENT ACT, 2005

### LOI DE 2005 MODIFIANT DES LOIS EN CE QUI CONCERNE L'EXÉCUTION DE LA LOI ET L'ADMINISTRATION DES BIENS CONFISQUÉS

Consideration of Bill 128, An Act to amend various Acts with respect to enforcement powers, penalties and the management of property forfeited, or that may be forfeited, to the Crown in right of Ontario as a result of organized crime, marijuana growing and other unlawful activities / Projet de loi 128, Loi modifiant diverses lois en ce qui concerne les pouvoirs d'exécution, les pénalités et l'administration des biens confisqués ou pouvant être confisqués au profit de la Couronne du chef de l'Ontario par suite d'activités de crime organisé et de culture de marijuana ainsi que d'autres activités illégales.

**The Chair:** I would also like to inform the committee that a number of additional amendments were received by the clerk and they have been distributed. Just to call your attention to them, they are labelled 9b, 10a and 20a, and should any committee members require, there are full copies of all amendments on the desk here.

I would also advise the committee that prior to adjournment on May 11, 2005, we had, as you will recall, completed section 5.1 of the bill, and we will now start with section 6 of the bill and beyond.

**Mr. Kormos:** If I may suggest, subject to other persons' comments, that you may proceed with sections 6 through 11.

**The Chair:** All right. Do I have consent for that? Just to repeat, Mr. Kormos is asking for block consideration of sections 6 to 11.

**Mr. Kormos:** I'm not asking; I'm merely suggesting.

**Mrs. Liz Sandals (Guelph–Wellington):** He's agreeing, and I think that's a wonderful thing to agree to.

**The Chair:** Shall sections 6 to 11 carry? Carried.

We now move to consideration of section 12.

**Mr. Kormos:** If I may, there's a Conservative motion labelled number 8, which, in the absence of the critic for the moment, I'm going to ask for unanimous consent, on

his behalf, that it be held down until he arrives to move it.

**The Chair:** I appreciate your comments, but just to advise you, Mr. Kormos, we're actually considering section 12, which is anterior to the PC motion.

**Mr. Kormos:** I'm sorry?

**The Chair:** We're considering section 12; the PC motion is for section 12.1.

**Mr. Kormos:** Yes, which is why I'm asking for unanimous consent now, as a precautionary note, so that we don't rush through. I'm asking for unanimous consent that, in the event Mr. Dunlop is not here to move his motion number 8, it be held down.

**The Chair:** Fair enough.

**Mrs. Sandals:** I think it's part of the FPPA, and if we want to defer further consideration of the FPPA until Mr. Dunlop arrives, that would be fine. His 12.1 amends the FPPA; our 12.1 amends something else.

**The Chair:** So just to be clear, we have unanimous consent to allow Mr. Dunlop to re-propose his section 12.1 amendment. Correct?

**Mr. Kormos:** For all intents and purposes. To move it out of order—not out of order, but to move it not in sequence.

**Mrs. Sandals:** Exactly.

**The Chair:** Do we have consent for this? Agreed.

Now we'll move to section 12. Are there any questions, comments or proposals for section 12?

1010

**Mrs. Sandals:** Can we do 12 before we deal with Mr. Dunlop's amendment, which adds to section 30.1, when section 12 is section 30 of the FPPA? I don't know, procedurally.

**The Chair:** I'm advised that that is actually a new section—section 12.1. As I say, just to clarify for the committee, we're now considering the section before 12.1, which is section 12.

**Mrs. Sandals:** That's fine.

**The Chair:** All those in favour? Any opposed? Carried.

We'll now move to consideration of section 12.1, the government motion. I would invite a member of the government to—

**Mr. Kormos:** On a point of order, Mr. Chair: I'm giving notice, having received notice of this motion, that I'll be asking you to rule it out of order once it's moved.

**The Chair:** I'm advised that the motion has to be proposed before I can actually rule it out of order.

**Mr. Kormos:** That's why I'm giving you notice, having received notice, that I'll be asking the Chair to have it ruled out of order, which gives the government the opportunity to withdraw it rather than have it ruled out of order.

**Mrs. Sandals:** I will be proposing the motion that is labelled 9b in your package. I will not be moving the ones labelled 9 or 9a, just so everybody is on the same page here. So if you would look at the one that is labelled 9b, that is the one that we will be dealing with.

**The Chair:** If I may, just to be clear, the motions on pages 9 and 9a are not being entered into the record of this committee, therefore they do not need to be addressed by this committee, and then you will proceed to 9b.

**Mrs. Sandals:** Exactly. So I am proceeding to 9b, if I may.

**The Chair:** Yes, please.

**Mrs. Sandals:** I move that the bill be amended by adding the following section:

“12.1 The Municipal Act, 2001 is amended by adding the following section:

““Inspection of buildings containing marijuana grow operations

“431.1(1) If the clerk of a local municipality is notified in writing by a police force that a building located on land in the local municipality contained a marijuana grow operation, the local municipality shall ensure that an inspection of the building is conducted within a reasonable time after the clerk has been notified.

“Persons who may conduct inspection

“(2) An inspection referred to in subsection (1) may be conducted by,

“(a) a bylaw enforcement officer of any municipality or of any local board of any municipality; or

“(b) an officer, employee or agent of any municipality or of any local board of any municipality whose responsibilities include the enforcement of a bylaw, an act or a regulation under an act.

“Nature of inspection

“(3) The requirement in subsection (1) for an inspection is for an inspection that includes entering upon the land and into the building.

“Powers to conduct inspection

“(4) The inspection shall be conducted pursuant to the powers of entry and inspection that the person conducting the inspection otherwise has under law, but only to the extent that the person conducting the inspection is able to do so.

“Action to be taken

“(5) Upon conclusion of the inspection, the person who conducted the inspection shall take whatever actions he or she is authorized by law to take in order to make the building safe and otherwise protect the public.

“Definition

“(6) In this section, ““police force” means a municipal police force, the Ontario Provincial Police or the Royal Canadian Mounted Police.”

**The Chair:** Do we have any questions or comments?

**Mr. Kormos:** On a point of order, Mr. Chair: I ask the Chair to rule it out of order. It does not amend the amendments to the Municipal Act that are proposed in the bill.

**The Chair:** I'm advised both by the clerk of the committee as well as legislative counsel that it is in order. Are there any further questions or comments on 9b?

