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of Ontario
Second Session, 38th Parliament

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**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Wednesday 19 April 2006

Mercredi 19 avril 2006

Speaker
Honourable Michael A. Brown

Président
L'honorable Michael A. Brown

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Wednesday 19 April 2006

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Mercredi 19 avril 2006

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

HIGHWAY 417

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):

This is not the first time I have raised this issue, nor is it likely to be the last. Nevertheless, given the lack of response on the part of the McGuinty government and the Minister of Transportation, I must continue to draw attention to the issue of four-laning Highway 417 through Arnprior and beyond.

I would like the Minister of Transportation to know that, after recently meeting with his ministry officials to discuss the status of projects in my riding of Renfrew–Nipissing–Pembroke, I was not pleased with the fact that while the design work for the extension is ongoing, there is no commitment to its actual approval and construction in their current five-year plan.

I would like to ask the minister: When will your government realize that the residents of rural Ontario deserve a fair shake from their government? When will you realize that they have a right to the same economic opportunities afforded to those who live in the GTA?

I have spoken many times on the benefits that would follow the 417 extension. The economic boost that would result for people in my riding would go a long way towards raising their standard of living. So I say to the Minister of Transportation, you are not shy when it comes to collecting the gas tax from my constituents. Your government continues to take more and more from them, while it gives back less and less.

I have two things for the minister to ponder: Give us back our share of the gas tax, and build that road.

HYDRO RATES

Mr. Michael Gravelle (Thunder Bay–Superior North): Last week's announcement that Ontario residents will now be asked to pay more for their electricity was certainly not an easy decision to make. Any time you ask people to pay more for a product that they absolutely rely on, you can expect resistance, particularly from constituents already struggling to survive on fixed incomes.

Having said that, it's difficult to imagine how we could have continued to carry on adding additional debt

that would be left for generations to come to pay off. However, any additional costs are undeniably a burden for many of our disadvantaged citizens, and it is for that reason that I am grateful that \$100 million has been found to help low-income families deal with those increased costs.

But at a time when we are asking people to begin to pay the true cost of electricity, I find it absolutely frustrating that the federal government is imposing the goods and services tax on our hydro bills. Attached to a debt retirement charge which is neither a good nor a service, the GST is an unnecessary additional financial burden on hydro ratepayers, both residential and commercial, that should simply be removed—an appropriate action that would immediately lower all of our hydro bills.

I am pleased that Energy Minister Cansfield shares this view and is preparing to challenge the federal government over this imposed tax. Elimination of the GST from our hydro bills is long overdue. Considering the impact of other cost increases in the north, such as the price of gasoline for our vehicles, it is all the more vital that this unfair tax is removed immediately.

PLANT CLOSURE

Mr. Ted Arnott (Waterloo–Wellington): Along with my colleagues the members for Kitchener–Waterloo, Elizabeth Witmer, and Cambridge, Gerry Martiniuk, I want to express again in this House our deep concerns for the employees of B.F. Goodrich Tire in Kitchener.

Earlier this year, we were disappointed to learn that B.F. Goodrich Tire would be closing down its Kitchener plant this summer, eliminating the jobs of 1,100 workers. This was devastating news for our communities in Waterloo region, but it is the workers themselves and their families who now face the prospect of unemployment or reduced income when the plant closes its doors and locks its gates for the last time on July 22. These 1,100 workers aren't just statistics; they are the lifeblood of our community—our volunteers, our neighbours, our friends—and they need our vocal expressions of empathy and support as they enter this summer of economic uncertainty.

We have received countless letters from B.F. Goodrich employees, and I talked to the wife of one of them today. These letters ask for the help of the provincial government to stem the tide of manufacturing job losses—140,000 since July 2004.

I call upon the government today to act upon my jobs resolution, which has been before the House for 11

months now, and immediately develop an action plan to protect manufacturing jobs in Ontario.

HOWARD WHITWELL

Ms. Jennifer F. Mossop (Stoney Creek): When Howard Whitwell was born in Stoney Creek on January 15, 1919, it was a far different place than it is today. Then it was a community where a horse and wagon were as common as a car, and milk was delivered to your doorstep each morning. It was a community that he loved.

Beginning as a driver at the family-run Stoney Creek Fuel and Supply Co., he developed an understanding of his neighbours, both new and old, and found the purpose in his life through service—service to his country, his neighbours and his town.

He served Canada in the Royal Canadian Air Force during the Second World War, and it was there that he met his wife of over 60 years. Far from the place of his birth, he fell in love with a girl from Stoney Creek.

He served his neighbours as a businessman providing ice and fuel daily in the days before electric refrigerators and modern heating, and perhaps most importantly he served as mayor and as a member of council for Stoney Creek.

In the twilight of his life, he returned to the community that he loved so that he could spend time with his family, friends and his beloved wife. During that time, he marvelled at the growth in the city and he would beam with pride knowing that, despite great changes, Stoney Creek had retained that which made it so special to him: a close sense of community, an indomitable optimism and a consistent readiness to help those in need.

Today I am very proud to say that his family is here in the members' gallery: his daughter Marilyn and his grandsons Allan and David. They have brought to me his gavel and a photograph of him wearing the chain of office to return to his beloved home of Stoney Creek, which I will do with honour.

PREMIER OF ONTARIO

Mr. Norm Miller (Parry Sound–Muskoka): The people of North Bay must be wondering why they're being forgotten by the McGuinty Liberals. Last week, the Premier made it to North Bay. The only problem is, he thought he was in Sudbury. The headline of the North Bay Nugget after his visit reads: "Premier Unprepared for Visit: McGuinty Vague with Answers, Calls City by Wrong Name During Stop."

A review of recent news articles in North Bay demonstrates the frustration that city officials and councillors are feeling.

On April 11, the North Bay Nugget reads: "City Services May Have to Be Cut, CFO Says: North Bay Losing Because of Changes to Provincial Fund."

On April 13: "Sometimes 'Answers' Are Not Answers at All

"No one was expecting Premier Dalton McGuinty to share the meaning of life with reporters during his visit to North Bay last week.

"But some direct answers to some direct questions would have been nice."

And in today's North Bay Nugget, the headline is "Funding Shortfall Has City Ranting

"City councillors continued to flog the provincial funding issue Tuesday, venting for the umpteenth time their frustration with shortfalls under the Ontario municipal partnership fund....

"We've got two options ... either the province comes to help or we're going to be facing massive cuts in services," Chirico said, noting the city has been trying to draw provincial attention to the issue for the past two years."

1340

How has the province responded? Today's paper states that "little ground has been gained despite raising the issue with Nipissing MPP Monique Smith and other provincial officials."

THE BEACH

Mr. Michael Prue (Beaches–East York): The age-old question of eastern Toronto has finally been settled: Is it the Beach or the Beaches? Well, I'll tell you: It's been answered because 2,200 residents have cast their ballots and 58% of those have chosen "the Beach." People have asked me; people have telephoned and said, "How will that affect you? You are the member from Beaches–East York." The name is not going to change, nor are the names of the Beaches Business and Professionals Association, nor the Beaches BIA, nor the Beaches Jazz Festival, nor the plethora of other names of businesses in the Beach or Beaches, as you see fit. The people, of course, will continue to call their home, their residence and their neighbourhood what they will.

The vote, though, did decide one very important issue: The street signage along Queen Street will say "The Beach." In that regard, the Beach will be just like other communities in Toronto such as Greektown, Little Italy, Kensington and Chinatown, which all have their distinctive signs. That distinctive sign will now, of course, say "The Beach," but this will not change in any sense our community, with its wonderful restaurants, with its beautiful stores, with the best shopping street of any large city in Ontario, according to TVOntario. It will not change the jazz festival, the wonderful neighbours or the ambience along that area, which will forever be the four beaches of Toronto.

SHONA THORBURN

Ms. Judy Marsales (Hamilton West): I proudly rise in the House today to congratulate a young lady who has made the city of Hamilton proud. Shona Thorburn, a Westdale high school graduate, was drafted seventh overall in the Women's National Basketball Association

by the Minnesota Lynx. Shona is the first Ontario female basketball player ever drafted.

Ms. Thorburn started playing basketball at Dalewood public school, and the coach recognized her exceptional ability. Her love of the sport had her also playing with Hamilton's Transway basketball program. It's been a long journey for Shona. She played at Westdale high school—which, interestingly enough, is now celebrating its 75th anniversary—and Shona won three straight championships while at Westdale. Ms. Thorburn's hard work paid off, as she was rewarded with a basketball scholarship.

She began her tenure with the youth team's national program in 1998. She was a team member who participated in the World Youth Games in Moscow, went on to be co-captain of the 2000 junior team, and then joined the Canadian national team. In 2003, she participated and placed fourth in the Pan Am Games.

Hard work, dedication and support from family, friends, teammates and coaches have made this remarkable girl's dream come true. She would not have been successful if she didn't practise and play hard to the best of her ability. I want to congratulate Shona Thorburn for a job well done and thank her for putting Hamilton basketball on the world stage. Congratulations, Shona.

PUBLIC LIBRARIES

Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh): As a former teacher and avid reader, libraries are special places for me. In a properly stocked library, the world is literally at one's fingertips. As a youth growing up in a family of 12 kids, there wasn't a lot of money for books, so the local library was my way of accessing literature. It was also an invaluable resource for school projects, personal education and social interaction, as there were many activities that went on in the confines of the library.

Apparently, the last government didn't share that feeling. Whatever their motivation, the Conservatives didn't see the need to support Ontario libraries, literacy or other activities libraries presented to Ontarians of all ages. As a result, our libraries were allowed to decay, as were our roads, hospitals and schools, not to mention the provincial budget book.

Among the many past wrongs the McGuinty government is righting is the proper financing of our libraries. In particular, the recent strategic investment announced will go a long way in supporting family literacy and lifelong learning at small, rural, remote, First Nations and franco-phone public libraries, traits which are all present in my riding, as they are in many ridings across the province.

For my riding specifically, the Stormont, Dundas and Glengarry County Library board is receiving \$199,500. This will go a long way to fixing the damage done in the past and improving literacy rates. By supporting Ontario library services, this government is providing for the people of the province. What could we ask for? We have delivered.

EASTER OBSERVANCE

Mr. Mario Sergio (York West): I have a statement. First of all, I have to find it because I just got here.

On a point of order, Mr. Speaker: I would like to do my statement and wear this wonderful jacket, which commemorates an event that took place this past week. I would like to have unanimous consent.

Mr. Peter Kormos (Niagara Centre): To that point, Mr. Speaker: To my colleague in the government backbenches, you don't need permission from this Legislature to wear the clothing of your choice.

The Speaker (Hon. Michael A. Brown): Mr. Sergio has asked for unanimous consent. Agreed? Agreed.

Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader): On a point of order, Mr. Speaker: My question to you is, every time someone wishes to have something that would be a little different in terms of what you would consider a demonstration, will that require the permission of the House to do so or will you simply rule? For instance, if I were to walk in with one of those jackets on, would I need permission or not?

The Speaker: The Chair really doesn't want to be Mr. Blackstone on these kinds of issues. Provided they are suitable to everyday attire here in Ontario, I think they would be appropriate; however, it is always advisable that a member seek consent of his or her colleagues in this situation.

Mr. Gilles Bisson (Timmins–James Bay): On that point of order, Mr. Speaker: I would certainly hope that we don't need a point of order to dress in the traditional dress of any nationality in this province, including First Nations.

The Speaker: I think I've previously made a ruling. The member for York West.

Mr. Sergio: I want to thank the House for the understanding they have shown with respect to the occasion.

In light of the holy Easter season, 150 Christian leaders and business people, representing the 8.4 million Christians in the province of Ontario, gathered in the Legislature last Thursday to prayerfully support and encourage us as government leaders in our service to this province and country. Deputy Grand Chief Kenny Blacksmith was joined by another First Nations leader, Barry Maracle, to bring blessings from his people. Among the many gifts they came to honour the government with, they brought a beautiful handcrafted clock for the Premier, shrouded by two auspicious eagles, with their wings outstretched and touching. The clock was a symbol, they explained, that it was time for the First Nations and the government to walk together in courage, boldness, peace and unity.

I know you are wondering about this delightful leather vest. Yes, you are right. It not only makes me look younger; it represents the First Nations' covering, prayers and blessings over us. This is something I shall always truly treasure.

Easter is the celebration of the Lord Jesus Christ's resurrection from the dead. It is a message of hope, life and second chances. We take our promise from Isaiah 55, the theme of last Thursday morning: "Instead of the thornbush will grow the pine tree, and instead of the briars the myrtle will grow. This will be for the Lord's renown," for our government.

1350

VISITORS

Mr. Frank Klees (Oak Ridges): On a point of order, Mr. Speaker: I want to extend a special welcome to Alyssa Surani, who is in the west gallery—she is a grade 7 student at Silverstream Public School in Richmond Hill—and her grandmother, Mrs. Rose Surani. Please join me in welcoming them to Queen's Park.

Ms. Judy Marsales (Hamilton West): On a point of order, Mr. Speaker: I would like to extend a warm welcome to my mother, Noella Laurence, who is a tribute to this country's great health care system, visiting us from Winnipeg.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON GOVERNMENT AGENCIES

The Speaker (Hon. Michael A. Brown): I beg to inform the House that today the Clerk received the report on intended appointments dated April 19, 2006, of the standing committee on government agencies. Pursuant to standing order 106(e)(9), the report is deemed to be adopted by the House.

STANDING COMMITTEE ON ESTIMATES

Ms. Andrea Horwath (Hamilton East): Pursuant to standing order 59(a) and 60(a), I beg leave to present a report from the standing committee on estimates on the estimates selected and not selected by the standing committee for consideration.

The Acting Clerk-at-the-Table (Ms. Tonia Grannum): Ms. Horwath from the standing committee on estimates presents the committee's report as follows:

Pursuant to standing order 59, your committee has selected the estimates 2006-07 of the following ministries and offices for consideration:

Ministry of Education: nine hours;

Ministry of Community and Social Services: six hours;

Ministry of Finance: eight hours;

Ministry of Health and Long-Term Care: seven hours;

Ministry of Health Promotion: seven hours, 30 minutes;

Ministry of Intergovernmental Affairs: seven hours, 30 minutes;

Ministry of the Environment: seven hours, 30 minutes;

Ministry of Children and Youth Services: seven hours, 30 minutes;

Ministry of Energy: nine hours;

Ministry of Municipal Affairs and Housing: six hours;

Ministry of Training, Colleges and Universities: seven hours, 30 minutes;

Ministry of Public Infrastructure Renewal: seven hours, 30 minutes.

Pursuant to standing order 60, the estimates 2006-07 of the following ministries and offices not selected for consideration are—

Ms. Horwath: Dispense.

The Speaker (Hon. Michael A. Brown): Dispense? Dispense.

Pursuant to standing order 60(b), the report of the committee is deemed to be received and the estimates of the ministries and offices named therein as not being selected for consideration by the committee are deemed to be concurred in.

INTRODUCTION OF BILLS

INDEPENDENT POLICE REVIEW ACT, 2006

LOI DE 2006 SUR L'EXAMEN INDÉPENDANT DE LA POLICE

Mr. Bryant moved first reading of the following bill:

Bill 103, An Act to establish an Independent Police Review Director and create a new public complaints process by amending the Police Services Act / Projet de loi 103, Loi visant à créer le poste de directeur indépendant d'examen de la police et à créer une nouvelle procédure de traitement des plaintes du public en modifiant la Loi sur les services policiers.

The Speaker (Hon. Michael A. Brown): Is it the pleasure of the House that the motion carry? Carried.

Does the minister wish to make a brief statement?

Hon. Michael Bryant (Attorney General): I'll defer my comments to ministerial statements.

MOTIONS

HOUSE SITTINGS

Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader): I move that, pursuant to standing order 9(c)(i), the House shall meet from 6:45 p.m. to 9:30 p.m. on Wednesday, April 19, 2006, for the purpose of considering government business.

The Speaker (Hon. Michael A. Brown): Mr. Bradley has moved government notice of motion 105. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

The division bells rang from 1355 to 1400.

The Speaker: All those in favour will please rise one at a time and be recognized by the Clerk.

Ayes

Arnott, Ted	Lalonde, Jean-Marc	Qaadri, Shafiq
Balkissoon, Bas	Leal, Jeff	Ramal, Khalil
Bartolucci, Rick	Levac, Dave	Rinaldi, Lou
Bentley, Christopher	MacLeod, Lisa	Runciman, Robert W.
Berardinetti, Lorenzo	Marsales, Judy	Ruprecht, Tony
Bradley, James J.	Martiniuk, Gerry	Sandals, Liz
Bryant, Michael	Mathews, Deborah	Scott, Laurie
Caplan, David	Mauro, Bill	Sergio, Mario
Chambers, Mary Anne V.	McMeekin, Ted	Smith, Monique
Chudleigh, Ted	Meilleur, Madeleine	Smitherman, George
Colle, Mike	Miller, Norm	Sorbara, Gregory S.
Cordiano, Joseph	Milloy, John	Sterling, Norman W.
Crozier, Bruce	Mitchell, Carol	Tory, John
Di Cocco, Caroline	Mossop, Jennifer F.	Watson, Jim
Dombrowsky, Leona	Munro, Julia	Wilkinson, John
Duguid, Brad	O'Toole, John	Witmer, Elizabeth
Elliott, Christine	Oraziotti, David	Wong, Tony C.
Gravelle, Michael	Ouellette, Jerry J.	Wynne, Kathleen O.
Hardeman, Ernie	Parsons, Ernie	Yakabuski, John
Hoy, Pat	Patten, Richard	Zimmer, David
Jackson, Cameron	Peters, Steve	
Klees, Frank	Phillips, Gerry	

The Speaker: All those opposed will please rise one at a time and be recognized by the Clerk.

Nays

Bisson, Gilles	Kormos, Peter	Prue, Michael
Horwath, Andrea	Marchese, Rosario	Tabuns, Peter

The Clerk of the Assembly (Mr. Claude L. DesRosiers): The ayes are 64; the nays are 6.

The Speaker: I declare the motion carried.

STATEMENTS BY THE MINISTRY AND RESPONSES

POLICE REVIEW SYSTEM SYSTÈME D'EXAMEN DE LA POLICE

Hon. Michael Bryant (Attorney General): I rise in the House today to introduce legislation that, if passed, would entrench an independent and transparent police review system.

A strong police review system that is equitable and effective for both the public and the police is important to the people of Ontario and is a critical component in a civil society that maintains people's high confidence in police services. According to a 2003 Statistics Canada

study, more than 80% of the Canadian public say they have confidence in our police, and so they should.

If passed, the Independent Police Review Act, 2006, would provide the public with a new and significant option for bringing forward their concerns to an independent civilian director of police review. At the same time, the legislation will ensure that there is a fair, sensible and clear system that does not weigh down police with frivolous complaints or otherwise interfere with our police services' ability to keep our streets safe. This is not a return to the cumbersome; it is rather a step forward.

The centrepiece of the proposed legislation is an independent civilian body led by an independent review director, who would be responsible for the intake and initial screening of police complaints.

The availability of an independent body to which concerns can be brought would be a significant new option for the public. However, under the proposed system, if a member of the public wants to deal directly with the police service involved, they will still have that choice.

We anticipate that local police services will continue to play a key and vital role in resolving Ontarians' concerns and complaints about policing. Complaints by third parties would be allowed where certain legislative criteria are met.

This legislation would allow the director to determine, on a case-by-case basis, who would be responsible for investigating a complaint. The director could investigate the complaint or refer the complaint to the police service involved or another police service for investigation.

If passed, the legislation would subject the parties to a hearing process only where there are reasonable grounds to believe that there is misconduct. Furthermore, all parties would benefit from the establishment of standards for the people responsible for presiding over such a hearing.

Nous avons apporté un soin particulier à la rédaction de ce projet de loi. Notre gouvernement savait depuis le départ qu'il s'agissait d'une question extrêmement complexe.

Applause.

Hon. Mr. Bryant: Order.

We decided that this was an issue that required careful thought and extensive review. We appointed the Honourable Patrick LeSage, former Chief Justice of the Superior Court of Ontario and former chief prosecutor of Ontario, to lead a formal and independent review. Justice LeSage was asked to explore a range of perspectives and identify ways to improve the current way public complaints about the police are handled to ensure that a new system would be fair, effective and transparent.

I would like to take this opportunity to once again express our government's and the public's thanks to His Honour Mr. LeSage, not only for agreeing to take on this difficult assignment but also for his very thorough review and his balanced and insightful report on the matter.

Applause.

Hon. Mr. Bryant: Hear, hear.

In addition to reviewing over 100 written submissions from the public and holding public meetings across the province, Justice LeSage travelled across the province to meet personally with hundreds of groups and individuals representing police, community groups and the general public. After months of consultation and review, Justice LeSage submitted his report, including a number of recommendations. The legislation I am introducing today is based on former Chief Justice LeSage's well-thought-out and excellent recommendations, and implements his report.

The report recommended the creation of an independent body to administer the police review system that we are introducing today. My colleague across the way, the member for Niagara Centre, called His Honour Justice LeSage's report "a tremendous effort," and I certainly agree with him. It was a tremendous effort, distilling a number of views and a number of opinions from a number of people, in addition to considering a number of different models and providing recommendations in a thorough, careful and straightforward way, in language that was extremely helpful and accessible to the public and implementable by a government.

After reviewing the report, I met with many, many key stakeholder groups: chiefs of police, various police associations and many community groups. We discussed Justice LeSage's recommendations at length and, after this consultation, drafted the legislation that is being introduced today.

In order for a police review system to work, it has to have the confidence of the public and the confidence and respect of the police. It's a delicate balance. Since the 1970s, successive governments have attempted to strike that balance. A strong and independent police review system that is fair and effective for both the police and the public is what Ontarians deserve and what will be achieved if this bill is passed.

1410

CANCER PREVENTION PRÉVENTION DU CANCER

Hon. Jim Watson (Minister of Health Promotion): I rise in the House today in the middle of what is known as Daffodil Month to acknowledge this week as the first-ever Cancer Prevention Week, as designated by the Canadian Cancer Society. Many of us have taken special care to wear a daffodil pin or a yellow ribbon, to purchase daffodils or participate in a drive to raise money and awareness of the issues related to cancer and cancer prevention this month.

We, as a government, are only weeks away from delivering our promise to protect people from the effects of second-hand smoke in the workplace and in public places.

Je suis fier de mettre cette loi de l'avant et je serai de retour dans quelques semaines devant cette Assemblée pour lui faire part des progrès que nous aurons accomplis

dans la mise en oeuvre de la loi pour une Ontario sans fumée, le 31 mai.

Tobacco consumption is responsible for over 30% of all cancers, and we are confident that with the combination of Smoke-Free Ontario, measures to prevent youth from smoking and assistance we are providing to smokers who wish to quit, we will be helping to prevent cancer in this province.

Sadly, one in three Canadians will develop cancer in their lifetime. I doubt there is one of us in this assembly who does not know someone—a mother, a father, a son, a daughter, a friend or a neighbour—who has been affected by cancer. In fact, it's the leading cause of illness and death in Ontario. But, amazingly, about 50% of cancers are preventable, according to Cancer Care Ontario.

Members of the House will be hearing more over the next weeks on the actions my ministry has taken and will be taking with regard to further cancer and chronic disease prevention. This community-based approach is the only way that together we will make a difference in preventing cancer. The goal of our ministry is to provide leadership and resources to help individuals and communities take responsibility for their health, and our healthy active living strategy is going to assist in that regard.

À ce jour, nous avons donc posé de solides fondations sur lesquelles nous assoirons nos prochaines mesures. Depuis que je dirige le ministère de la Promotion de la santé, nous invitons pour la troisième fois les organismes à nous soumettre des projets dans le cadre du Fonds communautés actives.

These grants are effectively encouraging individuals, families and community groups to become physically active, a key component in preventing a number of cancers.

We have been consulting heavily with Ontario's fruit and vegetable growers. Having access to fresh produce for meals and snacks is an important component of healthy living and a key strategy for cancer prevention.

I would be remiss if I didn't take this opportunity to point out that preventing cancer is not a solitary battle. The Canadian Cancer Society and its legion of volunteers have worked tirelessly as a partner with government initiatives, but also as an independently minded advocate for public policy over the years. They have also worked very hard in communities across the province to bring awareness on cancer prevention; to raise money for research, both scientific and behavioural; and to provide programs and support for patients who have cancers.

We all know in our own ridings the many dedicated men and women in our communities who organize a Cancer Society fundraiser or sell daffodils in the mall or drive cancer patients to their chemotherapy treatments. On behalf of Premier McGuinty and, I believe, all members of the Legislature, we say thank you to our volunteers as we celebrate Cancer Prevention Week.

If we do not collectively take action and as well promote individual responsibility, we will overtake the capacity of the health care system to respond. Our gov-

ernment is taking action to aid in the fight to prevent cancer, and it's together that we will make significant strides. I look ahead and see great possibilities for progress on this issue.

Comme la Société canadienne du cancer s'est avérée un partenaire efficace, j'espère pouvoir continuer à compter sur sa collaboration et sur ses conseils.

Joining us in the gallery are Danielle Paterson and Amanda Kusick from the Canadian Cancer Society. I'd ask members to give them a warm welcome for the work they do.

I would also like to commend the president of the Canadian Cancer Society, Mr. Peter Goodhand, who does so much good work and sits on my campaign cabinet for a smoke-free Ontario, along with about a dozen other individuals, giving us advice as we head toward the May 31 implementation date of Smoke-Free Ontario.

I ask members of the House to join me in spreading the message of Cancer Prevention Week and the steps we all take to be healthier individuals: becoming a non-smoker; eating a healthy diet, including fresh fruit and vegetables every day. Be physically active on a regular basis, follow cancer screening guidelines and take part in some of the wonderful cancer society fundraisers. Many of us have the opportunity of having a Relay for Life, which is a celebration of life. I know that people like Lee Near—I know the Leader of the Opposition knows Lee Near very well from Rockcliffe village. She has done great work promoting the Relay for Life when it was first brought to Ottawa a few years ago.

Preventing cancer is the primary way to fight this disease, and we all have a role to play. I again thank the Canadian Cancer Society for bringing this new initiative to the forefront. I thank them very much for the work they do, as we work in partnership to bring Smoke-Free Ontario to the province of Ontario.

The Speaker (Hon. Michael A. Brown): Responses?

POLICE REVIEW SYSTEM

Mr. Robert W. Runciman (Leeds–Grenville): In terms of the official opposition and the Attorney General's announcement today with respect to new police complaints processes in the province, we're approaching that with a degree of trepidation, primarily because we believe the current system, which has been in effect for about 10 years, has worked reasonably well, with some problems that the former government was in the process of addressing, primarily in terms of outreach to a variety of communities across the province. But essentially, the system that was developed and is in place at the moment was brought into force through extensive consultation with stakeholders, and certainly with the police organizations and front-line police officers.

I have to say that my concern is having some input with respect to the impact on front-line police officers. What's this going to mean in terms of police morale? What's this going to mean in terms of red tape? What's

this going to mean in terms of taking police officers off the streets on a more regular basis?

I'll give you an example. I've talked about police red tape. I was having lunch with a former police officer today, and we were talking about police red tape and the search warrant application to search the home of the individual found responsible for the murder of Holly Jones. That application was 800 pages—an 800-page application. That's the sort of bureaucratic nightmare that we've created in this province in a whole range of areas for the men and women in blue who try to protect our communities on a regular basis. And I am concerned about this initiative.

The Attorney General has included the ability for third party complaints. I'm not sure anyone appreciates the impact that could have. That means someone not engaged or involved in an incident, perhaps two blocks away and thinks they saw something, could now file a complaint against a police officer and leave that individual, that officer, who may be a hard-working, dedicated individual, twisting in the wind while this complaint goes through this bureaucratic morass that the Attorney General is creating.

I haven't had an opportunity to review the legislation, whether he's accepting all the recommendations. I know Justice LeSage talked about regional offices as well. I'm not sure if that's being incorporated. But again, that's another layer of bureaucracy, which we know the Liberals love: developing bureaucracy at great expense to taxpayers.

I'm not sure that Justice LeSage made—there's reference here to a number of meetings. I have one—perhaps an oversight. I'm not sure about the meeting with the editorial board of the Toronto Star, but undoubtedly that occurred, because I think a lot of these changes have been driven by the position taken under the former government with respect to police complaints in Toronto and perceived problems in the city of Toronto. Again, I think it reflects the Toronto-centric mentality of this government, where we have changes being brought forward that have an impact right across the province on police services and hard-working men and women in our police services. So I think those are considerations that have to be considered.

Again, it's a reflection of basic Liberal philosophy: They don't trust policemen and policewomen in this province. That's a basic Liberal philosophy, and we're going to hold them to account on this, and we will get the truth with respect to the impact on men and women who represent us so well in police communities across Ontario.

1420

CANCER PREVENTION

Mr. Norman W. Sterling (Lanark–Carleton): Our party would like to add its comments to the minister's with regard to the prevention of cancer. It is with some sadness, however: The one third of our population who

do contract this terrible disease cannot get surgery in time. In fact, cancer surgery times have increased anywhere from 10% to 80% across Ontario under this government's rule.

Notwithstanding that, we add our voices with regard to support for controlling smoking in the workplace. I had the pleasure of introducing the first bill to do that in 1985. The Liberal government from 1985 to 1989 were dragged kicking and screaming and finally brought forward a bill in 1989 after I had introduced seven private member's bills to do that. It's great to have these recent converts to this policy of our party.

I would like to congratulate the Canadian Cancer Society on all their work, and the volunteers who help them so much.

POLICE REVIEW SYSTEM

Mr. Peter Kormos (Niagara Centre): New Democrats welcome the opportunity to debate and review the civilian complaints review process.

In a free and democratic society, in a society where the rule of law prevails, police are held to an incredibly high and taxing standard. That is the way it has to be. I don't envy police officers out there, working on our streets in communities across this province, who have incredibly challenging tasks to perform, who have to deal with some of the most dangerous people in our society and who are at the same time put to the test on a daily basis with respect to the standards that are set for them.

We in the New Democratic Party hold Judge LeSage in the greatest of regard and, yes, without hesitation view his report as the result of tremendous effort.

Why did you sit on it for a year? We should have been embarking on this debate 12 months ago when the report was prepared.

I want this Attorney General to understand very, very clearly that we in the NDP don't believe you can draft legislation—least of all legislation like this—by fiat. There has to be a broad-based public debate.

So I say to you, Attorney General, that if you have been cautious enough about this to have had the report and considered it for the last 11 or 12 months, we should be cautious enough to ensure that there is a thorough debate and analysis of your legislation in the course of this legislative process and that there are public hearings, that there is a healthy, vigorous, inclusive debate.

I'm sure you did consult police associations and chiefs of police and any number of community groups that deal with concerns out there on the street. I'm not sure that all of them necessarily agree with the legislation you have drafted. We are not afraid of the debate. We are not afraid of the discussion. We are not afraid of hearing what will be diverse points of view and oftentimes conflicting interests being encountered in that committee room, both here at Queen's Park and in the committee rooms that I insist have to occur across the province.

If you really have concern about the standards of policing and ensuring rigorous propriety on the part of

police, let's ensure that they are adequately staffed, that they're adequately resourced, that they're adequately trained. Travel up to places like Peawanuk or Attawapiskat or Marten Falls in the riding of Timmins–James Bay with the member, like I have, and look at police forces with dedicated, hard-working women and men in the native police services who are working with broken tools, who are working with no resources, never mind minimal resources, who are working with little more than basic training because their communities can't afford to send them down to places like Aylmer and Ottawa with the RCMP, where that kind of training takes place.

Yes, police have to be held to high standards. But, by God, if we're going to hold them to high standards, let's make sure that we give them the support, the tools and the resources that they need to perform their jobs safely and effectively and in accordance with rigorous standards.

CANCER PREVENTION

PRÉVENTION DU CANCER

Mr. Gilles Bisson (Timmins–James Bay): I applaud him. That was very good.

I want to say the following. On se joint au gouvernement sur son annonce aujourd'hui qui dit qu'ils veulent tout faire pour être capables de prévenir le cancer dans notre province. Je pense qu'il n'y a pas un député dans cette Assemblée qui va dire le contraire.

Mais je rappelle au ministre que c'est le même Parti libéral qui est aujourd'hui le gouvernement, et qui était dans l'opposition dans le passé, qui avait fait des promesses qui étaient pas mal claires en opposition pour être capable d'assister sur cette question : par exemple, toute la question du cancer du colon. On sait que 17 % du monde présentement qui ont le cancer, qui aurait été vérifié avec des tests spéciaux pour le cancer du colon, auraient pu prévenir ce cancer et survivre jusqu'à cette date. Mais le gouvernement a promis dans la dernière élection qu'ils étaient pour faire quelque chose, qu'ils étaient pour s'organiser pour que ces tests soient mandatoires. On se trouve aujourd'hui trois ans et demi dans le mandat de ce gouvernement et on n'a pas gardé cette promesse avec la population ontarienne.

Donc, on rappelle au gouvernement que c'est bien beau de dire de belles affaires—

The Speaker (Hon. Michael A. Brown): Thank you.

VISITORS

Mr. Lorenzo Berardinetti (Scarborough Southwest): On a point of order, Mr. Speaker: I want to introduce the kids from Charles Gordon Senior Public School who are here in the west gallery with their teacher, Dixon Brown, Forman Garber, and Laurence Dawkins. Can we give them a nice, warm welcome.

The Speaker (Hon. Michael A. Brown): Thank you. That's not a point of order, but welcome.

ORAL QUESTIONS

CRIMINAL INJURIES COMPENSATION BOARD

Mr. John Tory (Leader of the Opposition): My question is for the Premier. Could you tell us, Premier, what the current financial status is—the balance is what I'm looking for—for the victims' justice fund?

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): I'll refer that to the Attorney General.