**Mrs. Sandals:** May I speak to this?

**The Chair:** Please.

**Mrs. Sandals:** This motion does a number of things. First and foremost, as I think Mr. Kormos has noted, we have moved some language that we deleted in the last section from the building code and, in listening to a number of our presenters, have moved it to the Municipal Act. The reasons for this are as follows:

First of all, it results in the clerk of a local municipality being notified by the police force. This is in response to those building officials who were concerned that they might not always be the appropriate person to be informed. This will require that the clerk be informed. This would give the municipality the flexibility, depending on the local municipal organization, to determine the proper person to carry out the inspection.

It requires the notification to the clerk to be in writing, which was not clearly defined in the previous version.

It confirms that the inspection is done if the building contained—past tense, as opposed to “contains,” present tense—a grow-op, the intent here being that it’s clearly understood that the police would complete their investigation and make the building safe to the degree that it’s safe for inspection.

It would allow the inspection to be carried out by an outside agency, because in some cases in a small municipality, it might be another agency under contract to the small municipality. Again, it gives the flexibility.

It also clarifies that the inspection is subject to the existing powers of entry and inspection; that is, we are not defining new powers of warrantless entry, as has been read into the bill in some cases. We are clarifying that this is subject to the existing powers which exist in law for these various municipal officials. However, I would like to note that we are maintaining the essential components of the original building code language, which is that the municipality shall be responsible for conducting an inspection and, if the building is found to be unsafe as a result of that inspection, the official shall take whatever action is required to make the building safe and otherwise protect the public.

**The Chair:** Are there any further comments or questions on 9b? Seeing none—

**Mr. Kormos:** Recorded vote, and a 20-minute recess, pursuant to the standing orders.

**The Chair:** Thank you, Mr. Kormos. The committee is recessed for 20 minutes.

*The committee recessed from 1016 to 1030.*

**The Chair:** Members of the committee, we resume. We now move immediately to a recorded vote on section 12.1.

#### Ayes

Brown, Brownell, Delaney, Dunlop, McNeely, Sandals.

#### Nays

Kormos.

**The Chair:** Section carried.

With the unanimous consent given earlier, we’ll now move to Mr. Dunlop with his proposal for section 12.1, page 8.

**Mr. Garfield Dunlop (Simcoe North):** I’m sorry that I came in late. I thought the meeting actually started at 10:30, from the list I had. I guess the second advisory had come out for 10, and I’m sorry about that.

I understand that this will likely be ruled out of order, but—

**Mr. Kormos:** Don’t do that, Garfield.

**Mr. Dunlop:** OK.

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

“12.1 The act is amended by adding the following section:

“Proceeds of fines

“30.1 If an offence under section 28, 29 or 30 has been committed within a municipality, the proceeds of a fine imposed under that section shall be paid to the treasurer of that municipality, and section 2 of the Administration of Justice Act and section 4 of the Fines and Forfeitures Act do not apply in respect of the fine.”

**The Chair:** Ruling by the Chair: I advise committee members that I will rule this amendment inadmissible, as it proposes the direct allocation of public funds under the new section. The motion before the committee is characterized as a money-bill motion. Pursuant to standing order 56, any motion that proposes to direct the allocation of public funds shall be proposed only by a minister of the crown. I therefore rule this motion out of order, so there will be no further questions, comments or debate on that particular proposal.

I will now move to consideration of the full section. Shall section 12.1 carry? Carried.

We’ll now move to consideration of a new section, section 12.2.

**Mr. Kormos:** Wait a minute. What do you mean, “Shall section 12.1 carry?”

**Mrs. Sandals:** I think we were reaffirming what we just did a minute ago.

**Mr. Kormos:** There was a recorded vote; you created 12.1; you ruled the Tory motion out of order, however regrettably—

**The Chair:** We had the amendment that was proposed on page 9b, from the government.

**Mr. Kormos:** We voted on that. We had a recorded vote.

**Mr. Bob Delaney (Mississauga West):** I think it was considered the equivalent of suspenders and a belt.

**Mr. Kormos:** That was a new section. We had a recorded vote on that.

**Mrs. Sandals:** I think what Mr. Kormos is getting at is that the 12.1 that we were just dealing with was an amendment to the Fire Protection and Prevention Act, as opposed to the—

**Mr. Kormos:** That didn’t go to a vote, because it was ruled out of order.

**Mrs. Sandals:** Exactly. So I would tend to concur with Mr. Kormos that the 12.1 vote we already had was adequate.

**Mr. Kormos:** I was just starting to worry, Mrs. Sandals.

**The Chair:** Thank you, Mr. Kormos. We'll now move to consideration of—

**Mr. Kormos:** So that last vote was null.

**Mrs. Sandals:** Agreed.

**Mr. Delaney:** Redundant.

**The Chair:** Fine, a redundant vote.

**Mr. Kormos:** That's a novel parliamentary term.

**The Chair:** Now we move to consideration of section 12.2, another new section. The first proposal is from the PC side: section 12.2, page 10.

**Mr. Dunlop:** I move that the bill be amended by adding the following section:

“12.2 The Municipal Act, 2001 is amended by adding the following section:

“Marijuana grow and other illegal drug production operations

“431.1(1) An official designated by a municipality may enter upon land and into a building at any reasonable time without a warrant for the purpose of inspecting a building if the municipality has been notified by a police force that the building contains a marijuana grow operation or other illegal drug production operation.

“Inspection

“(2) The inspection authorized by subsection (1) must be carried out within a reasonable time after the municipality has been notified as described in that subsection.

“Same

“(3) The municipality may designate, for the purposes of carrying out an inspection under this section, any municipal official who is appointed for the purpose of enforcing municipal bylaws, acts or regulations under acts.

“Training

“(4) Every municipality shall provide training and equipment to its officials who may be required to enter and inspect a building that contains a marijuana grow operation or other illegal drug production operation.

“Lien

“(5) If a marijuana grow operation or other illegal drug production operation is in a municipality, the municipality shall have a lien on the land for the costs described in subsection (5) and the amount shall have priority lien status as described in section 1 of the Municipal Act, 2001.

“Where operation is in lower-tier municipality

“(6) If the marijuana grow operation or other illegal drug production operation is located in a lower-tier municipality and both the lower-tier and upper-tier municipalities appoint officials for the purpose of enforcing municipal bylaws, acts or regulations under acts, the notice referred to in subsection (1) shall be given in writing to the head of both the upper-tier and local-tier municipalities.