Hon. Michael Bryant (Attorney General): I want the member to know and I know he'll be pleased to learn that, come October 2007, this government will have spent twice the amount in our four years that the previous government spent in eight years from the victims' justice fund.

It is very important that people understand that the victims' justice fund is administered under a system that takes into account regional input and requires us to assess the many valid and important applications that are made. Yes, there needs to be due process to ensure that those who apply for the victims' justice fund get appropriate consideration, but you need to be able to get that money out to serve victims, and that's what this government is doing.

Mr. Tory: In that self-congratulatory response, there wasn't an answer. I'll suggest the answer is \$40 million, which is the amount that's sitting in that fund that is not being used effectively to represent the interests of victims of crime.

The Toronto Sun last week in an article referred to how "our Criminal Injuries Compensation Board is hopelessly backlogged, pays a pittance, sometimes takes years to pay out, and during that long and arduous process, often offends, frustrates and revictimizes crime victims." With the exception of last week's front-page story, in almost all cases criminals are unable to pay satisfactory restitution to victims. Therefore, the system needs to run effectively and smoothly if the victims are to have any realistic opportunity of having a change brought about in their lives as a result of the activities of criminals.

Why are you ignoring the needs of victims? Why are you allowing victims to themselves be victimized by a system that is backlogged and broken down and not working?

Hon. Mr. Bryant: I want to address the issue that the member mentioned with respect to what happened last week in the courts and the decision of Mr. Justice Watt in the supplementary. But I know the member will be pleased to learn that this government, through the victims' justice fund, has invested \$13 million in 200 community-based agencies through victim services grants to support a wide variety of projects. We have projects supporting victims of sexual abuse. We in fact increased the funding for sexual assault centres by some 10% last year. It was the first such increase to sexual assault centres that they had seen since 1995. I think

that's a year the member is familiar with. We invested money for software to assist students to learn how to work online and be safe online and to protect themselves from Internet stalkers; \$2 million in increased funding to the—

The Speaker (Hon. Michael A. Brown): Thank you. Final supplementary.

1430

Mr. Tory: Again, there was really not an answer given. But what has also happened is that the McGuinty government has all but eliminated the Office for Victims of Crime. The victims unit has basically been shut down, and now we're hearing an answering machine when people call there for help rather than talking to a human being. John Muise, a member of the Toronto Police Service for more than 26 years, is the one who complained to the Toronto Sun that you and your government changed the status of the Office for Victims of Crime from full-time to part-time status. How is this system supposed to effectively manage the needs of victims when there is no one there to answer the phone, when the Criminal Injuries Compensation Board is hopelessly backlogged and overloaded and it takes years to pay out, and even when it does pay out, it pays out a pittance?

My question is this: Will you agree at this point in time to take the provisions that are currently in place and agree to a full review of those provisions, including timing, service, compensation levels and so on? It's time for a review. These things have been in place for a while. Will you agree to that kind of a review so we can really help the victims?

Hon. Mr. Bryant: It's true; this government inherited a victims' justice fund system that really was not in existence. I say again to the member opposite, the money has been committed. The surplus has been committed. It is going to places like the communities of Lanark, Leeds and Grenville counties—\$240,000 annually to the victim crisis assistance and referral centres.

The member mentions victims' compensation. He will know that last week Priscilla de Villiers said of the result involving compensation directly to Louise Russo that, "This is a red-letter day for victims." It's something that victim advocates have been asking for for a long time.

The member opposite and his party seem to take an approach to victim services that is the lowest-common-denominator approach, which is to say that if all victims cannot obtain the result that Ms. Russo did, then none should. We say, that's wrong. He doesn't accept the fact that Mr. Justice Watt provided an independent judgment, but I do.

I would also remind the member of what one Mr. Rosen said last week of his justice critic with respect to his comments—

The Speaker: Thank you. New question.

HOSPITAL SERVICES

Mr. John Tory (Leader of the Opposition): My question again is to the Premier. Ontarians want a health care system where they're receiving the right care at the

right time. Can you explain to me why cancer surgery wait times at the Ottawa Hospital are up 26% since last July, after you promised the people of Ottawa that wait times would be shorter under your watch?

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): To the Minister of Health.

Hon. George Smitherman (Minister of Health and Long-Term Care): I've noted a recent fascination on the part of the honourable member with some numbers, but I wanted today to use the opportunity to put a few more on the record. As an example, with respect to cancer surgery wait times on a per-LHIN basis, in Central LHIN, they've gone down by 8.3%; in Central East by 3.7%; in Mississauga-Halton by 19.2%, and I have more. In the Champlain LHIN, angiography waits are down by 6%; angioplasty down by 40%; bypass surgery down by 5.6%; hip replacements by 19.4%.

All across Ontario, there are more than 700,000 hits on our website from Ontarians who for the first time are celebrating the fact that they can gain important information. This is a renewal of health care that's essential. We inherited from that government the capacity not even to measure the number of cancer surgeries that were being provided.

The Speaker (Hon. Michael A. Brown): Supplementary.

Ms. Lisa MacLeod (Nepean-Carleton): These numbers don't lie. The data are straight from your own wait times website. Despite Ontarians paying more, they're always getting less.

Let's talk about two hospitals that serve my constituency, the Premier's and the parliamentary secretary's from Ottawa West-Nepean. Cancer surgery wait times at the Montfort Hospital are up 51% since last July. And let's look at the Queensway Carleton Hospital, where cancer surgery wait times are up 25%.

Hon. Sandra Pupatello (Minister of Education, minister responsible for women's issues): I want to personally welcome you to the House.

Ms. MacLeod: Thank you.

Minister, you're continuing to make Ontarians get more—pay more and get less when it comes to cancer surgery waits. Why does your government continue to break its promises for wait times in the city of Ottawa?

Hon. Mr. Smitherman: It really is a privilege to welcome a member whose first question sounded so much like mine, and emanating from a very familiar part of the Legislature. I do welcome the honourable member.

I want to say that I thought it was interesting that as she read off her question, she still couldn't lift the words off the page without saying and recognizing that Ontarians are getting more, that, across the breadth of health care investments, from the \$2.4 billion that you promised to cut, Ontarians are getting more. So we've got community health centres coming to life all over Ontario, newborn screening capacity that didn't exist, free vaccinations—a \$1.3-billion investment.

Interjections.

Hon. Mr. Smitherman: To the very direct question that the honourable member attempts to heckle through

the answer, with respect to Champlain, an area of the province that was left behind for MRIs, the Champlain district now reports the third-lowest wait for MRIs in Ontario, a 35% increase, because your party—

The Speaker: Thank you. Final supplementary. The Leader of the Opposition.

Mr. Tory: Of course, no answer—

Interjections.

The Speaker: Stop the clock. Order. I can wait. Final supplementary.

Mr. Tory: So we have no answer on the Montfort Hospital's 51% cancer surgery wait times; no answer on Queensway Carleton, up 25% since last July—

Interjections.

The Speaker: Stop the clock. The member from Prince Edward-Hastings isn't in his seat.

We really do need to have some respect for people asking questions in this place. We really do need to have quiet when other people are speaking. The Leader of the Opposition.

Mr. Tory: The minister raised the Champlain LHIN, and of course, the champion cherry picker again gave us some numbers that suited his case. But let's talk about the 27% increase to cancer surgery wait times within the Champlain LHIN, covering the communities of Ottawa, Pembroke, Hawkesbury, Cornwall and Winchester. People want a system that gives the right care at the right time, and they've had enough of paying more of the McGuinty health tax and getting less in terms of this kind of increase in wait times. What do you have to say about that number from the Champlain LHIN, a 27% increase in cancer surgery wait time on your watch? What about it?

Hon. Mr. Smitherman: Here's the reality for the honourable member. Firstly, you should stand in your place, and every time you say "Montfort Hospital," you should look across the way here and congratulate a government, unlike the one you're part of—in name, at least—where you had a plan to close the whole darn thing. We've doubled the size. When you look across the way, you should talk about MRIs, because your party has a sorry history of ignoring Ottawa. Under our watch, we've reduced by 35% the wait times for MRIs in the Champlain LHIN.

On the issue of cancer surgeries, there's a slight increase of 3.4%, contrasted by angiography down by 6%, angioplasty down by 40%, bypass surgery down by 5.6%, cataract surgery by 8.8%, hip replacement by 19.4%, knee replacement by 25%, CT scan by 17.4%.

The evidence is there for people all across the breadth of Ontario. Our dedication to reductions in wait times is having results. Over 700,000 people have logged on to the website—

The Speaker: Thank you. New question.

1440

NUCLEAR ENERGY

Mr. Peter Tabuns (Toronto-Danforth): My question is for Premier McGuinty. New Democrats oppose

new nuclear power plants because nuclear plants have proven to be expensive, unreliable, dirty and dangerous. This morning, you said nuclear power is the best option for Ontario's energy future. If you really believe that, why are you delaying announcing new nuclear plants for Ontario until after April 26, the 20th anniversary of the Chernobyl nuclear disaster?

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): I'm pleased to take the question and to make it clear to the member opposite that I did not in fact say what he reported I said. I'll be pleased to provide him with a copy of the transcript. What I did say was that it's really important for all of us to be sober-minded when considering our energy options. There's no neat and tidy solution. Everything has some kind of downside associated with it.

We are exploiting our hydroelectric potential to the max. There is some remaining run-of-the-river stuff that we are getting at now. I think the member opposite knows that when it comes to natural gas, prices there tend to be volatile, and it remains a significant contributor to global warming. Wind turbines: We are investing heavily in those, but again, those are an expensive form of electricity and they're not reliable, because sometimes obviously the wind does not blow. When it comes to solar, those tend to be expensive as well. So we think it's important that we keep new nuclear as an available option for us to consider, which we are doing.

Mr. Tabuns: You are delaying your nuclear announcement until after Chernobyl's 20th anniversary because that accident raises serious questions about nuclear power safety.

Interjections.

The Speaker (Hon. Michael A. Brown): I need to be able to hear the question from the member for Toronto–Danforth. I'm sure all members would like to hear the question. The member for Toronto–Danforth.

Mr. Tabuns: When people remember Chernobyl, they remember the worst nuclear plant accident in history: 200,000 people were forced to flee a toxic plume of radioactive fallout; large swathes of land were badly contaminated, rendered dangerous and desolate; a death toll that could reach 93,000 people.

If you believe new nuclear power is accident-proof, can you give this province an ironclad guarantee that an accident like Chernobyl will never happen in Ontario?

Hon. Mr. McGuinty: I think to make a comparison between Ontario's Candu technology and the technology deployed in Russia some 25 years ago, where an unfortunate incident occurred to the people living in the community of Chernobyl, is irresponsible. We have a different kind of technology here, and the member opposite knows that.

But we're not just sitting on our hands as we weigh these important issues before us. Let me tell you about some of the exciting news that we have by way of creating new wind farms in Ontario. We've announced three new wind farms in the last month alone. At Erie Shores, there's a new wind farm with 66 turbines producing 99

megawatts of power for 25,000 homes. The first phase of a new wind farm outside Goderich is now up. That's 22 turbines producing enough power for 12,000 homes. And the first phase of a new wind farm is now up outside Shelburne, Ontario: 45 turbines producing 67.5 megawatts. That's enough to power 18,000 homes.

We are not fixated or obsessed on the nuclear option. We think it's important to be sober in considering our alternatives, but we're moving ahead in important areas like renewables, like wind power in Ontario.

Mr. Tabuns: Chernobyl taught the world that nuclear accidents happen, and when they do, they have tragic consequences for the environment and for human health. You want to run away from that legacy. But when it come to Ontario and building new nuclear power plants here, surely the Premier wants to be up front about the potential risks to people and communities here.

Does the government have any emergency plans, briefing notes or studies that assess the impact of a potential nuclear accident in Ontario and, if so, will the Premier table them in the Legislature today?

Hon. Mr. McGuinty: Again, I think it is truly unfortunate that the honourable member would compare the Chernobyl technology with Canada's Candu technology; I think that is unfortunate. We've had technology in place here for some 30 years. There has been nothing even approaching what unfortunately happened in Chernobyl. There are some downsides connected with nuclear, there's no doubt about it, and that's the waste. The upside is that it does not contribute to global warming and there are no toxic emissions. But there is waste associated with it. The upside to that, of course, is that we have found a way to contain it on-site, but, as I've been very honest with the people of Ontario, you've got to contain that for at least 1,000 years. That's a real challenge; we understand that.

Again, the point I make to all members but particularly to the people of Ontario, is that there are no easy solutions to our energy challenges. But we will continue to grapple with this. We will explore all the alternatives. We will act responsibly. We will ensure that we have an adequate supply of clean, affordable electricity in the province—

The Speaker: Thank you. New question.

GASOLINE PRICES

Mr. Gilles Bisson (Timmins–James Bay): I've got a question to the Premier of Ontario. Last fall, due to high gas prices, I held a province-wide Pump Shock tour. I met a lot of people. They were pretty angry about the price of gas and how they were being ripped off last fall, as the price of gas went up to as high as \$1.40 a litre.

Things were bad back then, but they're getting a lot worse now. Maybe you can't tell from the back of your limo, but these days, people are being forced to pay up to \$1.10 or more for a litre of gas.

Premier, I have a simple question for you: When are you going to stand up for drivers and do something about the rising gas prices?

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): Let me say that nobody likes to have to pay more for gas at the pump. I know we've reached a new high when it comes to crude oil on the international markets. But I can tell you that there are some things that our province and our government is doing to assist our motorists.

First of all, we are bringing on-stream our new ethanol program, which mandates the use of 5% ethanol by 2007 and 10% by 2010. The members opposite may laugh at this, but not only is that of some environmental value to us, but it acts as a real hedge against international oil prices, over which we have no control. Just recently in our budget, we have now doubled the sales tax rebate for hybrid cars to \$2,000 as a way to encourage people to conserve on gasoline.

Those are some specific initiatives that we have in place at the present time in order to further assist our motorists.

Mr. Bisson: Premier, that's not helping anybody who has to drive up to a pump today. If you drive to a pump somewhere in Ontario today, you're going to pay anywhere from \$1 to \$1.15 per litre.

You said a lot of things in opposition; you were clear. In fact, we agreed with you. You chastised the Conservative government and said that they had to do something. You proposed a number of initiatives. You said that you wanted a gas price watchdog in order to make sure that people don't get gouged; you wanted 24-hour advance notice on any price rise that happens in the province of Ontario; and then you said you believed that we should have had a 90-day price freeze in order to give you the time, as a government, to deal with this issue. They said no at the time, you went ballistic, and now you've got the chauffeur-driven limo.

When are you going to do something and maintain the promises you gave while you were in opposition?

Hon. Mr. McGuinty: There is more good news for Ontario motorists as well. I am pleased to report that we're moving in the opposite direction taken by the NDP government. They raised the gas tax by 30%. But I'm pleased to report that on our watch, when it comes to auto insurance, rates have gone down by 13.4%. Those were nine consecutive rate decrease filings.

When it comes to motorists and the costs connected with operating their vehicles, it's more than just gasoline. Not only did the NDP raise the gas tax by 30%, but auto insurance rates went up by 27% on their watch and, of course, they broke their promise on public auto insurance.

1450

Mr. Bisson: Premier, that ain't cutting it with nobody. At the end of the day, people drive to the pumps and are getting hosed. It doesn't matter if you're in Thunder Bay, Sarnia, Cornwall, Toronto or Hearst; you're paying more for gas now and you're going to be paying more by this summer. You made some promises you didn't keep, but let's try keeping a promise that you made since you were in government.

On October 17, your committee members agreed with my motion that basically would allow a review of gas prices in this province. Will you allow that committee to do its work and give that committee the authorization to meet so that we can look into gas prices and make suggestions that this Legislature can act on and your government can do to help the people of Ontario?

Hon. Mr. McGuinty: I will make the assumption that there is actually a genuine spirit of desire to address this in an intelligent way. Some people say that's a great leap; I don't think it is. Let me just say this: We've got an ethanol program under way. We have doubled the sales tax rebate for hybrid cars. We are bringing auto insurance rates down in Ontario, for the first time in a long time. We're investing an extraordinary amount of public dollars in public transit, which we think is helpful in this regard as well.

There is something that the member opposite can do: He can join us—I ask Mr. Tory to do the same—to convince Prime Minister Harper, who is gaining a windfall. Every time the price of gasoline goes up in Ontario, the federal government stands to gain. In fact, for every one cent it goes up, the federal government makes another \$6 million. We don't make more money in Ontario on the basis of the tax that we level, but the federal government does. I would ask the members opposite, my good colleagues, to join us in imploring Prime Minister Harper to do something—

The Speaker (Hon. Michael A. Brown): Thank you. New question.

LIQUOR CONTROL BOARD OF ONTARIO

Mr. Tim Hudak (Erie-Lincoln): A question for the minister responsible for the LCBO: We've obtained a recent memo to LCBO employees, who are encouraged to "improve their French Rabbit sales to win great prizes" such as French Rabbit tote bags, barbecue sets and French Rabbit radios. I remind the minister that this is an imported wine that is a competitor to our domestic industry. Minister, what concern have you expressed to the LCBO about their blatant promotion and bribes to LCBO employees to sell imported wine at the expense of the domestic industry?

Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader): First of all, I want to thank the member for the question, and I would indicate to you that, of course, our ministry has oversight of the LCBO. We don't direct their practices as far as what they promote and what they don't. But I can tell you that the LCBO is one of the premier marketers, in fact the premier marketer in the world, of Ontario-made wine, VQA wine. In fact, without the support of the LCBO, the industry would have significant difficulty in being able to make those kinds of offerings to the public of Ontario.

I want to let you know that I'm quite pleased with the role that the LCBO has taken on the three mandates that

they have: One, to provide to the treasury of Ontario with the revenues that go to invest in our health, our education and our economic prosperity; also, their social responsibility mandate, to make sure that there is responsible use of alcohol; but thirdly, the support to—

The Speaker (Hon. Michael A. Brown): Thank you. Supplementary.

Mr. Hudak: I thank the minister for his response. He says that the LCBO is a premier marketer of Ontario wine, as it should be. That's like congratulating a professional hockey player for skating down the ice successfully. It's a matter of course—of course they should be.

The question I have is, when you see promotions that are effectively bribing LCBO employees to substitute towards selling imported product—tote bags, radios, barbecues, etc. This looks like it's probably between a half-million-dollar to a \$1-million campaign from the LCBO to promote a foreign product exclusively, at the expense of the Ontario industry. Unless you are aware that the French government is similarly promoting Ontario wines over in France, I will ask you to get with the LCBO right away—I know they hold you in high esteem—and correct this problem immediately.

Hon. Mr. Caplan: I certainly want to indicate to the member—to all members—that the LCBO takes very seriously its three-fold responsibility: To increase the revenues to Ontario so we can invest in health, education and economic prosperity; two, the important social responsibility and the responsible use-of-alcohol mandate; but the promotion of the Ontario industry is a very important element of the LCBO marketing practices. In fact, Ontario wines have been featured in LCBO promotions, LCBO magazines and other retailing opportunities. I'm quite proud of the work that the LCBO is doing.

It is true that the LCBO markets alcohol—spirits, beer and wine—from around the world, and those are part of the practices as well. All of that revenue derived from all of those sales goes back and is invested into this province—into health care, into better education and into—

The Speaker: Thank you.

HOSPITAL FUNDING

Mr. Peter Kormos (Niagara Centre): A question to the Minister of Health. The Peterborough Regional Health Centre is facing a projected \$4.5-million deficit this year. It's one of the 12 hospitals across the province that can't meet your demands to put the bottom line before their patients' health. The local paper, the Peterborough Examiner, says this proves “what everyone knows but the ministry has yet to admit: the hospital is underfunded.”

Minister, are you going to force Peterborough's hospital to balance its budget at the expense of hospital care?

Hon. George Smitherman (Minister of Health and Long-Term Care): The honourable member asks a question, but again doesn't reflect on any experience that he had in government. The first two years of your party's

government and the first two years of that party's government saw very significant net reductions in hospital funding. Our record stands in sharp contrast to that. Every hospital in Ontario has received more money each and every year, and we've already given them projections for the next couple of years around that.

In the case of Peterborough, obviously we have on-site there a very significant new hospital being constructed. The matter at hand, and one that I'm working on very carefully with the ministry, with the local hospital and with the local MPP to resolve is, what is the appropriate bed count in the existing hospital as they plan to evolve into the new building, which is coming to life quite quickly? I can tell the honourable member that we've worked very hard to improve the circumstances for health care in Peterborough, with a family health team for the whole community and with a new hospital. We will seek to resolve this issue in a fashion that allows us to have the Peterborough community among our high-performing communities in Ontario as it relates to health care.

Mr. Kormos: Minister, we're talking about health care here and now under your watch, and when your government has just announced a \$3-billion windfall in unanticipated revenues. Peterborough's hospital has too few beds, too few doctors and the heaviest emergency room demand in the province. Your ministry's very own studies say the hospital needs to be expanded, not cut back. But you have forced that hospital to rely on hallway medicine after slashing its budget by \$10 million over the last two years.

When are you going to fund Peterborough's hospital and give the folks in that community the health care service they deserve?

Hon. Mr. Smitherman: Firstly, one of the challenges we have in dealing with the honourable member is that he doesn't like to admit to the fact that when he was in office the record of his party was that they cut, in one year, \$268 million from hospitals.

In the case of Peterborough, I think it's very important to note that we've invested more than \$12 million in additional operating funds. But like I said to the honourable member, who was responsible for the closure of 11,701 beds in Ontario, we recognize the needs in Peterborough. We're working very closely with the hospital community and with the local member, who's very aggressive in advocating on behalf of his community. I can assure the honourable member that these decisions will be taken with a view towards turning Peterborough into one of the high-performing health care communities, recognizing that when we came to office they were in a very poor situation with a very, very old and decrepit hospital and—

The Speaker (Hon. Michael A. Brown): Thank you.

CHILD CARE

Mr. David Oraziotti (Sault Ste. Marie): My question is for the Minister of Children and Youth Services. Parents in my riding of Sault Ste. Marie have told me

they need high-quality child care in order to balance the demands of work and family. In many families, both parents work, and they need affordable child care options that provide them with a safe place to send their young children as well as a place where their children will have learning and development opportunities. That is why I was so pleased to see that our government had signed a five-year, \$1.9-billion early learning and child care agreement with the federal government on behalf of Ontario families. But now I'm very disappointed to see that the Harper government has refused to honour this important agreement.

Minister, what can members of this Legislature do to stand up for Ontario families, who desperately need to see the benefits of this agreement?

1500

Hon. Mary Anne V. Chambers (Minister of Children and Youth Services): What the member from Sault Ste. Marie has been hearing in his riding is exactly what we have been hearing from families all across Ontario. I want to thank him for advocating so aggressively on behalf of his families. That agreement would have meant 25,000 new high-quality, licensed child care spaces in Ontario over the first three years of the agreement. In northern Ontario, that would have meant 2,765 new spaces. A reflection of the demand for those spaces is what they have committed to expand to by September of this year: new spaces in the order of more than 1,600 in northern Ontario. What we can do here, all of us, is to stand up and advocate on behalf of Ontario families, regardless of their political stripe—

The Speaker (Hon. Michael A. Brown): Thank you. Supplementary?

Mr. Oraziotti: Minister, I couldn't agree more. I question why the Conservative and NDP members of this House continue to be silent when we ask them to join us in calling on the federal government to honour the early learning and child care agreement. Perhaps the Conservatives are just not interested in supporting child care opportunities for Ontario families, and perhaps the NDP are disappointed that their own federal colleagues sold out Ontario families when they sided with Harper, with no protection for this agreement.

The Harper government has clearly disadvantaged Ontarians and created a period of uncertainty with their plans to terminate the agreement. Minister, how is our government proceeding in order to provide the highest degree of certainty to parents and municipalities in Ontario?

Hon. Mrs. Chambers: What I should say is that the federal NDP and the federal Liberals have been standing up for families across Canada. What we have not seen to date is the Ontario NDP and the Ontario Tories doing the same. So anyone who thinks that \$1,200 in taxable money is going to do very much to provide early learning and child care facilities for these families is actually misguided.

But to give you an idea of how well we are doing so far, more than 14,000, as in more than 50%, of the spaces

targeted for the first three years will have been created in Ontario by September 2006. I'm very proud that our government has committed to sustaining every single one of those new spaces and has also committed to wage improvements for child care workers and also for increased subsidies for parents so that more families can afford high-quality child care.

HIGHWAY LITTER

Mr. John O'Toole (Durham): My question is to the Minister of Transportation. Minister, it's springtime and cleanup time around Ontario, whether it's in your home, your backyard or in our municipalities. Everyone is expected to pitch in. In fact, my riding this weekend is hosting a clean-up-your-community event. I think it's important to recognize that you, Minister—yesterday there was an article in the paper expressing concern about the trash buildup on our provincial roads. Minister, could you tell me what plan you have to keep Ontario clean and green?

Hon. Harinder S. Takhar (Minister of Transportation): I want to thank the member for asking this question. It's important for all of us to keep our highways clean and safe. We are spending about \$3 million every year throughout the province to keep highways clean. But in addition to this, we also have an adopt-a-highway program in which about 600 volunteers participate every year, and they clean about 2,500 kilometres of highways.

Last year, we also introduced the Operation Springboard program. It's a joint program with the Ministry of Community Safety and Correctional Services, where we use low-risk offenders to pick up litter on the highways. Having said all that, I want to say that this is an issue in which everyone should take responsibility. We all need to work together to clean the litter on our highways and keep them clean—highways as well as the intersections.

Mr. O'Toole: Clearly, Minister, you're responding to the article in the media yesterday. I'd like to bring to your attention what MPP Wayne Arthurs's good friend Dave Ryan, the mayor of Pickering, said in the article: "They're the dirtiest parts of our city," referring to your highway ramps. "It's a blight on our community."

In fact, if you look back in history, you'll find that Ontario once bore the slogan "Keep it Beautiful" on licence plates, and now it's "Yours to Discover." But what they're actually discovering is the litter lying on the sides of the highway. If you want to find one of the deterrents to tourism, your cleanup of our highways is contributing. We're delivering our trash to Michigan, and a lot of it is finding its way onto our roadsides in Ontario. Minister, what is your solution for this growing problem of trash on Ontario's highways?

Hon. Mr. Takhar: I want to thank all the mayors for raising this issue. I think we all need to work together to keep our highways clean and safe. As I said before, it's everybody's responsibility. We need to create an awareness about keeping our highways safe. We'll continue to work with the mayors in the GTA area and throughout

the province so that the highways stay clean. It's not an issue that just came up because of the news in the paper. I think this is an important issue, and we all need to work together because it's also important from the tourism point of view.

PIT BULL LEGISLATION

Mr. Peter Kormos (Niagara Centre): A question to the Attorney General: Earlier today on CHML's Roy Green Show, I spoke with a Hamilton mom, Lorinda Burke. Her nine-year-old son's dog, Jasper, an alleged pit bull, is about to be destroyed because she could not afford to have it spayed. Now she has obtained the money. She is prepared to pay for the operation for her family pet to be spayed, but animal control says that Jasper has to be killed anyway. What's the logic to that, when she's prepared to have the dog spayed in compliance with your legislation but animal control says, no, your law requires that it be put to death?

Hon. Michael Bryant (Attorney General): The member knows that the implementation of the law and the application of the law is done at a local level. Mayor Di Ianni has said that the rules are the rules and the law is the law and that the law must be complied with. I am confident that they will resolve this at the local level.

We have rules in place. We have laws in place. People are aware of the laws. The law sets forth a process. There is a process. They'll make their application, make their submissions, and animal control and the local municipality will resolve this issue. The mayor has said that this is the way it ought to work, and that's the way it will work.

Mr. Kormos: Well, Attorney General, unfortunately, your law is so defective and so deficient in terms of advice to municipalities and support for them in the interpretation of the law that the law is applied helter-skelter, checkerboarded across the province.

The dog never bit anybody, never displayed any signs of aggressiveness—no signs whatsoever of posing a danger—yet it was an unspayed alleged pit bull; two years old, I'll tell you. Attorney General, you haven't exactly shown a great deal of proficiency at picking them out yourself, have you?

A pit bull, a dog that has caused no harm; a nine-year-old boy's pet, a family pet. The woman couldn't afford to have the dog spayed; now she can. Why won't you and your ministry permit this woman to comply with the law, have the dog spayed and return this pet to its owner, a nine-year-old kid?

Hon. Mr. Bryant: Again, the member knows that this is a matter that is going to be dealt with by the municipality locally. The legislation, on which we undertook extensive debate in this Legislature, is really the most comprehensive dangerous dog legislation of its kind on the continent. The very concern that the member raises, the patchwork concern that he raises—in fact, that's why we brought in province-wide legislation. Instead of having one municipality have one set of rules and another

municipality have another set of rules, we brought in province-wide legislation.

The member will know that in the Niagara region Lylie Brook Bowman says she's still haunted by a pit bull attack last spring that left her with permanent nerve damage in her hand and seriously injured her dog. She said, "I was really traumatized. I can't begin to tell you how scared I am to walk my dog down the street."

It's because of people like this from the Niagara region that we brought forward the legislation. It is legislation about public safety. It is clear legislation. It is in the hands of local municipalities, and they will implement it. I'm confident they'll implement it appropriately.

1510

HOSPITAL FUNDING

Mr. Tony C. Wong (Markham): My question is for the Minister of Public Infrastructure Renewal. The Toronto Rehabilitation Institute is one of the largest teaching hospitals in rehabilitation services in Canada. It also provides leading care in cardiac, geriatric, musculoskeletal, stroke, acquired brain injury—ABI—and spinal cord rehabilitation, as well as complex continuing care across its multiple sites.

As you know, there is a substantial need for investment in the Toronto Rehabilitation Institute's University Avenue site to reduce patient wait times and enhance access to services for people throughout the province. I was pleased to see that you approved it as an alternative financing and procurement—AFP—project last Thursday. Can you tell me what this announcement means for rehabilitative care in Ontario?

Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader): I do want to thank the member from Markham for the question, because last week it was indeed a pleasure to be at the Toronto Rehabilitation Institute to announce and commit to a major redevelopment of the hospital's University site, with construction slated to begin in 2007-08. This project will modernize facilities for 176 rehabilitation beds and increase ambulatory care capabilities, and new state-of-the-art technology will be housed right here on University Avenue. As well, there will be major enhancements to the hospital's educational and leading-edge research roles.

Approving this project is not only an example of the value that we place on building new research facilities, with a world-class rehabilitation laboratory called Intelligent Design for Adaptation, Participation and Technology; it's also a shining example of our effort to reduce patient waiting times and enhance access to services—

The Speaker (Hon. Michael A. Brown): Thank you. Supplementary.

Mr. Wong: Thank you, Minister. It is wonderful that construction is expected to begin in 2007-08 and that this provincial commitment will allow the institute to finally close its out-of-date Hillcrest hospital site and move these programs to the University Avenue site. Can you

also explain why this project has been approved as an AFP project and what the benefits are of this innovative approach?

Hon. Mr. Caplan: This project was approved because investing in health care is one of the primary priorities of the McGuinty government. The many hospitals in this province are long overdue in need of capital investment. The average age of a hospital in the province of Ontario is 45 years old. In fact, this hospital happened to be the place where I was born, so we know just how old this is. We are very much aware of, and we're working very hard to address, the concerns of all of the communities right across Ontario, doing it one hospital at a time. We're proud of the approach that we've taken.

The expansion of this facility will give the people of Ontario more opportunities to enhance the quality of their life. And the member is right: Using AFP, or alternative financing and procurement, methods enables us to complete these initiatives and do them faster. This facility will remain publicly owned, publicly controlled, and it will mean that construction work is financed and carried out by the private sector. The private sector will assume any project risks. It means that more projects—

The Speaker: Thank you. New question.

NATIVE LAND DISPUTE

Mr. Toby Barrett (Haldimand–Norfolk–Brant): My question is to the Premier. It's now been 51 days of turmoil and uncertainty for people living in Six Nations and Haldimand county because of the Caledonia native land dispute. Your minister of aboriginal affairs seems to be all over the place on this one. First he said it was a federal concern, and then last week in this House he said: "The province has been taking a lead role in this." This is from your minister.

Premier, wouldn't you agree that your minister's confusion and indecision about Caledonia further exemplifies the vacuum of leadership in the McGuinty government?

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): No, I don't agree. I think the minister is doing exactly what he needs to do. I understand that there is, in some quarters, some impatience and some frustration, but we are dealing with this in a peaceful manner. There has been no incident; there has been no injury, or worse. The member opposite seems to take issue with this particular approach. Well, we have a different perspective on this. The minister is doing exactly what he's supposed to do. He's working with our federal cousins; he is working with the community; he's working with the First Nations community involved. We are determined to resolve this, but we will do this in a way that results in no incident and in no compromise to public safety.

Mr. Barrett: Premier, we all agree that we are searching for a peaceful resolution, but I get the impression that your government is being held hostage. This is a sign of weakness and vulnerability. Your minister responsible for aboriginal affairs told the House—

Interjections.

The Speaker (Hon. Michael A. Brown): Order.

Mr. Barrett: Premier, I'll quote from your minister of aboriginal affairs in the House last week: "... the Ontario government has been on top of the situation." But today's Brantford Expositor begs to differ. The headline reads, "Bid to Settle Six Nations Occupation Non-Starter."

Premier, what did your minister bid? What did he offer? In an article titled "Crossed Wires Muddle Effort to End Land Standoff," the Hamilton Spectator claims that you may hand over land in Brant county, land in South Cayuga and land in Townsend. Have you asked the people in Burtch, in Brant county, have you asked the people in South Cayuga or in Townsend if they have any thoughts on this? We're talking about well over—

The Speaker: The question has been asked. Premier?

Hon. Mr. McGuinty: I want to make sure that the leader of the Conservative Party is well aware of the question put and the comments just made by one of his backbenchers, because people are going to want to know where he stands on this issue. The member opposite has just accused us of demonstrating weakness because we are taking the necessary time to resolve this issue in a peaceful manner. Well, that's the approach, and we're not going to apologize for that. If the Conservative Party has a different position, if they would rush in, then the leader of the Conservative Party should say so. I'm sure the media will be interested in determining exactly what his position is on this issue.

I say it again: We will proceed in a responsible fashion. We will be mindful of the public safety issues and we'll be mindful of the fact that no harm ever comes from sitting down and talking and working together with a determination to resolve it peacefully.

WSIB EMPLOYEE PENSION PLAN

Ms. Andrea Horwath (Hamilton East): My question is for the Minister of Labour. Minister, the WSIB employee pension plan is funded by both employer and employee contributions, but the employees can't realize any of the gains they negotiate to their pension plan because the WSIB wears two conflicting hats. As the negotiator at the table with the employees, they agree to pension plan benefit improvements. However, when they put on their hats as the trustees of the plan, they then say the plan cannot sustain those improvements.

So my question to you, Minister, is this: Will you agree to examine the inherent conflict of interest that exists because the WSIB is both the employer and the plan administrator of the employee pension plan?

Hon. Steve Peters (Minister of Labour): I want to thank the honourable member for the question. As I'm sure she is aware, the WSIB is an arm's-length agency of the province, but they do play a very important role in the health, safety and welfare of citizens in Ontario. It's an organization that is accountable. It's an organization that, as I said, plays an important role in providing coverage for individuals who are injured on the job.

They've also made great strides to improve their own finances, their own stability. They have undertaken a comprehensive audit to look at what steps they could be taking to improve the way they do business. As well, that audit was initiated by the previous minister, and I have asked for a follow-up audit from the WSIB to look further at some of those issues.

I'll continue in my response to the honourable member's question.

1520

Ms. Horwath: Minister, having the WSIB as the employer and the sole pension plan administrator is a clear conflict of interest, and it hurts the WSIB employees because they can never actually see any of the improvements in their pension plan after they've been negotiated. You claim to have an arm's-length relationship with the WSIB, but at the same time no amendments to their pension plan can be implemented without your approval. WSIB employees tell me that you are well aware of this problem, but you refuse to treat them fairly with their pension plan.

Will you, as minister, do the right thing by WSIB workers and move to a joint trusteeship for pension plan governance?

Hon. Mr. Peters: Again, I thank the member for the question. Obviously, she seems to forget—and I made the comment in my opening statement—that the WSIB is an arm's-length agency and an agency that plays a very important role. But as well, I think the honourable member should understand that there are issues that need to be dealt with through collective bargaining and at the table. She should understand that it would be extremely inappropriate for a Minister of Labour to interfere in a collective bargaining process in the province of Ontario, that the minister has a role to play, and that if there are issues that arise during collective bargaining—we're very proud of the mediators and arbitrators we have available to us in Ontario. I would just say to the honourable member that this is certainly an issue that has been raised. It's an issue that we have forwarded to the WSIB and asked the president and the CEO for their consideration. I look forward to making an announcement in the very near future—

The Speaker (Hon. Michael A. Brown): Thank you. New question.

WORKPLACE SAFETY FOR STUDENTS

Mr. Peter Fonseca (Mississauga East): My question is for the Minister of Labour. Undoubtedly, everyone has noticed by now that we are into spring. It's a time of year when the days are longer and the weather is warmer. It's also a time of year when post-secondary students anxiously write their final exams and engage in yet another rite of spring: finding a summer job.

Like all young workers, our students are eager to prove themselves, to excel, be productive, learn new skills and demonstrate proven ones. Of course, like all of us, they want to earn a living. Unfortunately, for some

young workers, what should be routine summer work with friends and fun can turn instantly into tragedy. Statistics tell us that workplace injuries to young and new workers are six times more likely to occur during the first month of employment than at any other time.

Minister, our children are our most precious resource. We want to protect them. Please tell us what your ministry is doing to protect our young workers as many embark on another season of summer employment.

Hon. Steve Peters (Minister of Labour): I want to thank the honourable member for Mississauga East for his question. I can assure you that the health and safety of all employees in the province of Ontario is the number one priority for this government. I think we have demonstrated it very clearly by moving forward with hiring 200 additional inspectors in Ontario. As well, we're moving forward with occupational health and safety within our agricultural community, which previously had been exempt.

But I want to say to the honourable member that it should be a priority for every one of us in this House. Young worker health and safety is a major priority for me, but we all should be conscious of it, because one death or one injury to a young person in this province is one too many. As you pointed out in your question, a young person is six times more likely to be killed or injured on the job within those first 30 days. I think it's incumbent on us that we recognize that knowledge is power—in this case, it can be potentially life-saving. We need to ensure that, collectively, we get that message out to employers, to parents and to students—

The Speaker (Hon. Michael A. Brown): Thank you. Supplementary?

Mr. Fonseca: Minister, it's good to hear that this government acts on its commitment to worker health and safety. It's not enough to prioritize workplace safety without taking action to invest in and promote workplace safety. Your answer assures us that this government has done both. Thankfully, statistics support that this effort is showing that Ontario is the national leader in preventing traumatic injuries to young workers. However, accidents still occur.

Taking a summer job or starting one's first full-time job should be a learning experience and not a test of survival. Minister, it's important to know what I can do individually to help prevent young worker injuries this summer, and it's also important to know what we can all do collectively. Please tell us what we can do in our communities so that no parent will have to hear the unbearable news that their child is not coming home from work that day.

Hon. Mr. Peters: I think the most important question that young people and parents need to ask—don't be afraid to ask questions when you go into a new place of employment. As well, I would encourage young people, parents and employers to view our website, Worksmartontario.gov.on.ca, because we have some great tips available there.

There is an individual in this province who has become a real advocate for young worker health and safety.

He's an individual who has not done this in any partisan way, and his name is Rob Ellis. Rob's son was 18 years old when he was killed on the job.

Rob Ellis has gone into all of our ridings across Ontario to spread that message of young worker health and safety. I would encourage any one of you to contact the ministry office. We can arrange to work with you to have Rob come out and speak to young people in your riding, because that powerful message that he delivers is a message that young people in this province need to hear.

As well, we need to recognize that next week, April 28 is the day to recognize workers killed or injured on the job. We need to think about all workers killed or injured—

The Speaker: Thank you. New question.

YOUTH SERVICES

Mr. Norman W. Sterling (Lanark–Carleton): I also want to ask about youth employment opportunities, and this is to the Minister of Children and Youth Services. In February, you announced youth opportunities strategy funding to reach out to young people to help them access services, find jobs, stay in school and stay off drugs. You limited that funding to Toronto for the first year and five other urban centres in subsequent years.

Minister, can you explain to me and to Ontario's one million other youthful people who live in smaller communities why you have not provided any new funding for programs in their communities?

Hon. Mary Anne V. Chambers (Minister of Children and Youth Services): First of all, it's obvious that the honourable member appreciates the youth opportunities strategy, the \$28.5 million that our government announced in February of this year. It is indeed a wonderful program. Starting in Toronto this year, it will provide 750 summer jobs for youth from at-risk communities and another 100 in a first-of-its-kind-in-Canada program called youth in policing, where young people will have the opportunity to establish very positive working relationships with the Toronto police services. In fact, that program has already received more than 500 applications. It's very exciting. This year, we'll also employ 39 new youth outreach workers.

So this is very exciting, and it does emphasize Toronto in its first year because of the particular challenges on the crime front—

The Speaker (Hon. Michael A. Brown): Thank you. Supplementary.

Mr. Sterling: The minister emphasizes the problem with the program. She says that it offers all of these wonderful services to Toronto and is going to offer these services to another five urban areas, but it doesn't offer them to all the young people across Ontario, which, in fairness, it should.

Madam Minister, some of the problems that you outlined in Toronto are worse in rural and small-town Ontario. The teen suicide rate in rural Ontario is double

the rate it is in the urban areas. In small communities, it's harder to get a job. It's harder to find entertainment for young people. It's harder to gain access to services. Yet you have abandoned these young people.

Why are you discriminating against these young people who live in small-town Ontario? Why are you discriminating against them?

Hon. Mrs. Chambers: I know you like these particular programs, but they're not the only programs that our government has announced. I want you to know that, as we expand these programs—

Interjections.

Hon. Mrs. Chambers: If you would like to hear the answer, you're going to have to be quiet.

Let me tell you about what my honourable colleague the Minister of Training, Colleges and Universities has just announced: more than \$50 million in programs for young people all across Ontario.

I do hope that the honourable member will stop playing politics with this and make sure that his constituents know about the wonderful programs—summer employment programs—that the Minister of Training, Colleges—

Interjections.

Hon. Mrs. Chambers: Focus on the positive, for a change.

1530

PETITIONS

LONG-TERM CARE

Mr. Norm Miller (Parry Sound–Muskoka): I have a petition from Pines long-term-care facility in Bracebridge, and it says:

“To the Legislative Assembly of Ontario:

“Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

“Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

“Whereas those unacceptable care and service levels are now at risk of declining;

“We, the undersigned, who are members of family councils, residents' councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007).”

I support this petition.

Mrs. Carol Mitchell (Huron–Bruce): “To the Legislative Assembly of Ontario:

“Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

“Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

“Whereas those unacceptable care and service levels are now at risk of declining;

“We, the undersigned, who are members of family councils, residents’ councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years....”

I affix my signature to this.

EDUCATION FUNDING

The Speaker (Hon. Michael A. Brown): The member for Oak Ridges.

Mr. Frank Klees (Oak Ridges): Thank you, Speaker. I was beginning to wonder.

“Petition to Ontario Legislature to End Discrimination

“Whereas the Ontario government already ... funds 93% of faith-based schools in Ontario, but the remaining 7% receive no funding, solely because they are not Catholic;

“Whereas the United Nations Human Rights Committee ruled in 1999 and again in 2005 that this arrangement is discriminatory and violates basic international human rights law that Ontario formally agreed to uphold;

“Whereas all three parties represented in the Legislature support Catholic separate school funding, as guaranteed by the Constitution of Canada, so that the only fair and viable solution to the discrimination is to extend funding to the small religious minorities that are currently excluded;

“Whereas the Supreme Court of Canada has ruled that Ontario has the constitutional power to provide funding to non-Catholic faith-based schools;

“Whereas Ontario is the only western democracy that fully funds faith-based schools of one religion to the total exclusion of all other religions, while all other provinces except the Atlantic provinces fund faith-based schools and have thriving public school systems;

“Whereas the cultural survival of the affected minority groups is at stake;

“Whereas faith-based schools produce responsible and productive citizens; and

“Whereas the Multi-Faith Coalition for Equal Funding of Religious Schools in December 2004 submitted to the Minister of Education a detailed proposal for the funding of non-Catholic faith-based schools in a manner that is fair and accountable and protects and enhances the public interest;

“We, the undersigned, call on the Ontario Legislature to pass legislation to provide fair and equal funding in respect of all faith-based schools in Ontario without religious discrimination and without any reduction in funding for public education, with accountability requirements and standards in place to ensure that the public interest is safeguarded.”

I’m pleased to affix my signature to this petition.

TUITION

Mr. Rosario Marchese (Trinity–Spadina): I’ve got thousands of names on this petition, as you can see.

“Whereas in 2005, Ontario’s per-student college funding was the second-lowest in Canada; and

“Whereas, over the past 15 years, the number of college students increased by 53% while real per-student funding declined by 41%; and

“Whereas students’ learning conditions have deteriorated in relation to the shortage of full-time faculty; and

“Whereas the Ontario government claims that tuition fees must increase (again) in order ‘to improve the quality of education’; and

“Whereas persistent government underfunding makes it impossible to realize increases in quality even if tuition fees double or triple; and

“Whereas the government is again trying to stick college students with the bill; and

“Whereas college students have had enough;

“We, the undersigned, petition the Legislative Assembly of Ontario to immediately:

“(1) Invest an additional \$100 million per year in core funding for Ontario colleges;

“(2) Increase the number of full-time faculty in Ontario’s colleges by at least 10%; and

“(3) Extend the current tuition fee freeze until such time as the Ontario government has restored full-time faculty ratios to those that existed in 1990.

“In the event of a faculty strike within Ontario’s colleges,

“We, the undersigned, petition the Legislative Assembly of Ontario to immediately:

“(1) Refund tuition fees; and

“(2) Fully reimburse college students for all expenses incurred as a result of an expansion or contraction of the semester, including ancillary fees and expenses such as child care, lost earnings or rent.”

I support this petition.

IDENTITY THEFT

Mr. Tony Ruprecht (Davenport): I'm pleased to read this petition, which was sent to me by the Consumer Federation of Canada. It reads as follows:

"Whereas identity theft is the fastest-growing crime in North America;

"Whereas confidential and private information is being stolen on a regular basis, affecting literally thousands of people;

"Whereas the cost of this crime exceeds billions of dollars;

"Whereas countless hours are wasted to restore one's good credit rating;

"Therefore we, the undersigned, demand that Bill 38, which passed unanimously on November 30, 2005, be brought before committee and that the following issues be included for consideration and debate:

"(1) All consumer reports should be provided in a truncated ... form, protecting our vital private information, such as SIN and loan account numbers.

"(2) Should a consumer reporting agency discover that there has been an unlawful disclosure of consumer information, the agency should immediately inform the affected consumer.

"(3) The consumer reporting agency shall only report credit-inquiry records resulting from actual applications for credit or increase of credit, except in a report given to the consumer.

"(4) The consumer reporting agency shall investigate disputed information within 30 days and correct, supplement or automatically delete any information found unconfirmed, incomplete or inaccurate."

Since I agree, I'm delighted to sign this petition.

CONVENIENCE STORES

Mr. Jerry J. Ouellette (Oshawa): I have a petition to the Legislative Assembly of Ontario:

"To the Legislative Assembly of Ontario:

"Whereas the Ontario Korean Businessmen's Association ... represents 3,000 family-owned and -operated small convenience store businesses across Ontario who are being driven out of business by the McGuinty government; and

"Whereas the McGuinty government has hurt OKBA members by hiking WSIB rates, hiking commercial hydro rates, and dumping the high costs of implementing Bill 164 on these small family-run businesses;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Convenience stores are the last family-run businesses in every neighbourhood throughout Ontario and are in urgent need of both compensation and help from the government to allow replacement categories for tobacco products."

I affix my name.

CHILD CARE

Mr. Lorenzo Berardinetti (Scarborough Southwest): I have a petition here, and it's addressed to the Legislative Assembly of Ontario. I'd like to read it into the record here:

"Whereas the people of Ontario expect the government of Canada to honour existing agreements with the government of Ontario;

"Whereas provinces and territories negotiated agreements with the federal government to ensure Canadians would have access to early learning and child care programs that are high-quality, affordable, universally inclusive and developmental;

"Whereas parents in Ontario have demonstrated a high demand for greater access to high-quality early learning and child care programs;

"Whereas Ontario's early learning and child care agreement with the government of Canada would provide Ontario families with at least 25,000 new high-quality, regulated child care spaces in the first three years;

"Whereas Ontario's early learning and child care agreement represents a \$1.9-billion investment over five years in high-quality early learning and child care;

"We, the undersigned, petition the Legislative Assembly of Ontario to support the government of Ontario in calling on the government of Canada to honour Ontario's early learning and child care agreement, for the sake of the thousands of Ontario families who would benefit from it."

I agree with this petition. I affix my signature to it and give it to page Mark beside me here today.

1540

LONG-TERM CARE

Mr. Ted Arnott (Waterloo-Wellington): I received the attached petition from Royal Terrace nursing home in Palmerston, Leisureworld in Elmira, Caressant Care in Fergus and WestMount in Kitchener, and it reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

"Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

"Whereas those unacceptable care and service levels are now at risk of declining;

"We, the undersigned, who are members of family councils, residents' councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of

Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007)."

I support this petition as well.

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke): I would like to thank Carrol Haywood from Groves Park Lodge in Renfrew for presenting this petition to me.

"To the Legislative Assembly of Ontario:

"Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

"Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

"Whereas those unacceptable care and service levels are now at risk of declining;

"We, the undersigned, who are members of family councils, residents' councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007)."

I support this petition. I sign my name to it and send it down to the table through Cameron.

CHILD CARE

Mr. Tony Ruprecht (Davenport): This is addressed to the assembly of Ontario. It reads as follows:

"Whereas the people of Ontario expect the government of Canada to honour existing agreements with the government of Ontario;

"Whereas provinces and territories negotiated agreements with the federal government to ensure Canadians would have access to early learning and child care programs that are high-quality, affordable, universally inclusive and developmental;

"Whereas parents in Ontario have demonstrated a high demand for greater access to high-quality early learning and child care programs;

"Whereas Ontario's early learning and child care agreement with the government of Canada would provide Ontario families with at least 25,000 new high-quality, regulated child care spaces in the first three years;

"Whereas Ontario's early learning and child care agreement represents a \$1.9-billion investment over five years in high-quality early learning and child care;

"We, the undersigned, petition the Legislative Assembly of Ontario to support the government of Ontario in calling on the government of Canada to honour Ontario's

early learning and child care agreement, for the sake of the thousands of Ontario families who would benefit from it."