“Rental property, landlord registries

“(7) A municipality may establish and maintain a rental property registry or a landlord registry, or both, that,

“(a) lists every property that contained a marijuana grow operation or other illegal drug production operation; and

“(b) includes such other information that the municipality specifies in the bylaw establishing the registry.

“Owner, landlord has duty of due diligence

“(8) Every owner and lessor of real property shall make reasonable efforts to ensure that the property does not contain a marijuana grow operation or other illegal drug production operation.

“Duty to inform prospective tenants, purchasers

“(9) The owner of property that contained a marijuana grow operation or other illegal drug production operation must not sell or lease the property without advising the prospective purchaser or lessee that the property contained such an operation.

“Limitation

“(10) Subsection (9) applies only to the first sale or lease of the property after it ceased to contain a marijuana grow operation or other illegal drug production operation.

“Protection from personal liability

“(11) No action or other proceeding for damages shall be instituted against a municipality or any employee or official of a municipality for any act done in good faith in the performance or intended performance of any duty under this section or in the exercise or in the intended exercise of any power under this section or for any neglect or default in the performance or exercise in good faith of any such duty or power.

“Regulations

“(12) The Lieutenant Governor in Council may make regulations,

“(a) prescribing the training and equipment to be provided to municipal officials under subsection (4);

“(b) prescribing safety standards to be observed by municipal officials who enter buildings containing a marijuana grow operation or other illegal drug production operation; and

“(c) governing the sharing of information with police forces about marijuana grow operations and other illegal drug production operations.

“Application

“(13) This section applies to marijuana grow operations and other illegal drug production operations that are located on any class of property prescribed under section 7 of the Assessment Act.

“Definitions

“(14) In this section,

““illegal drug production operation” means a lab for the illegal production of methamphetamine, ecstasy or marijuana or for the extraction of cannabis resin;

““marijuana grow operation” means an operation for the illegal growing of marijuana;

““police force” means a municipal police force, the Ontario Provincial Police or the Royal Canadian Mounted Police.””

**The Chair:** Thank you, Mr. Dunlop. Are there any further questions or comments on this proposal?

**Mr. Kormos:** This is an interesting amendment. It's the first time that we've seen an effort to define “marijuana grow operation,” although I'm sure you, Chair, would look at that definition and regard it as somewhat tautological and therefore of marginal value, because we still don't know, and the government hasn't come forward with a definition of a marijuana grow operation. Is that some kid growing one potted pot, so to speak, or two or three? Or is it something, if this isn't criminal legislation—and the government has gone to great lengths to make sure they don't paint it as criminal legislation, for the obvious reasons. So this isn't about enforcing the federal statute against cultivating marijuana; it's about the building code.

1040

Is it only going to be by inference that a marijuana grow operation is a grow operation of such magnitude as to reasonably impact on the structure of the building? Because if it is, it should say so—do you know what I'm saying, Ms. Sandals?—as compared to two potted plants under some grow lights in the basement or in the attic or, heck, down where I come from, in the front window, more often than not—not any given neighbourhood, but from time to time as you're canvassing. That's problem number one, although I do commend Mr. Dunlop for recognizing the need for a definition. You've defined it, but to no great value.

In terms of drug labs—and again, we don't have the expertise with us any more. I know methamphetamine was referred to; ecstasy was referred to. I don't know if people are still making LSD, for instance, whether that's done in domestic labs, whether that's a product that has currency out there. Mr. Brown may be of assistance. Mr. Delaney may be helpful in this regard. Lord knows, Mr. McNeely may be able to provide some insight into the currency of things like LSD. He may well. So why are we restricting the definition to that?

I do have some concerns—and I'd ask Mr. Dunlop, if he cares to, because we talked about this—about the duty of a landlord. There were some submissions made, “Oh, landlords have got to accept responsibility.” I read you the letter from a woman down in Port Colborne, a senior citizen, and we all know these types of folks, people who have worked hard, accumulated a couple of units somewhere in their community and use the rental income to subsidize their pension. These are not mega-landlords. They're not the big corporate landlords. These are, quite frankly, the landlords we always have problems responding to when we're talking about part IV of the Landlord and Tenant Act, which is written more likely for the big corporate landlords than it is for the small mom-and-pop or, quite frankly, the widow who rents the upstairs of her house to tenants.

So what kind of onus are you putting on landlords, and what type of inappropriate onus, without defining “marijuana grow operation”? Should it be the landlord's duty to accept responsibility for that definition, and what is it that you expect the landlord to do? Again, I'm not blaming you or criticizing you, because these were submissions that were made to the committee that caused me concern when they were first made.

Finally, and we didn't hear from any real estate agent types in response to this particular issue, or real estate lawyers, there's the business of notifying a purchaser that the place housed an illegal drug or marijuana grow operation. I suspect—and I don't know a whole lot about this—that when lawyers now acting on real estate deals do requisitions from the vendor, one of the questions they ask is whether or not this was used as an illegal grow operation. That would seem to be due diligence on the part of a real estate lawyer.

I'm concerned because right now a lawyer has a responsibility to do that on behalf of his or her client in a real estate deal, for instance, and the sky's the limit as to what he or she can requisition, but you're curtailing it after the first sale. So I regret that you're in fact allowing a vendor who purchased a marijuana grow operation building, probably at a reduced rate if in fact it caused the structural damage that one would maintain, not to have to disclose it to a subsequent purchaser. He flips it, doubling or tripling the price of the property because it's in a good neighbourhood, like the one you live in perhaps, and yet you've relieved him of the responsibility to notify a subsequent purchaser. And I put to you that you may well have relieved him of the responsibility to reply to a requisition; in other words, a letter from a purchaser's lawyer saying, “Has this ever been used for a marijuana grow operation?” If you read the statute, the vendor of the marijuana grow operation unit isn't obliged to notify. Does that mean the purchaser's lawyer is not permitted to request? I don't know.

I appreciate the motion and its intent to respond to issues raised by participants in the hearings. I know the Conservative Party, with its long tradition of less government, less red tape and its commitment to civil liberties, and I appreciate that this is perhaps an aberration and not the norm, but I cannot support your motion, with regret.

**The Chair:** Thank you, Mr. Kormos. Any further questions or comments?

**Mr. Delaney:** As a point of clarification for Mr. Kormos: In describing the place where he came from earlier in his remarks and referring to a process of visiting homes, could this be characterized as a door-to-door cannabis?