Since I agree, I'm delighted to sign this petition.

LONG-TERM CARE

Mr. John O'Toole (Durham): I'm pleased to present a petition on behalf of Community Nursing Home in Port Perry, Fosterbrooke Long Term Care Facility in Newcastle, Strathaven Lifecare Centre in Bowmanville, and Marnwood Lifecare Centre. I'll read the shortened version:

"We, the undersigned, who are members of family councils, residents' councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding of long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007)."

I'm pleased to sign this and endorse it on behalf of my constituents.

HOUSE SITTINGS

Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader): On a point of order, Mr. Speaker. I seek unanimous consent to move a motion respecting the meeting of the House today.

The Acting Speaker (Mr. Michael Prue): The government House leader is seeking unanimous consent. Is it agreed? Agreed.

Hon. Mr. Bradley: I move that, notwithstanding the earlier order of the House, when the House adjourns at 6 o'clock today it stand adjourned until 10 o'clock on Thursday, April 20, 2006.

The Acting Speaker: Mr. Bradley has moved that, notwithstanding the earlier order of the House, when the House adjourns at 6 o'clock today it stand adjourned until 10 o'clock on Thursday, April 20, 2006. Shall the motion carry? Carried.

ORDERS OF THE DAY

PLANNING AND CONSERVATION LAND STATUTE LAW AMENDMENT ACT, 2006

LOI DE 2006 MODIFIANT DES LOIS EN CE QUI A TRAIT À L'AMÉNAGEMENT DU TERRITOIRE ET AUX TERRES PROTÉGÉES

Mr. Gerretsen moved second reading of the following bill:

Bill 51, An Act to amend the Planning Act and the Conservation Land Act and to make related amendments

to other Acts / *Projet de loi 51, Loi modifiant la Loi sur l'aménagement du territoire et la Loi sur les terres protégées et apportant des modifications connexes à d'autres lois.*

The Acting Speaker (Mr. Michael Prue): The Minister of Municipal Affairs and Housing.

Hon. John Gerretsen (Minister of Municipal Affairs and Housing): I'll be sharing my time with my parliamentary assistant, the member from York West.

It's with great pride and certainly with great privilege that I stand here today to introduce the second reading of the proposed Planning and Conservation Statute Law Amendment Act, 2005, which I truly believe will substantially change the land use planning system in the province of Ontario.

Our proposed legislation would have a significant impact on the land use planning system in Ontario. If passed by this Legislature, this bill would bring Ontario's land use planning system and the Ontario Municipal Board into the 21st century.

The proposed legislation will bring about an important change to the culture of land use planning in our province. It will contribute to our efforts to reduce urban sprawl, preserve valuable green space and protect our natural resources.

Ontario's land use planning system plays a key role in shaping the way our province grows and our communities develop, and reforming Ontario's land use planning system is a cornerstone of our government's commitment to build strong, healthy and livable communities.

We, as a government, understand that a better planning system will contribute to better development in our province and in the individual communities that are contained therein. We also recognize that our economic prosperity and quality of life depend on managing growth in a coordinated and strategic fashion.

By continuing to make improvements to the land use planning system, our government is supporting the development of communities that are more compact, have a good mix of housing and jobs, have more convenient and transit-friendly transportation choices and have easier access to services. By improving the land use planning system, we can also better protect valuable resources such as water, farmland, wetlands and other natural heritage features.

Good development doesn't just happen by accident. It happens because people have planned and developed these communities and their features carefully and creatively. Good development happens when decision-makers provide leadership to support sustainable growth. I'm very proud that our government is providing leadership by implementing an aggressive plan for building strong and sustainable communities in Ontario.

1550

We've already taken a number of steps to implement this plan:

—our greenbelt plan, which permanently protects 1.8 million acres of environmentally sensitive and prime agricultural land from urban sprawl, as well as sustainable communities therein;

—the Places to Grow Act and our proposed growth plan for the greater Golden Horseshoe, which sets out where the three million to four million people who will be settling in this part of Ontario over the next 25 years will live and work. Our provincial policy statement on land use planning is an extremely important component of that. It speaks to sustainable development. It speaks to intensification and better land use than is currently the case; and

—our proposed clean water legislation and our significant investments in public transit, which we made once again in our last budget just a month or so ago.

Bill 51, the bill that we're debating here today, is another critical part of that plan. The planning reforms that we have proposed in this bill have a number of key elements that would support better and more strategic development in our communities. The main highlights include: more methods to assist councils in the decisions they make to support intensification and sustainable and well-designed communities; clearer rules and a more effective planning process for the public, municipalities and everyone involved in planning our communities; a more efficient and transparent Ontario Municipal Board, which would be focused on land use disputes that have the greatest impact on the broader public interest.

I would like to take a moment to outline some of the ways that our proposed legislation would provide more tools to support intensification and sustainable, well-designed communities.

With the act, municipalities would be able to promote environmental sustainability by setting conditions when approving zoning applications. That is currently lacking in our planning system, and it's something that municipalities and the councils of those municipalities have been asking for for years. This could apply to such important areas as brownfields cleanup and energy efficiency. Certainly brownfields cleanup is required in just about every community in this province.

In addition, municipalities could use site plan controls to promote innovative ideas and technologies such as green roofs, solar panels and water-conserving landscaping practices. Sustainable design elements could also be incorporated into new subdivision proposals. Municipalities could require that the design, layout and servicing of new subdivisions would need to promote energy conservation, something that's lacking currently. Municipalities could establish provisions for transit- and pedestrian-friendly design elements along streets and highways.

We're also promoting more sustainable patterns of development by proposing to expand the scope of community improvement plans. These plans are important tools that provide provincial financial support to assist municipalities' efforts to perform key community improvement activities such as brownfields redevelopment. Enhancing community improvement plans would help promote intensification and the revitalization of neighbourhoods, and lead to more sustainable patterns of development. For example, new building construction that incorporates energy-efficient features can be included as

part of the eligible costs of a community improvement plan, something that's not possible today.

These examples that I've mentioned indicate how the proposed planning reforms would help encourage environmentally sustainable design practices. But our proposed legislation will also enable municipalities to consider the exterior design of buildings through their official plan policies. This is something that municipalities have been seeking and looking to have as part of their tools in planning their communities for at least the last 30 years, that I'm aware of. It would allow for the consideration of the character, scale and appearance of proposed buildings in relation to the surrounding environment, providing greater opportunities to improve the look and feel of communities across Ontario, to take into account streetscapes, to take into account building materials.

Building stronger and sustainable communities also means maintaining long-term employment opportunities within municipalities. To support municipal decisions that ensure the long-term availability of employment locations and their tax bases, we're proposing that municipalities will be able to refuse applications to convert employment lands to other uses. Such a decision could not be subject to appeal except during the comprehensive review of the municipality's official plan every five years, which I will be speaking to later on.

I just want to talk to you very briefly about some of the other intensification tools that we have included in the proposed bill. I've already mentioned zoning with conditions. Municipalities will also be given greater flexibility to regulate the minimum and maximum density and height of development, to build more compact communities that make use of lands and services more effectively. There will be a development permit system. This process could be of benefit throughout the province through the province-wide application of the so-called DPS—development permit system—which would in effect collapse three approval process—minor variance, zoning and site plan control—into one. An enhanced DPS would be a more effective, streamlined process that will give municipalities more flexibility over land uses, density, setbacks, design matters and community facilities and services which could help address on-site redevelopment challenges.

We are also allowing for accessory apartments or second units within residential buildings. Through official plan policies, a municipality can, in a permissive way, designate areas where second residential units—the so-called basement suites, in most cases—are permitted, and there would be no right to appeal the designation to the Ontario Municipal Board. This is a permissive power that will be up to the municipality to determine if and where it should apply within that municipality.

Architectural design: As I've already mentioned, through official plan policies, municipalities could consider the exterior design of buildings. It will allow for consideration of the character, scale and appearance of proposed buildings in relation to the surrounding envi-

ronment. Quite often in the past, when a municipal council has been dealing with a zoning issue or an official plan matter or a site plan control matter, particularly with respect to site plan control, it could only look at the exterior features surrounding the actual development, but not at issues such as how the development fits into the rest of the community, into the rest of the streetscape. This is one of those powers that I believe in the long run can be very effectively used by municipalities.

Sustainable design, intensification and compact form would be supported by proposed changes that not only affect the look and feel of communities, but also provide the means to improve the environmental quality and sustainability of buildings. Municipalities could, if they wish, ensure that sustainable design is incorporated into new subdivision proposals through a variety of means that I've already indicated. It could include the shaping of the design, layout and servicing of new subdivisions to promote energy conservation and have a provision for pedestrian walkways, bicycle paths and transitways along public roads.

We also want the planning process to be a lot clearer than it currently is. We recognize that municipalities should have more tools to help them achieve better and more sustainable growth, but we know that a more accessible and effective land use planning system is required as well.

What our planning system needs are more clear, consistent rules, rules that provide more certainty and clarity on how the system works for everyone: the municipalities, the developers and interested third parties. It's essential for developers and investors who are making applications and for municipalities making decisions. It's equally important if members of the public are going to truly be engaged in the planning decisions that shape their communities. Good planning, after all, is the product of thoughtful decision-making and an engaged citizenry.

1600

Under our proposed legislation, applicants would know exactly what to submit in the planning application, because municipalities would be able to specify in their official plans what information a proponent must provide. This is commonly known as the complete application. In this way, municipalities and the public will have the complete information they need to assess the applications, and it means that municipal councils will have the necessary information to make good decisions.

To further provide clarity and certainty about planning matters, municipalities would need to keep major planning documents up to date. As I've mentioned before, official plans will need to be updated every five years, and zoning bylaws that, in effect, support the official plan or implement the official plan would need to be updated within three years of the official plan coming into effect.

As well, under our proposed legislation, planning decisions would be based on provincial plans and policies in effect at the time the decisions are made on the specific applications, not on plans and policies in

place when an application is first submitted. This is a significant change. It's the rules and regulations and laws that are in effect at the time when the decision is actually made that becomes the important time factor, not when the application was submitted.

We want to put more information, participation and consultation at the front end of the planning system, where they should be, to support good decision-making.

Finally, I want to talk about reforming the Ontario Municipal Board, which I know many members of the House have heard about over the last number of years. An important way to support good decision-making about planning matters is to make sure that land use disputes are resolved in a more transparent and effective manner. Currently, as we all know, the Ontario Municipal Board is the body that handles these disputes. Our government believes that the OMB can still play an important role in settling land use planning disputes. We think that Ontario citizens should continue to have the opportunity to appeal land use decisions that affect their own property and their communities. An independent public body like the Ontario Municipal Board is best situated to manage these types of appeals where there is a need to balance the broader public interest of all Ontarians. However, we think we need to make some important changes to that board to make it more user-friendly, to make it more efficient and to make it more accessible to the public.

You may be interested in knowing that the OMB was created back in 1897. Even as its scope of responsibilities has changed over time, it has still retained many of its original powers. Through our proposed planning reforms, our government has recommended that the role of the OMB be updated. The OMB, as I mentioned before, should continue to hear appeals on matters of broad public interest for well-planned growth, such as official plans and zoning, but we should also provide municipalities with more accountability on local planning matters to help streamline the appeal process. For example, instead of having the OMB spend a significant amount of time dealing with certain local issues like minor variances for home additions, we're proposing that such matters could be handled locally by providing municipalities with the option to create a local appeal body that could include citizens from the community. In situations where the provincial interest is not involved, which is normally the case with respect to minor variances, the province simply should not be involved in adjudicating that, if it is the wish of the local council to set up the local appeals body. In cases where the local council does not want to do that, any appeal will continue to be referred to the Ontario Municipal Board.

We're also proposing to clarify the role of the OMB by requiring it to give greater weight to the municipal planning process and the decisions of local councils on planning issues, provided that those decisions are based on the provincial policy statement and a municipality's own official plan. The OMB would hear appeals on information and materials that were before council when it

made its decision on a planning matter, unless the OMB determines that the information could not have been provided earlier. The OMB could then decide to send the information back to council for reconsideration if it felt that the information was significant enough that council may have come to a different conclusion.

Similarly, appeals to the OMB would be limited to organizations or individuals who took part in the planning process at the local level, unless the matter is already appealed and the OMB determines that there are reasonable grounds to add the individual or organization as a party to the hearing later on.

These are proposed changes that we believe would, in the long term, help reduce the number of appeals and the duration of OMB hearings, and give local communities a more important role in community planning.

We've also proposed a number of administrative reforms to make the OMB more accessible to the public and support good decision-making. These include that the best-qualified people are hearing appeals on planning matters, and establishing a citizen liaison function to help the public navigate the OMB process. We're proposing that these administrative reforms be considered by the Public Appointments Secretariat as part of its review of Ontario's agencies, boards and commissions. We're already working with the secretariat on that.

I have often pointed out how our proposed legislation would give municipalities more authority to make planning decisions in the best interests of their communities and give citizens a greater voice in how their communities grow. But that's only one part of the equation. The other part is that municipalities and citizens will need to be accountable and responsible for making good use of these powers. If we're going to build a planning system that meets the challenges of the 21st century, a system that can begin to seriously tackle the interconnected problems of sprawl, gridlock, pollution and strain on our infrastructure, everyone—the province, municipal decision-makers, applicants and the citizens who have to live with the decisions that are made—will obviously have to do their part.

For over two years, we have engaged all these parties in discussions on how to improve the land use planning system. We continue to invite Ontarians to share their views on what changes were needed and are needed to Ontario's planning system. We are a government that believes that those who have an important role in community planning should have the opportunity to express their perspectives. In these consultations, we've listened to the views of planners, developers, ratepayers, environmental groups and others about how the planning system can be reformed to help build more sustainable and livable communities. We've held extensive discussions with municipalities and their planners about planning reform, for our government understands that municipal leaders know what their local communities need to thrive and prosper. Most importantly, we've listened to the public and to what it had to say about how their communities should grow and develop in the 21st century.

During these consultations, we've heard from literally thousands of people and organizations.

1610

The proposed legislation is the result of this far-reaching consultative process. I'm extremely proud of how we have engaged everyone in such a positive dialogue. Many have already commended us for our approach and for the contents of this proposed bill. I just want to refer to a few of them.

For example, Mississauga Mayor Hazel McCallion has said, "Through the government's proposals, local governments would be more accountable for planning decisions. The OMB will act as a true appeal body, not as a substitute decision-maker."

I can't repeat that often enough. The OMB should not be a primary decision body, but should deal strictly with appeals of matters that come before council, on which a council decision is made, and whether or not that decision is in accordance with the provincial policy statement and the municipality's own official plan.

Roger Anderson, chair of Durham region and president of the Association of Municipalities of Ontario, stated, "The planning system, including the Ontario Municipal Board, must better respect local decision-making and the responsible role of municipal government. The proposed legislation ... will strengthen community planning at the grassroots level."

In addition to acknowledging the importance of local accountability, municipal leaders have also supported our effort to improve the effectiveness of the planning system. The mayor of Ajax, Steve Parish, has stated, "In shifting the emphasis on public involvement and overall decision-making to the front end of the planning process, the government is proposing a more effective and transparent approach to land use planning."

The mayor of Southwest Middlesex, Doug Reycraft, states, "Rural municipalities welcome the planning reform that the Ontario government is proposing. These planning tools would ensure that we are better equipped to manage our lands more effectively and to meet the specific needs of our communities."

An editorial in the Toronto Star pointed out, "With this welcome rebalance of power, cities should be able to have more control over their fate, making them better able to serve all their residents."

But it's not just municipal politicians who recognize the benefits of our proposed planning reforms. Experts in the planning community have also pointed this out: people like David Crombie of the Canadian Urban Institute, who has said, "With these latest reforms, the government continues to move forward in redeveloping brownfields, promoting good urban design and building more sustainable communities."

Joe Berridge of Urban Strategies has suggested that "the proposed planning reforms would encourage a more flexible and hopefully less contentious approach to the development approval process. This is good planning from the government."

Finally, Lisa Bate of the Ontario Association of Architects has stated that the proposed planning reforms

"can improve the quality of our cities and towns and promote environmentally sustainable development."

I would like to acknowledge the many organizations and individuals who have provided valuable advice to our planning reform agenda, and who continue to provide input on this proposed legislation. I'm sure we will hear more of these views as we consider this legislation here and hopefully, after second reading, at the committee level.

I know that while there are many different points of view, it's safe to say that we share a common and important goal; that is, to build a better land use planning system that offers clarity, accessibility and certainty for municipalities, for applicants and for our citizens; a land use planning system that includes the right kinds of tools to support more strategic and sustainable growth.

As we move forward with our planning reform agenda, our government knows that it is critical to work together with our municipal partners, the public and all the various stakeholders who will contribute to building the more vibrant and sustainable communities that Ontarians want, need and deserve. I'm confident that the steady progress we are making toward excellence in community planning will contribute to enhancing the quality of life of all Ontarians.

With that, I will turn the rest of my time over to my parliamentary assistant, the member from York West.

Mr. Mario Sergio (York West): I am pleased to participate today in the debate on second reading of the proposed Planning and Conservation Land Statute Law Amendment Act, 2006. I welcome this opportunity to discuss how the proposed legislation would contribute to better development and more sustainable growth in our province.

Our government has a vision for Ontario's communities: communities that are stronger, more livable and more sustainable. The proposed legislation has an important role in helping us to realize this vision by making Ontario's land use planning system more effective and giving municipalities more tools to support good planning.

When we look around our communities, we see examples of successful community planning. There are communities where new buildings have been designed to fit in with the character of the rest of the community, where energy-efficient technology and innovative methods have been used to develop environmentally friendly buildings and neighbourhoods. There are communities where there is an appropriate balance between green space and development, where natural heritage features have been preserved, and water, farmland and wetlands protected. We see examples of communities that have been rejuvenated, where old, abandoned industrial areas have been transformed into vibrant, multi-use neighbourhoods where people can walk to grocery stores, schools and parks, or use an effective network of roads and public transit systems to reach their destinations.

While there certainly are many examples of good planning and good development across our province, we

know of the immense pressures that can be caused by growth if it is not managed carefully. We are well aware that Ontario faces some notable challenges when it comes to building a sustainable future. With Ontario's population expected to increase by about four million people over the next 25 years, we know we have to change the way our communities grow. Current patterns of growth are simply not sustainable. They place a heavy strain on our infrastructure, contribute to stifling gridlock, negatively affect our air quality, and threaten to reduce the province's economic competitiveness and quality of life, impacting the very features of communities that attract investment and innovation.

Gridlock and clogged border crossings cost the Ontario economy more than \$5 billion a year. More than 154,000 acres of farmland and countryside, an area almost as big as the city of Toronto, have been developed in the greater Golden Horseshoe since 1993. If we don't change our growth patterns, it is predicted that almost 250,000 more acres of farmland and countryside will be paved over in the next 25 years. Gridlock could worsen, with commute times increasing by up to 45%. Harmful emissions from vehicles could increase by up to 42%.

The costs of lost productivity, the depletion of precious natural resources and the threat to public health are just too much to ignore. Previous governments have failed to address these challenges in any meaningful fashion. Our government will not allow this to happen. We are committed to managing this growth intelligently and to making sure that green space is preserved and land is used wisely.

The McGuinty government has already taken decisive action and laid the foundation to tackle these challenges. We have brought in some significant legislation and made a crucial investment in our communities to make up for years of neglect. Our major accomplishments include the greenbelt plan, which permanently protects some 1.8 million acres of valuable green space; our growth planning initiatives; and our ongoing investments in public transit, including \$838 million that was provided in our government's 2006 budget. This builds upon the commitment our government made last year to provide municipalities with a share of provincial gas tax revenues to support transit—an investment of \$680 million.

1620

The proposed legislation is another vital part of our coordinated strategy to manage and plan for growth in a comprehensive fashion. Under the proposed planning reforms, municipalities would be given the planning and financing tools they need to use land, resources and infrastructure in a more effective manner. This includes the ability to regulate the minimum, along with the maximum, height and density of their communities. The proposed legislation would also give municipalities greater powers to shape the environmental qualities of their communities. There would be new financial and planning tools to facilitate the redevelopment of brownfields.

All of these measures would support our goals for intensification, curbing sprawl and building more com-

pact communities that make use of land and services more efficiently.

Our government has demonstrated time and time again that we respect municipalities. We recognize they are a mature order of government that can ably represent the needs of their communities and their residents. So in addition to providing more tools to support sustainable development, our proposed planning reforms would also give local governments more opportunity and accountability for community planning.

One of the key ways we would emphasize local accountability for land use planning would be through our proposed changes to the Ontario Municipal Board, an area that municipal leaders have often stated should be addressed. Our government made a commitment to reform the OMB, and we are keeping that promise. By bringing forward reforms to the OMB, we want to protect local decision-making. We want to return the OMB to its original role as an appeal body for local planning matters, rather than acting as a main decision-maker.

While municipalities would have more authority over planning matters, our proposed legislation would also mean that municipalities have greater responsibilities. This includes providing more information and opportunity for public consultation early on in the planning process so that public input on planning issues is truly meaningful and given serious consideration.

Municipalities would also have the responsibility to keep their planning documents current and up to date, and make sure that they reflect provincial plans and policies. This means that municipalities would have an important role in, and be accountable for, implementing measures that support the province's framework for sustainable growth and development.

In developing this legislation, we realize that the province, municipalities and everyone involved in planning and building our communities have an instrumental role in meeting our targets for sustainable development. Our government is confident that the proposed legislation will help facilitate this and contribute to a more effective and transparent planning process.

For the last couple of years we consulted widely on planning reform. The input we received was extremely useful and helped us draft this legislation. Moving ahead with the legislative process, we will continue to listen to the perspectives and ideas that will help us implement planning reforms in the best possible manner.

We are at a critical juncture in our province's history. Our government believes we have a fundamental responsibility to Ontarians to directly address growth and sustainability issues. We will not ignore the challenge that Ontario faces. Through our proposed planning reforms, we are again taking decisive action to strategically manage growth, for our quality of life depends on how well we support sustainable development, now and in the years to come.

I thank you, Mr. Speaker, for the time allotted me today.

The Acting Speaker: It's time for questions and comments.

Mr. Gerry Martiniuk (Cambridge): I listened with interest to the minister and his parliamentary assistant, and I look forward to substantial and lengthy committee hearings in regard to this bill.

The Ontario Municipal Board, as the minister stated, has been in existence for a substantial length of time. Primarily, it hears appeals from the municipality, and there are usually three parties: a ratepayer or citizens' organization, the municipality and its planning staff, and of course the developer. Making the Ontario Municipal Board, for the first time, a true appellant tribunal rather than a tribunal of first hearing leads to real difficulty and may mean the elimination of ratepayer participation in this tribunal, for a very simple reason. Developers, of course, are planning ahead for probably a year, preparing all their documentation, because you cannot put in new evidence at the appellate court level. The municipality, of course, works with the developer and has been involved for a year. The ratepayers usually get involved at the last minute and will not have the time to adequately present the documentation required. That may mean they will be out of luck if they lose at the local level and wish to appeal it, because their documentation has not been complete. This is something we do have to explore. It's a very important point.

Mr. Rosario Marchese (Trinity-Spadina): Speaker, I know the minister will have plenty of cheerleaders in the backbenches to defend the bill, but I wanted to comment on three things that I'll be focusing on at around 5:30 or 5:35. I know that you, as the lead speaker, will have much more to add to the three elements that I'm going to speak to.

I want to mention that neither the minister nor the parliamentary assistant talked about reform of the Ontario Municipal Board appointment process. The concern we had when the Tories were in power was that they appointed their friends—pro-development friends—to the OMB. They made no bones about it, and they had many friends in the development industry to serve willingly and happily. The problem is that we now have, instead of Tory appointees, Liberal pro-development appointees, and all that would change here is the colour. But it's the same kind of development money and power. I'm going to speak to that, because I really believe we need to have some experts who are knowledgeable on the environment, some experts who have knowledge of properties that are heritage in nature that I think we should be protecting. So I'll talk about that.

I'll talk about intervenor funding. We know that when there are communities that want to take on developers, they do so at their own cost. I've got to tell you, good listeners, it's pricey when you take on the developers at the OMB. Citizens have to have bake sales and who knows what to raise the money to fight the good developers, who have plenty of money. So I'll be talking about that.

And I'll be talking about section 23 of the bill. New Democrats argue that it has to be removed because it exempts virtually all energy-related programs from the

provisions of the Planning Act, and I'll be speaking to that.

Ms. Kathleen O. Wynne (Don Valley West): I'm happy to rise to speak to Bill 51. I wanted to speak about two aspects; first of all, the substance of the bill. I'm very happy that this bill has come forward. I'm very happy that we're going to be making the reforms that are in this bill. The idea that we would have the OMB as truly an appeal body, the idea that municipalities would have more control over the design, over the density, over the growth in their communities, I think, is a really important issue for us to put forward.

The member for Trinity-Spadina speaks with some disdain about development. I think what we're saying is, we need the right kind of development and we need more local control over that kind of development. There's no doubt—and as a Toronto member, he knows this—that we are going to have more people moving into this city, and we need to have local control over the kind of development that happens in the city.

1630

The second piece I want to talk about is the public participation that the minister spoke to. The amount of consultation that has gone into this bill has been broad. It has been at the ministerial level, but it has also been at the local level. I want to acknowledge some of the folks in my community of Don Valley West, particularly the members of FoNTRA, which is the Federation of North Toronto Ratepayers Associations—that group takes in a broad swath of ratepayers around the city—and particularly George Milbrandt, who has really been my contact on this legislation and on the whole issue of local control over planning. It's very important that we, as MPPs, have people like George Milbrandt, who are sounding boards for us whom we can talk to about issues and who continually come back and don't let us get away from the issues. I want to thank them for all they have done in informing me and the ministry about this issue.

Mr. Tim Hudak (Erie-Lincoln): I'm pleased to join the debate, and appreciate the comments of the Minister of Municipal Affairs and Housing and the comments of the member for York West as well. I do look forward to the comments from our very able and hard-working critic, the member for Oxford, who I believe will be speaking next and who has done a lot of research on this issue.

I did want to say to the Minister of Municipal Affairs, who was just speaking about this bill, that I do hope he will respond on a related matter: the town of Fort Erie's request with respect to their ballot item on the region of Niagara. Members opposite talked about the consultation involved. The minister has not deigned to reply yet to that municipality, despite waiting for several months. I do hope the minister gives them the courtesy of a reply on that issue.

No doubt, the minister, on acts like these—it reminds me of the Greenbelt Act—is caught between a rock and a hard place. You talk about pressure for development—certainly we now are seeing the impacts of the leapfrog

effect on greenbelt communities. My colleague from Simcoe North, for example, is very concerned about leapfrogging in his area. Actually, I was in Guelph last night, and they're also very concerned about the impact of leapfrogging. We're not actually seeing the intensification that the minister boasted would come as a result of the Greenbelt Act. In fact, it's quite the opposite: Development is simply leapfrogging over the greenbelt and causing the same pressure issues in those communities.

On that topic, I also want to put in a plug for a couple of farmers in the Grimsby area who have the backing of the town council and, I hope, the region of Niagara with respect to farm severances that had been allowed previously and are now banned under the Greenbelt Act.

I do appreciate the minister's and the member from York West's comments in this area, and wanted to add those local issues as part of the debate.

The Acting Speaker: The member from York West has two minutes to respond.

Mr. Sergio: I want to thank all the members who made a contribution on Bill 51. I congratulate the Premier for his foresight and Minister Gerretsen for bringing this particular piece of legislation to second reading. I can see that there is a lot of interest. I would like to see the bill proceed accordingly. Even though it has already received wide input, I think we would like to see this piece of legislation come to a conclusion, and we will take into consideration whatever concern the opposition has expressed, and will continue to listen to the public out there as well.

There is a lot of support with respect to the intent of the bill throughout various municipalities. I think we have to look into the important aspects the bill is presenting, not only to the House but to the various municipalities in general—two or three very important issues. Yes, one of those is making changes to the Ontario Municipal Board—for years, nothing has ever been done. It is with good vision that the minister has brought this document, making and recommending changes to the Ontario Municipal Board.

Another important area is the various powers this will give the local municipalities. When we say "power"—I think Minister Gerretsen addressed that very well—it is the responsibility we are giving the local municipalities for providing their own people, their own communities with good, solid planning. We are not giving them *carte blanche*. We understand that they are good, serious levels of government, and I'm sure they will be using the directions that this bill will give in a good way to promote good, stable development in their own community.

I thank all members for their contributions.

The Acting Speaker: Debate?

Mr. Ernie Hardeman (Oxford): I am pleased to rise and speak on Bill 51. From what we've heard so far on Bill 51, one would get the idea that it's a bill primarily about reform at the Ontario Municipal Board, because that indeed is what we've been hearing most about. But the title of the bill is the Planning and Conservation Land

Statute Law Amendment Act. The Ontario Municipal Board is not mentioned in the title of the bill, yet there is a great focus on the changes that will be made at the OMB. I think everyone, including myself and the Conservative caucus, would support some of the changes that are being proposed for the Ontario Municipal Board, recognizing that there have been a lot of instances where it doesn't seem to work the way it should. I think that looking at reforming the Ontario Municipal Board is a good approach.

The minister talks about empowering municipalities in the local planning process. As you go through this piece of legislation, although it's a very complicated piece of legislation, you will find that the planning process really doesn't change much for municipalities. There are a few areas where they have slightly more authority than they have in the present act, but in fact it really doesn't change much for them, save and except that there are 16 areas in the act that impose a greater onus on municipalities as they go through the planning process, but recognizing that when that planning process is finished, from the municipal standpoint, the objective, if they do not have a favourable decision for the development proposal, is that it then goes to the Ontario Municipal Board. So it doesn't really change much in the planning process for municipalities.

If you read the bill in its entirety, this isn't a process of giving more authority to municipalities. In fact, it is a downloading of the responsibility but an uploading of the authority in planning in the province, recognizing that there's one very specific thing in the act that points out that, from here on in, all decisions made by municipal planning authorities must be consistent with provincial policy.

I think what's worse than that in the bill is that, as the planning process proceeds through the municipality, not only does the application have to be consistent with provincial policy, but it must stay consistent with provincial policy, up to and including the passing of the approval. So if, in the process—and some of them could take years to go through—the province changes their policy statement in that period of time, then the application must go back to square one. The minister mentioned in his presentation that one of the main concerns he had was that the industry needs consistency.

Again, I'm happy to see that this legislation has finally come forward. It was one of the promises that I think was made during the election. I guess, from some of the other promises we've seen, it was made to get elected, but so far we hadn't seen any results on it. So after two and a half years it is good to see the legislation finally coming forward.

It's interesting that the government says that this new legislation, if passed, will make the Ontario Municipal Board more efficient and accessible, yet in the approach, as the minister spoke, I got the feeling that he was trying to make it almost impossible or very difficult for anyone to proceed to the Ontario Municipal Board. I don't know how one would call that making it more accessible, if it's more and more difficult to get a hearing before the board.

I just wanted to talk about some of the intervention of the government within the municipal planning process since the beginning of this government's term. I spent 14 years at the municipal level working with the planning process. In fact, I had the privilege, if one could call it that, of serving a number of years ago as a municipal politician with the former mayor of Toronto, Mayor John Sewell, who did a review of the planning process for the New Democratic government at the time. I had the opportunity to serve with John for the better part of a year to come up with policies for the Planning Act, and I very much enjoyed it. I think it's important that we all collectively work together to get the best possible structure for the planning process in Ontario.

1640

The reason I mention that is not because I did it, but because that's what was happening and has been happening for years. I find it interesting that today we hear the government say, "Oh my gosh, we've consulted to no end on this piece of legislation." As a member of the Legislature, this was the first I'd heard that any consulting was going on. I think they have some distance to go to do the type of consulting that has been done in previous years as our planning process in Ontario was developed. I would encourage the government, when we get through with the debate here on second reading, to go back out to committee hearings and hear from the public.

The other thing I wanted to say that's very important—the minister, in introducing the bill, talked about all the consultations with the municipalities. He even referred to the statements made by the municipal representatives. He talked to the people who are responsible for approving the process to build communities, but I never heard him mention the fact that he talked to the people who actually build the communities. It's so important that we talk to the development industry, the people who are actually going to put up the structures, to see what impact the policies that are being proposed are going to have on the industry in general.

Before I get to that, though, I just wanted to talk about some of the things this government has done since they've been in office related to the planning process that, in my opinion, uploaded the authority of the province over the planning process yet downloaded the job of doing it.

First, they froze the development on the Oak Ridges moraine. I think my colleague from Erie–Lincoln mentioned the greenbelt legislation that froze 1.8 million acres under the Greenbelt Protection Act. I'm not objecting to preserving green land or green space in our province. I'm a very strong proponent of conserving our farmland for farming, to not have urban sprawl and to use up all the land that's available. But they made that without consultation. In many months of questioning, the member from Erie–Lincoln was unable to get the scientific evidence that it actually protects 1.8 million acres of land. I'm sure that, if the science proved that 2.8 million acres should be protected, there would be support to do that, but there was no science to prove it. As was mentioned, leapfrogging has developed and we are

seeing a great increase in development and requests for approval in the land beyond the greenbelt as you go east and west of Toronto, where people want to develop outside the area that's being restricted.

The other thing the government did was to make some changes a while ago to the Planning Act, again without great consultation and without looking at what the impact of it would be, not only at the time they did it but I'm sure at the time when they were looking at bringing forward this act. They increased the length of time in which, before, an applicant could actually go to the Ontario Municipal Board with an application. They have now changed it so that they have to wait 180 days between the time that they introduced their application—the municipality has said that they have a completed application—it's 180 days from there before they can appeal a "no" decision or a decision not to their liking to the Ontario Municipal Board. Again, that didn't change the end result of decisions; it just increased the length of time that it took to do it.