**Mr. Kormos:** That's very good, Mr. Delaney.

**The Chair:** Thank you, Mr. Delaney. Any further questions or comments?

**Mr. Kormos:** That was off the cuff.

**Mr. Delaney:** Actually, it was Mike's.

**Mr. Kormos:** Well, it was stolen, but off the cuff.

**The Chair:** Mrs. Sandals, please proceed.

**Mrs. Sandals:** We will in fact be opposing the amendment. If I could quickly just mention some of the reasons—

**Mr. Kormos:** Oh, come on, Mrs. Sandals, I did all the heavy lifting.

**Mrs. Sandals:** Well, in response to Mr. Kormos's remarks, I would just like to point out that the way we have structured the legislation, there will be orders registered against the building in order to make the building safe, and they will be attached to the building, not the owner. So, in fact, we have addressed the problem that Mr. Kormos seems to have expressed some concern about in terms of having a first sale and then having the duty to disclose go away.

Just to note that in subsection (1), we're talking about warrantless entry, which, as we pointed out, we are not introducing, so we are opposed to that.

I believe we've already taken care of subsections (2) and (3).

The issue in subsection (5) around the lien: The issue of priority lien status has actually some opposition from the municipalities that are concerned about various people registering priority liens and interfering with their ability to debenture.

Subsection (6) is interesting. Mr. Dunlop has identified a legitimate concern here with some of the confusion around when to notify lower tier and upper tier.

We would have some concern with the landlord registry business: number one, whether it appropriately belongs in this act or the Tenant Protection Act, and just to note that there is an ongoing review under the Municipal Act that is looking at the issue of landlord registries.

Under subsection (13), "Application," just to note that we are not interested in extending this bill beyond marijuana grow-ops. The consultation on the bill was specifically around marijuana grow-ops. In particular, we would have some concerns that some of the issues around other drugs may be more environmental issues and probably drag in a number of other pieces of legislation that we haven't countenanced including at this point.

We will be opposing this amendment.

**The Chair:** Any further comments or questions?

**Mr. Dunlop:** Thank you very much, Mr. Chair, and my colleagues on the committee. I just want to say that the intent of the amendment was to try, as Mr. Kormos has mentioned, to address a number of the concerns made by organizations like the Association of Municipalities of Ontario. We've had a fair amount of consultation with them.

I'm disappointed that the government would not, in some way, try to add other illegal drug production operations to the bill, because in almost all cases, particularly from our law enforcement stakeholders, they had asked for that. I've talked to people from the drug enforcement division of the metro police services and folks from the Ontario Association of Chiefs of Police. Almost everyone I've talked to has felt that that is an area that this bill could easily be expanded upon. I really don't buy the argument that it wasn't part of the consultation, because

when I'm talking to the chiefs of police and drug enforcement agencies, they say the bill should include that. I'm disappointed, from that perspective, that the government wouldn't want to carry that forward and look for another area. Any of the chemical drug houses should be subject to the same rules and regulations as the marijuana grow operations, because, as Mr. Kormos has said, it's a very vague definition to begin with.

**1050**

I'm not going to say to you today that I'm not supporting the legislation, because I think every step we make in that direction is positive. But I'd like to see our legislation be as complete as possible when we're going through a process like this.

**The Chair:** Are there any further comments, questions or debates regarding this motion? Seeing none, we'll now proceed to consideration of this motion. All those in favour? All those opposed? Motion defeated.

We'll now move to consideration of section 12.2 and the PC motion on page 10a. Mr. Dunlop?

**Mr. Dunlop:** I hope this addresses the concerns that Mrs. Sandals brought up a few moments ago.

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

"12.2 The act is amended by adding the following section:

"Where marijuana grow operation is in a lower-tier municipality

"431.2(1) If the clerk of a local municipality that is a lower-tier municipality is notified under subsection 431.1(1) that a building located on land in the lower-tier municipality contained a marijuana grow operation, the lower-tier municipality shall, if in its opinion it is appropriate to do so, forward a copy of the notice referred to in subsection 431.1(1) to the clerk of the upper-tier municipality of which the lower-tier municipality forms a part.

"Same

"(2) Upon the clerk of the upper-tier municipality being notified under subsection (1), the obligation under subsection 431.1(1) to ensure that an inspection of the building is conducted becomes the obligation of both the lower-tier municipality and the upper-tier municipality."

**The Chair:** Any questions or debate or comments?

**Mr. Kormos:** This was in response to what submission?

**Mr. Dunlop:** This is a motion in case the previous motion didn't pass.

**Mr. Kormos:** I'm from down in Niagara. I want to find one of your motions to support and perhaps encourage the government members to support.

**Mr. Dunlop:** The government was supportive of where operations are in a lower-tier municipality.

**Mr. Kormos:** OK, I'm going to support this motion.

**Mrs. Sandals:** Good. Get with the program.

**Mr. Kormos:** Mr. Dunlop has been introducing long, long, long motions. I want to encourage him to introduce short ones, because there are more long ones. If the government members will take the signal here, they'll support this and discourage the lengthy amendments.



**The Chair:** Thank you for rewarding good behaviour. Are there any further comments or questions?

**Mrs. Sandals:** I would just like to thank Mr. Dunlop for bringing this amendment forward. As we noted, we thought this was one of the redeeming values that was in the long version, so I'm glad to see that Mr. Dunlop has tabled the short version with this useful addition.

I think the problem that is being identified here is that when you have county governments or district governments, it often happens that it's not well defined whether it's the small, rural, lower-tier municipality or the larger upper-tier municipality that actually has the capacity to carry out the responsibility. So this gives the lower-tier municipality, if it is the municipality that is notified, the capacity to deal with the upper-tier municipality, which may well be the municipality that has the capacity to carry out the obligation.

So we're quite happy to support Mr. Dunlop's motion. This is, we believe, a useful addition to the bill.

**The Chair:** If there are no further questions or comments, we'll now move to the consideration of the motion. All those in favour? All those opposed? Motion carried.

With the committee's consent, we can move to block consideration of sections 13 and 14. Do I have consent for that?

**Mrs. Sandals:** I'm just noting that in the version I've got—and maybe it's not all versions—there seems to be a typo in the title of section 14. Is that in everybody's? Where it should say "Recounting," I've got "Oecounting." That will automatically be taken care of?

**Ms. Susan Klein:** That will be fixed.

**Mrs. Sandals:** Thank you. In that case, 13 and 14 as a block is fine.

**The Chair:** All those in favour of sections 13 and 14? Opposed? Sections 13 and 14 carry.

We'll now move to consideration of section 15 and the subsection referred to on page 11. Mrs. Sandals?

**Mrs. Sandals:** I move that subparagraph 2 v of subsection 5(1) of the Prohibiting Profiting from Recounting Crimes Act, 2002, as set out in subsection 15(1) of the bill, be struck out and the following substituted:

"v. an order to sever or partition any interest in the property or to require any interest in the property to be sold or otherwise disposed of, and for all or part of the proceeds of the severance, partition, sale or other disposition to be paid to the crown in right of Ontario as compensation for its costs incurred in preserving, managing or disposing of the property and in enforcing or complying with any other order made under this subsection in respect of the property."

I am going to move this same amendment four times as we come across it. The reason for this is that the subsection, as originally drafted, had the unintended result of allowing the Attorney General to sell a person's property prior to forfeiture in order to obtain payment of its legal costs incurred in obtaining a preservation order. Since it was never the intent of the Attorney General to be able to do this, this subsection is being amended.

**The Chair:** Any further comments or questions?

**Mr. Kormos:** I need some help, Mrs. Sandals. You've got to point out what change—and perhaps staff can help in this regard—

**Mrs. Sandals:** I would defer to staff, because I'm obviously not a lawyer.

**The Chair:** Ministry staff are welcome to approach the committee. Please identify yourself, and you'll be on the record, obviously.

**Mr. Jeff Simser:** My apologies; I haven't got my black-lined version.

**The Chair:** Please identify yourself.

**Mr. Simser:** I'm sorry. I'm Jeff Simser. I'm legal director of the civil remedies project at the Ministry of the Attorney General.

In the original bill—I apologize; I'm just trying to find the exact language here.

**Mr. Kormos:** That's what I was doing, as well.

**Mr. Simser:** As you track through the original bill, it's "for its costs incurred in obtaining an order under this subsection."

So the concern was that there would be a sale on an interlocutory basis, the unintended consequence being that the Attorney General would recover its own costs at that point in the proceeding, which wouldn't be appropriate.

**Mr. Kormos:** One of the participants found that particularly offensive; I think there was a written submission.

**Mr. Simser:** Mr. Diamond; yes, that's correct.

**Mr. Kormos:** "For its costs incurred in obtaining an order under this subsection," and that's an order for the preservation, management or disposition. Obviously, the preservation and management would be the ones of—because we're not talking about an order of disposition. That would be an order of forfeiture/disposition.

Let's look at your amendment—"as compensation for its costs incurred in preserving, managing or disposing of the property"—

**Mr. Simser:** If I could use an example, if there is a trainload of melons—and this actually happened in Arizona—the only way to preserve the value of that property for all the litigants is to sell it right away. Conceptually, under the amended section, the net cost of going to an auction would be recovered at that point, but the costs of our lawyers at the Ministry of the Attorney General would not.

**1100**

**Mr. Kormos:** I'm told that marijuana keeps very well; that's what I'm told.

**Mr. Simser:** It's destroyed by Health Canada, sir.

**Mr. Kormos:** I was thinking of the melons reference, because the melons would rot.

**Mr. Simser:** Absolutely; that's the concept—or one of the concepts.

**Mr. Kormos:** But here in the amendment, "as compensation for its costs incurred in preserving, managing"—right? So we're still talking about costs incurred in preserving and managing.

**Mr. Simser:** Correct. So keeping the melons cold, getting them to the auction, paying the auctioneer: Those costs would be recovered. In other words, it's a net value that goes in, and the net value is then—

**Mr. Kormos:** So what you're excluding is the cost of getting the order. OK. Gotcha.

**Mrs. Sandals:** So it's the AG legal costs that are being excluded.

**Mr. Simser:** That's correct.

**Mr. Kormos:** Wouldn't it be far more productive for the ministry to simply sell the marijuana and use those proceeds? Then everybody would be paid. I don't know. Just trying to think outside the box here.

**The Chair:** Mr. Kormos, is that a formal motion?

**Mr. Kormos:** No, it's just a consideration.

**The Chair:** Thank you, Mr. Simser, for your clarification. Are there any further comments or questions on this subsection 15(1), page 11? Seeing none, we'll now move to the vote. All those in favour? All those opposed? Carried.

Shall section 15, as amended, carry? Carried.

We now move to consideration of section 16, subsection 16(1), page 12.

**Mrs. Sandals:** I'm assuming that I need to read this all over again?

**The Chair:** Yes, Ms. Sandals, for the record.

**Mrs. Sandals:** I move that subparagraph 2 v of subsection 6(2) of the Prohibiting Profiting from Recounting Crimes Act, 2002, as set out in subsection 16(1) of the bill, be struck out and the following substituted:

“v. an order to sever or partition any interest in the property or to require any interest in the property to be sold or otherwise disposed of, and for all or part of the proceeds of the severance, partition, sale or other disposition to be paid to the crown in right of Ontario as compensation for its costs incurred in preserving, managing or disposing of the property and in enforcing or complying with any other order made under this subsection in respect of the property.”

**The Chair:** Any comments or questions? Seeing none, we'll now move to the vote. All those in favour of subsection 16(1), page 12? Any opposed? Carried.

Shall section 16, as amended, carry? Carried.

We now move to consideration of section 17. Seeing as there are no motions, may we proceed to the vote? Do I have consent from the committee to do so?

**Mrs. Sandals:** This one, the PC section 17, has been withdrawn?

**The Chair:** Section 17.1, new section.

**Mrs. Sandals:** Oh, sorry.

**The Chair:** Shall section 17 carry? Any opposed? Carried.

We now move to consideration of section 17.1, PC motion page 13.

**Mr. Dunlop:** I move that that the bill be amended by adding the following section:

“17.1 The act is amended by adding the following section:

“Separate account for money from marijuana grow and other illegal drug production operations

“9.0.1(1) Despite section 9, money described in subsection 9(1) that is forfeited or paid to the crown in right of Ontario that is related to a marijuana grow operation or other illegal drug production operation shall be deposited in a separate interest-bearing account in the consolidated revenue fund.

“Same

“(2) For the purpose of the Financial Administration Act, money deposited under subsection (1) shall be deemed to be money paid to Ontario for a special purpose.

“Same

“(3) The Minister of Finance may make payments out of the account described in subsection (1) for the purpose of law enforcement and the administration of criminal justice in relation to marijuana grow operations and other illegal drug production operations, including payment to municipalities of compensation for the costs, including the costs of specialized training and equipment, incurred by them in relation to marijuana grow operations and other illegal drug production operations.

“Definitions

“(4) In this section,

““illegal drug production operation” means a lab for the illegal production of”—what's that again?

**The Chair:** Methamphetamine.

**Mr. Dunlop:** —“methamphetamine, ecstasy or marijuana or for the extraction of cannabis resin;”—see, I'm not familiar with all these drugs—

““marijuana grow operation” means an operation for the illegal growing of marijuana.”

**The Chair:** Again, I advise the committee on the admissibility of this amendment, as it proposes to direct the allocation of public funds into the new section. The motion before this committee can be characterized as a money bill motion and, pursuant to standing order 56, any motion that proposes to direct the allocation of public funds shall be proposed only by a minister of the crown. I therefore rule this motion out of order, which concludes our consideration of section 17.1.

May I ask for consent from the committee to consider as a block sections 18, 19 and 20, seeing there are no proposed motions? Do I have consent? Agreed.

Shall sections 18, 19 and 20 carry? Any opposed? Carried.

We now move to consideration of subsection 21(1), government motion, page 14.

**Mrs. Sandals:** Same motion. I move that paragraph 5 of subsection 4(1) of the Remedies for Organized Crime and Other Unlawful Activities Act, 2001, as set out in subsection 21(1) of the bill, be struck out and the following substituted:

“5. An order to sever or partition any interest in the property or to require any interest in the property to be sold or otherwise disposed of, and for all or part of the proceeds of the severance, partition, sale or other disposition to be paid to the crown in right of Ontario as

compensation for its costs incurred in preserving, managing or disposing of the property and in enforcing or complying with any other order made under this subsection in respect of the property.”

**The Chair:** Any further comments on this motion? Seeing none, we’ll proceed to the vote. All those in favour? All those opposed? This motion is carried.

Shall section 21, as amended, carry? Any opposed? Seeing none, section 21 is carried.

We’ll now move to the consideration of section 22. Seeing that there are no motions proposed, with consent, we’ll move to the vote. Shall section 22 carry? Any opposed? Carried.

We’ll now move to consideration of section 22.1, new section, PC motion, page 15.

**Mr. Dunlop:** I move that the bill be amended by adding the following section:

“22.1 The act is amended by adding the following section:

“Separate account for money from marijuana grow and other illegal drug production operations

“6.1(1) Despite section 6, money described in subsection 6(1) that is forfeited to the crown in right of Ontario that is related to a marijuana grow operation or other illegal drug production operation shall be deposited in a separate interest-bearing account in the consolidated revenue fund.

“Same

“(2) For the purpose of the Financial Administration Act, money deposited under subsection (1) shall be deemed to be money paid to Ontario for a special purpose.

“Same

“(3) The Minister of Finance may make payments out of the account described in subsection (1) for the purpose of law enforcement and the administration of criminal justice in relation to marijuana grow operations and other illegal drug production operations, including payment to municipalities of compensation for the costs, including the costs of specialized training and equipment, incurred by them in relation to marijuana grow operations and other illegal drug production operations.

“Definitions

“(4) In this section,

““illegal drug production operation” means a lab for the illegal production of methamphetamine, ecstasy or marijuana or for the extraction of cannabis resin;

““marijuana grow operation” means an operation for the illegal growing of marijuana.”

**The Chair:** Again, I’d like to rule on the admissibility of this amendment that proposes to direct the allocation of public funds under the new section. The motion before the committee can be characterized as a money bill motion and, pursuant to standing order 56, any motion that proposes to direct the allocation of public funds shall be proposed only by a minister of the crown. I therefore rule this motion out of order, and there will be no further consideration of this motion.

We’ll now move to consideration of section 23. Seeing as there are no proposed motions, we may proceed to the vote, with consent. All those in favour of section 23? Any opposed? Section 23 is carried.

We now move to consideration of subsection 24(1), government motion, page 16.

**1110**

**Mrs. Sandals:** I move that paragraph 5 of subsection 9(1) of the Remedies for Organized Crime and Other Unlawful Activities Act, 2001, as set out in subsection 24(1) of the bill, be struck out and the following substituted:

“5. An order to sever or partition any interest in the property or to require any interest in the property to be sold or otherwise disposed of, and for all or part of the proceeds of the severance, partition, sale or other disposition to be paid to the crown in right of Ontario as compensation for its costs incurred in preserving, managing or disposing of the property and in enforcing or complying with any other order made under this subsection in respect of the property.”

**The Chair:** Any further comments or questions? Seeing none, we’ll proceed to the vote. All those in favour? Any opposed? Subsection 24(1) is carried.

Shall section 24, as amended, carry? Any opposed? Section 24, as amended, is carried.

Section 25: Seeing as there are no proposed motions, with consent, we’ll proceed to the vote. Shall section 25 carry? Section 25 carries.

We’ll now move to consideration of new section 25.1, PC motion, page 17.

**Mr. Dunlop:** I move that the bill be amended by adding the following section:

“Separate account for money from marijuana grow and other illegal drug production operations

“11.1(1) Despite section 11, money described in subsection 11(1) that is forfeited to the crown in right of Ontario that is related to a marijuana grow operation or other illegal drug production operation shall be deposited in a separate interest-bearing account in the consolidated revenue fund.

“Same

“(2) For the purpose of the Financial Administration Act, money deposited under subsection (1) shall be deemed to be money paid to Ontario for a special purpose.

“Same

“(3) The Minister of Finance may make payments out of the account described in subsection (1) for the purpose of law enforcement and the administration of criminal justice in relation to marijuana grow operations and other illegal drug production operations, including payment to municipalities of compensation for the costs, including the costs of specialized training and equipment, incurred by them in relation to marijuana grow operations and other illegal drug production operations.

“Definitions

“(4) In this section,

“illegal drug production operation’ means a lab for the illegal production of methamphetamine, ecstasy or marijuana or for the extraction of cannabis resin;

“marijuana grow operation’ means an operation for the illegal growing of marijuana.”

**The Chair:** Thank you, Mr. Dunlop. I advise the committee again on the admissibility of this amendment, which proposes to direct the allocation of public funds under the new section. The motion for the committee can be characterized as a money-bill motion and, pursuant to standing order 56, any motion that proposes to direct the allocation of public funds shall be proposed only by a minister of the crown. I therefore rule this motion out of order, and there will be no further consideration of section 25.1, the current motion.

We now move to consideration of section 26. Seeing as there are no proposed motions, with consent, if we may proceed to the vote. All those in favour of section 26? Any opposed? Section 26 carries.

Consideration of section 26.1, PC motion, page 18.

**Mr. Dunlop:** I move that the bill be amended by adding the following section:

“Separate account for money from marijuana grow and other illegal drug production operations

“15.0.1(1) Despite section 15, money described in subsection 15(1) that is received by the crown in right of Ontario that is related to a marijuana grow operation or other illegal drug production operation shall be deposited in a separate interest-bearing account in the consolidated revenue fund.

“Same

“(2) For the purpose of the Financial Administration Act, money deposited under subsection (1) shall be deemed to be money paid to Ontario for a special purpose.

“Same

“(3) The Minister of Finance may make payments out of the account described in subsection (1) for the purpose of law enforcement and the administration of criminal justice in relation to marijuana grow operations and other illegal drug production operations, including payment to municipalities of compensation for the costs, including the costs of specialized training and equipment, incurred by them in relation to marijuana grow operations and other illegal drug production operations.

“Definitions

“(4) In this section,

“illegal drug production operation’ means a lab for the illegal production of methamphetamine, ecstasy or marijuana or for the extraction of cannabis resin;

“marijuana grow operation’ means an operation for the illegal growing of marijuana.”

**The Chair:** Thank you, Mr. Dunlop. I rule on the admissibility of this amendment, which proposes to direct the allocation of public funds under the new section. The motion before the committee can be characterized as a money-bill motion and, pursuant to standing order 56, any motion that proposes to direct the allocation of public funds shall be proposed only by a

minister of the crown. I therefore rule this motion out of order, and there will be no further consideration of section 26.1.

May I ask for consent from the committee to do block consideration of sections 27 to 30, seeing as there are no motions proposed?

Proceeding to the vote, shall sections 27 to 30, inclusive, carry? Carried, sections 27 to 30, inclusive.

We will now move to consideration of section 31, government motion, page 19, Ms. Sandals.

**Mrs. Sandals:** Yes, if I could actually—just a minute. I’ve lost track of the motions here. I will not be moving 19 or 20. I believe 20a probably captures most accurately what we’ve done.

**The Chair:** Have you concluded, Ms. Sandals?

**Mrs. Sandals:** Yes. Actually, I wouldn’t have been doing 20 anyway. But I won’t be moving 19, assuming that Mr. Dunlop will be moving 20a.

**The Chair:** All right. Mr. Dunlop, then.

**Mr. Dunlop:** I’m sorry; you’re not moving 19?

**The Chair:** Just to clarify, the government is not proposing what’s on page 19. You now have the floor, presumably to propose 20a.

**Mr. Dunlop:** OK. Thank you. I move that section 31 of the bill be struck out and the following substituted:

“Commencement

“31(1) Subject to subsection (2), this act comes into force on the day it receives royal assent.

“Same

“(2) Sections 4, 5, 6, 7, 12.1 and 12.2 come into force on a day to be named by proclamation of the Lieutenant Governor.”

**The Chair:** Thank you, Mr. Dunlop. Just to be clear, that was 20a.

**Mr. Dunlop:** 20a, yes. I didn’t move 20 either.

**The Chair:** If there are any further questions, comments or debates—

**Mrs. Sandals:** Can I just clarify to make sure we heard the reading correctly? It was 4, 5, 6—

**Mr. Dunlop:** 7.

**Mrs. Sandals:** —7, 12.1 and 12.2. But it was 5, not 5.1.

**Mr. Dunlop:** Yes, 5. Only 5, yes.

**Mrs. Sandals:** OK, great. Agreed.

**The Chair:** Thank you. Are there any further comments or questions? Seeing none, we’ll move to the vote.

Shall this particular motion, 20a, carry? Any opposed? None. It’s carried.

Shall section 31, as amended, carry? Carried.

Now consideration of section 32. Seeing as there are no motions, we may proceed to the vote, with consent.

Shall section 32—

**Mr. Kormos:** Subject to debate.

**The Chair:** Yes, Mr. Kormos. Any further comments or questions on section 32?

**Mr. Kormos:** No, thank you, Chair.

**The Chair:** Seeing none, we’ll proceed to the vote.

Shall section 32 carry? Section 32 carries.

We'll now move to consideration of the title. There is a motion before the committee regarding the title.

**Mr. Dunlop:** Mr. Chair, I'm going to be withdrawing that motion, please.

**The Chair:** Thank you. As Mr. Dunlop has withdrawn, I move to the vote.

Shall the title, as written, carry? The title carries.

Shall Bill 128, as amended, carry?

*Interjection.*

**The Chair:** Yes, Mr. Kormos?

**Mr. Kormos:** I appreciate in particular the amendment number 9b of the government, which purports to address some of the concerns that any number of parties raised very early on in the committee proceedings, and I certainly joined with those parties in expressing concern. I appreciate that there is a restoration of the need for a warrant in those circumstances where a warrant is required. The prospect of warrantless search and entry by a municipal official when, let's say, the police don't even have it is objectionable to most people.

I still have some concerns about two particular things, which is why I don't think this committee is finished its work yet, although I suspect that the majority of the committee will disagree with me. One is the absence of any definition of "marijuana grow operation." Again, when you have the mandatory requirement—which I'll address as well—in what will be the new section 431.1 of the Municipal Act that a municipality shall cause an inspection—so it's mandatory—you've got the police force, then, without any statutory assistance, deciding what constitutes or constituted a marijuana grow operation.

1120

Surely this government does not want somebody growing two plants in two pots under a grow light in their basement to constitute a marijuana grow operation. Surely the concern should be about grow operations that are of sufficient size to pose the risk to the structure and building that we've either heard about in the committee from community members in their neighbourhoods or read about in that great marijuana grow-op in Mr. Tascona's riding, in the town of Barrie, in the former beer factory, or the sort of grow-ops that we hear about with the mould—again, I can only rely on what we're told—and then the wiring and holes drilled through.

Look, let's be fair: We're hearing the most extraordinary stories. I suspect, without knowing—well, heck, if every marijuana grow operation had all this bad wiring, there would be fires far greater in number than what we're experiencing now. Clearly, they're not all of this huge magnitude where people are jumping the meter and the fuse boxes and the main fuses as well. So I really am concerned about the lack of definition here. It should cause the police some concern.

I'm similarly concerned about the vagueness of the reference of police advising—and not the local police force; any police force—because that was raised as well in the course of commentary on this. In other words, a North Bay police force can advise that a St. Catharines

building contained a grow operation. So it could be on the basis of information—do you understand what I'm saying?—an informant, for instance, who said, "Oh yeah, so-and-so was growing pot over on Rykert Street in St. Catharines back last December." Somebody gets picked up in North Bay on some, I don't know, break-and-enter charge and the police lean on him to give them information. So then the North Bay police write a letter to the regional municipality of Niagara police force in the city of St. Catharines saying, "A marijuana grow operation was contained in building X, Y or Z." Then that puts an onus on the building inspector to do an inspection and, presumably, to get a warrant in cases where warrants are required.

That type of lack of validity and continuity and proximity of information wouldn't be very useful in most other types of judicial or quasi-judicial proceedings. I think I know what the government is trying to do. I'd like the bill to say that where the police have busted, raided and seized—and I'd like a definition—marijuana plants in sufficient numbers to have constituted, let's say, a commercial operation where the magnitude of the operation puts the physical structure at risk because of the nature of the beast, then they shall so advise. But it doesn't say that. So the police don't even have to have made an arrest. The police don't even have to have conducted an investigation. This raises some real potential, quite frankly, for even, let's say, inadvertent harassment of innocent people.

Again, somebody gets picked up for a B and E in Sudbury; is leaned on by the police to give them information so that they reduce the charge to theft or whatever; he gives the police information about a grow operation at Garfield Dunlop's house—listen carefully, Mr. D., do you have teenage children?

**Mr. Dunlop:** No.

**Mr. Kormos:** Well, consider yourself fortunate, then.

**Mr. Dunlop:** I've got a wife who likes gardening, but she doesn't grow marijuana.

**Mr. Kormos:** God, you've just turned in your own spouse. What kind of a person are you?

Look, all that has to happen is that somebody has to advise the police, under whatever circumstances, that there was marijuana growing in Garfield Dunlop's house, and that police force can then send that information by letter to the building inspector in your community, and they show up—

**Mr. Dunlop:** He's my cousin, by the way.

**Mr. Kormos:** He may have better reason to conduct the inspection than you thought, then. That building inspector then shows up, if it's a sophisticated community, with all the hazard equipment—because we heard about that, how building inspectors don't want to go—with all these spacesuits and the masks—

*Interjection.*

**Mr. Kormos:** No, I'm serious. Think about it: There is no standard here by which the information has to be tested, or no reasonable hurdle that it has to overcome. This is very problematic. I would be quite pleased if it

were—as, in my view, it should be—discretionary on the part of the building inspector; in other words, the building inspector will assess the information. If the building inspector calls the police force and says, “What do you mean, there’s a marijuana grow-op?” and the guy says, “Yes, we busted this teenage kid with two plants,” the building inspector could say, “Please don’t bother me.”

In other words, I would not quarrel with information of sufficient grade being adequate to enable, by statute, the building inspector to get a warrant to inspect; I wouldn’t quarrel with that. But this doesn’t even commit the building inspector, hard-pressed in most municipalities—they’re busy people; they’re hard-pressed to do the work that they’re called upon to do now. It doesn’t give them any discretion. If I were a building inspector, in view of what we know and have been told about the respective health dangers inherent in a major marijuana grow operation, you’re also talking about considerable expense in terms of getting the team together and going through all the protocols of the gloves and the masks and the equipment and so on. I am very, very concerned about this.

At this point, I will not support passage of this bill by this committee in its totality, as amended. Again, I give credit for the amendment contained on page 9b by the government, but I still think you missed the mark; I still think you missed the bull’s eye, with all due respect. Nobody disagrees with the intent of the exercise here. Everybody agrees with municipalities’ eagerness to be players in controlling what everybody agrees is an epidemic of grow houses. Obviously, one of the solutions is to control and regulate the stuff and get the illegal players out of the business, but that’s not the debate here and now. I still think you’ve missed the mark. If the bill passes by committee, I want an opportunity to reflect on new section 431.1 and the absence of definitions a little further and, quite frankly, to consult.

This is one of those instances where, had this type of amendment happened after first reading, it would have been a great opportunity for the bill, after second reading, to go back even for a couple of days of committee hearings so that some of those same municipal officials and other persons who expressed concern about the original very first sections of the bill could have commented on the new 431.1.

Those are my comments, Chair. Thank you kindly.

**Mrs. Sandals:** Just briefly to respond: When we’re dealing with the municipal inspection, the municipal authority to make orders to make a building safe, to render it safe for public safety purposes, I think we can rely on some discretion on the part of the police. Given

that this is about making sure that the building is rendered safe, they would clearly destroy their relationship with the local municipality if they were to call the local building inspector—or the local clerk, as it stands now—every time they find two pot plants. So while I suppose it is possible that that would be allowed within the legislation, I would think that not only are building inspectors very busy people, but so are police officers, in my observation, and filling out written reports to clerks of municipalities about two pot plants, for a wild goose chase, which clearly has nothing to do with public endangerment to a building and whether or not the building is safe, I would think would be a very bad use of police time. Given that they are quite pressed in terms of their duties that they have to carry out, which you have often mentioned in your speeches, I think we can rely on the police not to aggravate building officials with two pot plants.

**The Chair:** Are there any further comments or questions? Seeing none—

**Mr. Kormos:** Recorded vote.

**The Chair:** Recorded vote. Shall Bill 128, as amended, carry?

#### Ayes

Brown, Brownell, Delaney, Dunlop, McNeely, Sandals.

#### Nays

Kormos.

**The Chair:** Bill 128, as amended, carries.

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

**Mr. Kormos:** Recorded vote.

**The Chair:** Recorded vote again.

#### Ayes

Brown, Brownell, Delaney, Dunlop, McNeely, Sandals.

#### Nays

Kormos.

**The Chair:** The bill will be reported, as amended, to the House.

Seeing no further business before the committee, this committee stands adjourned.

*The committee adjourned at 1131.*



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Ministry of the Attorney General

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Mr. Katch Koch

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Ms. Susan Klein, legislative counsel