The passing of the Places to Grow Act, further prescribing the locations and the form of development and introducing a draft growth plan for the greater Golden Horseshoe—that deals with the area in the Niagara Peninsula and the whole area of the Golden Horseshoe around Toronto and Niagara as to how we're going to see the future of that developed. That's not suggesting that the municipalities in those areas, the local people, get to make that decision. This is the policy that the province is putting in place and then saying that the municipalities don't have the authority to create the policy; they have the obligation to implement it according to the rules. I can tell you that the home builders of Ontario feel that there isn't an industry that has had more focus on it and so many regulations from government as they have as it affects the builders, developers, renovators, subcontractors, manufacturers, suppliers, professional firms and financial institutions. I could go on, but as you can see, it's everybody in development, who actually build our communities, who is having concerns.

Just to make sure we understand it, the industry creates over 440,000 jobs across Ontario and contributes more than \$14 billion in economic activity. I think that's an important part of our economy in the province of Ontario. When we pass laws that are going to so dramatically impact that industry, I think the least we could do is talk to that industry and see what impact this will have, and if it's not an acceptable level of impact, whether there are other ways we can accomplish the same goal on behalf of our society to develop sustainable communities and still allow the industry to move forward. Again, the number one issue with the industry is, they want certainty. They want to know, going into a development proposal, what is expected of them, what they have to produce, what they have to put together to create an application for development, and then they want to know, according to the rules the municipalities set in place, according to the policy statement of the province, what they have to do in order to get a successful application so they can develop and build our com-

munities. What they're looking for is certainty. They need to know where they're going. That's why I think it's so important that we look at this legislation and how it impacts the whole industry: consumers, municipalities, the provincial government and the people who actually do the building.

For those who are watching, as we get the bill introduced, the government puts a compendium with the bill, which outlines in general terms what this bill does and will accomplish if the bill is passed. There are quite a number of those, but I just want to go through and point out where we have some concerns as to what impact those things will have.

The first one on the list in the compendium was proposing to expand the "list of matters of provincial interest in section 2 of the act ... to include the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians." That's what the act is intended to do.

Remember, when I started I mentioned the fact that all municipal decisions must not have regard to provincial policy statements, as it presently is, but they must be consistent with provincial policy statements. So this part of the act actually says that the province can, at any time, if they believe that their policy is going to support public transit and be oriented to pedestrians, which is to try and bring higher density to an area—that's a provincial interest—then they can say that municipalities must be consistent with that. The minister mentioned in his statement that municipalities could, in a certain part of the act, decide the density, whether they want it higher or lower, or the height of buildings, whether they want them higher or lower. But that part of the act actually says that when the municipality decides other than what the province wants, they can just say, "Well, it's a provincial interest. We think we should have higher density in that part of our province, so you must have an official plan that says that's going to be a high-density area, because that's where we need the growth. There's a subway there, so obviously that's where you need high density." So there's no longer a choice for the municipality. They must be consistent with that provincial policy statement. Again, I don't think that's an area where they're giving municipal planning authority. I think it's a place where they're downloading the responsibility but uploading the authority.

The second one is a proposal to require "approval authorities or the Ontario Municipal Board" when making "decisions relating to planning matters ... to have regard to decisions made by municipal councils and approval authorities relating to the same planning matters." So now we have the provincial policy statement, we have the municipality being consistent with that and making a decision; then the application goes to the Ontario Municipal Board, and the Ontario Municipal Board "shall have regard to" the documents that the municipality has for them to make an approval.

1650

I guess I'm having a little trouble finding why we start with "shall be consistent with" the provincial policy

statement, and then when the arbitrator, the courts or the Ontario Municipal Board gets to make a decision as to whether it was appropriately made, they just have to "have regard to" the policy statement that must be consistent with the provincial policy statement. I think it gets confusing; it seems very contradictory. I'm a little concerned, and I would hope that as we go to committee hearings, the minister would explain why in one place it "shall have regard to" and in the second place we "shall be consistent with" on the same application. Again, there is no certainty there for the applicant, because in one place they can make decisions on criteria that are different than in the second place.

The next one is proposing to permit municipalities that meet the minimum requirements to have "power to establish optional local appeal bodies that would deal with certain planning matters instead of the Ontario Municipal Board." This one almost boggles the mind. There are going to be applications going in, and the planning authority, the local council, gets to make a decision on them and gets to appoint a board to review their decision. If the applicant doesn't like the decision, it can go to the local board that was appointed by council to arbitrate whether they should or shouldn't do that. To make sure that it is not at arm's length, the act actually regulates how long they can be appointed: They can only be appointed for the length of the term of council. So in fact, at the end of the council term, this body has to be reinstated or they're all off the appeal board. To me, appointing the body to hear appeals, I would say, comes close to a kangaroo court, where in fact you appoint your own judge—

Mr. John O'Toole (Durham): They're all political appointments.

Mr. Hardeman: Well, even if it wasn't political, obviously they know that the appointment is dependent on making the decisions that their employer told them to make. In essence, the board, if appointed by the local council, will in fact be working for the local council, not for the local citizens who want to appeal.

The next one is proposing to make regulations "to specify additional matters to be included in official plans." Again, the authority is moving up, and the responsibility to implement is moving down. At any point in time that the provincial ministry decides they want to include more in the official plan, to be more restrictive, or more unrestrictive—they want to open it up for whatever reason—they can do that under this section, and the municipalities, again, must be consistent with that policy. They can do that at any point in time.

Remember, they also said that all these applications must comply with the policy statement at the time. So if at any time there's a contentious application, if the minister decides—I'm sure the minister would not do this, but if there was an application in Kingston next door to the minister's house that he wasn't personally too inclined to support, he could actually say, "We're going to have a provincial policy statement that says you cannot have that type of development in a residential area, even

though it was allowed at the time. That regulation could be passed. You must be consistent with the provincial policy statement.” At that point, that application would die on the vine because you could not get by the fact that it must comply with the policy statement at the time of the passing of the application, not at the time of the application being accepted as a completed application.

The next one is proposing to limit Ontario Municipal Board hearings with respect to certain planning matters, which are generally limited to the information and parties that were before the municipal council whose decision is being appealed. I think it was mentioned in one of the questions and comments. This one is very troubling, to the point that for every application that comes before council, if you have any interest in that application or in the principle of the application, you must be there, and you must be there with all the documentation you want to use if and when this application should go to the Ontario Municipal Board. If the application is then approved—and you can make an assumption that it wasn’t going to be approved, so you didn’t bother—you can’t have standing at the Ontario Municipal Board because you were not involved at the original hearing at council. Of course, if you go to the council hearing just to hear what’s being said and the decision goes contrary to what you would like and you want to go, you cannot bring new evidence. So in reality, if you were there just listening, even though you were there, you can’t bring a professional in to put forward your point of view as to what’s wrong with that.

What is further problematic with this is that if it’s an application that is being appealed because it wasn’t approved, the municipality will be allowed to bring in new evidence. It doesn’t put a prohibition on the municipality’s putting information and bringing more expertise before the Ontario Municipal Board. So that’s of grave concern, and the issue of what the average citizen would do—how much time and how much effort you can put into getting a case for every application you may or may not have an interest in as it proceeds past the council process and goes to the Ontario Municipal Board, whether you are for or against it.

This is also true for applicants who go to council and put their application before council. They’ve worked with all the municipal staff for an extended period of time to make sure what they’ve got is considered a reasonable application and there’s not much else they could do, and the planner at the planning office says, “If there’s anything that council wants that’s different from what is being proposed, we can change that and get that added to it,” and all of a sudden they go forward with this application, assuming it was all fine, and when it goes through, it doesn’t make it—the members of council, for whatever reason, have decided that the public is not supportive of the application so they’re not going to support it. Now we have this problem: We don’t have everybody with the proper evidence and we can’t put more evidence before the OMB than we had at the local meeting, unless you can convince the Ontario Municipal Board that it

should be required, that you do have more information and you can explain why you didn’t have it. It appears that you can then bring it forward, but the OMB can then say, “Yes, that would make a significant difference to your case, but that also would have made a significant difference to the case as it was before council. I think you should go back to council and do this all over again,” and there they are. So again, that’s a big problem.

The next one is proposing to improve the requirements for public notice information and consultation. I have no problem with the fact that there are a lot of areas where it has increased timelines for things to happen, to make sure everyone has time to get all their ducks in order before the application is actually heard and also to extend some of the areas of time, where the municipalities must respond in a certain length of time. A lot of municipal planning departments have said that the present numbers are quite tight, so they sometimes can’t make the deadlines that are required. I think this act sets out some more realistic timelines, and I don’t have a great problem with that. But again I want to point out that every time you extend the timeline, you also extend the timeline for how long it takes for someone to get something from a good idea to finally getting it approved.

1700

The next one: Section 28 of the act is to strengthen and clarify the requirement to update official plans. Again, I think it’s an important thing for the public to be aware what the rules are in their municipality, for some security and some certainty in our development industry, to know what the rules are. So as the provincial policy statements are changed from time to time, the municipalities will have to make sure that their official plan is updated on a regular basis to make sure that they comply with the provincial policy statement.

The next one is expanding the scope of community improvement areas, and in fact allowing municipalities, both the upper tier and the lower tier in places where we have two tiers, to work together to have community improvement areas and to pay for that, and to help different businesses and so forth. I don’t think that’s a contentious issue. I think we could all agree with that principle.

There is a small part of that that is a little bit problematic, I think. They can prescribe conditions on the zoning as to what you can or can’t do with what is presently already zoned. A land use right that you would have on that property today could be changed under that section of the act, and you no longer would have that.

The next one is proposing to permit municipalities to establish second units as a right in houses. I know that’s been a contentious issue, particularly, Mr. Speaker, as you would be aware, in a lot of the city of Toronto, where we have residential areas where all of a sudden everybody found that they were living in multi-residential units, because so many of the units had a separate rental unit somewhere in the house. I’m sure that everyone who is proposing to do that in their house believes that’s a good thing. My house is of such a vintage that it

could have two units without great difficulty, but there are a lot of people living in that same area who object to that. This act is actually going to say that the municipality, without any consultation or anything, could change the act, their zoning, to allow second units as a right. That would mean that you would not have to apply and make sure you complied with the community if the planning department approved it as a right that everyone could then have the second unit. In some areas, that would be a bit of a problem.

The next one is proposing to restrict the Ontario Municipal Board's power to determine appeals of ministerial zoning orders under section 47 if the minister were to be of the opinion that all or any part of the requested changes adversely affect matters of provincial interest. I think it's rather strange that they would put that in. I'm not aware that there's been a great problem in minister's zoning orders being appealed. But it seems strange that you would put it in. Again, we have all these things on policy. Of course, ministerial zoning orders are generally to zone a whole tract of land in order to accommodate something that the whole tract is not eligible for, but that's the right place to put it. So rather than having each present landowner apply for it to be rezoned, the minister puts a zoning order on it. Then when it's all complete and the development is intact, the local municipality approves the zoning on it, to where the minister's order put it.

I've had personal involvement—not direct involvement, but in my municipality it's happened twice that I'm aware of. In both cases, it was for an automotive assembly plant. In fact, when they decided where the general location was that they wanted to go, they then went around and put a minister's zoning order on it, as they optioned the property, to make sure that at some point in time they wouldn't end up having all the land optioned or purchased and then find out that they couldn't get the zoning because of the surrounding criteria or one or two of the landowners. So they put on the minister's zoning order. I don't know why this act would suggest that the Ontario Municipal Board should not be allowed to hear an application that related to—even if it was a provincial interest, that would come out, and then because the act in its entirety says that if it's in the provincial interest, the municipal authority must be consistent with it. The Ontario Municipal Board would not do that.

In the next section, it says that in replacing the Ontario Municipal Board in those situations, we're going to have the Lieutenant Governor in Council make that decision. I guess it would be less convoluted if one would just come out and say that if it's a minister's zoning order, it's not appealable. Obviously, we know that Lieutenant Governor in Council approval would be that the minister would recommend to cabinet that the Premier sign this minister's zoning order and it couldn't be appealed. To me, that's really about the end of the deal. I don't see why they went to such great lengths to talk about the minister's zoning orders and the appealability of them.

The other thing—I think it's a positive in the act, and I think it was in the earlier ones—is the issue of the

appeals authority that the local council can set up among themselves. The only two decisions they can make are on consent applications where we divide the property; incidentally, that will work well, as was mentioned by our member from Erie—Lincoln. Farm severances would be done by the local council. If they have the authority to appoint these authorities, they could now have the land severances again because the appeal would go to their appointees. I think it's also interesting to note that none of those can be against the provincial policy. So the severances are fairly well controlled, because they're not a given in a change of land use. I don't think it was going to help much, but I think that would be the area.

Now, the other thing: the land conservation act. As I said, there were a lot of people, as we looked at the title when the bill first came out—we had real concerns that there would be a lot of conservation issues in the bill. In fact, I just want to assure everybody that we didn't need this referred to the Minister of Natural Resources, because this really isn't about conservation lands; it's about how you deal with conservation easements in the land use planning process when they are part of the application, and the fact that they fall within the Planning Act and that the conservation easements would automatically stay with the land, regardless of what the use of the land became.

The other ones deal with the same thing: the fact that the easements stay in place when the land changes ownership or changes use; the easements cannot be lost through it.

There's a change proposed to the Municipal Act to clarify that land sold for tax arrears remains subject to the conservation easement covenants. Again, it just clarifies that if you look at selling property for taxes, the number one mortgage holder is the municipality. They get the land and sell it for taxes. They have to sell this liability—most easements are a liability and considered an impediment to clear title to the property, so they would not be enhancing the price of the property. This makes sure that that stays in there.

The other thing I just wanted to quickly touch on is the issue of conservation lands. There seems to be an ability to deal with this without the government's great involvement using the source water protection act that was just introduced by the Ministry of the Environment. In fact, the requirements under the source water protection act can be implemented in this document without imposing the penalty on the government that's doing it. I think that's a big issue. When they say that the act will actually decrease the amount of activity you can do on a piece of property, according to the source water protection act, this will say that's a proposal they can use.

1710

I just want to go through this quickly. The purpose of this bill, and this is the definition of the act from the ministry's website, is to "Provide new planning rules and planning tools to strengthen implementation of provincial policies and municipal priorities." Again, this seems to me somewhat contradictory to what the minister says the

intent of the act is—"to strengthen implementation of provincial policies and municipal priorities," provided that they are the same. But if they're not the same, the first one is the provincial policy. So this is an act to implement the provincial policies in land use planning.

"Provide new planning rules and expanded/enhanced planning tools to facilitate intensification/brownfield redevelopment, sustainable development and community/design features." If you look at the act and look, not at the provincial policy statements but at what the act does to accommodate that statement, in fact it doesn't happen. This act is set up to "facilitate intensification/brownfield redevelopment, sustainable development and community/design features," according to provincial policy statements. So this is a process of how we will have the municipality implement provincial policies. Again, that's uploading the authority and downloading the responsibility.

"Provide for an optional local appeal body that, if established by a municipality, would hear appeals of decisions on minor variances and consents." That's all they would get to hear, so all the others would still go to the Ontario Municipal Board.

"Provide new rules for information, materials and parties at OMB hearings." Right now, the Ontario Municipal Board plays a critical role in Ontario's land use planning process, ensuring that this is an independent public body to settle land use disputes. That's what it is right now. There doesn't seem to me to be a whole lot that changes that. They are changing the criteria of how you get an application to the Ontario Municipal Board, but it really doesn't go to any great lengths to actually change what the Ontario Municipal Board does. Fewer applications may go there, but there is nothing that would really suggest you would come up with different decisions, particularly going back to the Ontario Municipal Board and that it must just "have regard to" municipal decisions where the municipalities must "be consistent with" provincial policy.

"Proposed reforms to the OMB would support local decision-making while protecting broader public interest." Again, I see absolutely nothing to show that the OMB is going to be more receptive to supporting municipal or local decision-making.

Then it says, "Provide other technical amendments to the Planning Act that would improve administrative planning processes and clarify existing provisions in the Planning Act and related regulations." I think that clarification is so important. I'm not suggesting that this act does it, but that's what people want. They want clarification of what the rules of the game are and how they're going to be implemented, and that's not what the act does.

I have here a few things from the Urban Development Institute. That's a group of folks that does a lot of development work in the Toronto area. It says the developers are worried that the province will go too far in its reforms to appease voters who don't like the OMB. This was written prior to the act being introduced. They

saw the concern. They are very supportive of having the Ontario Municipal Board be the final arbitrator on the application. The issue is not about the timing of when the council hears it or when the OMB hears it. All they want is to be sure that they get a fair hearing based on the rules of the game, and then they should get approval or non-approval, but it should be equitable and fair to everyone. At that time they were worried that they were going to go too far to appease the voters who don't like the OMB. This is a listing of them:

"Curtailing private rights that provide necessary checks and balances within the system will not result in better decisions." I think that's so important. I think their concern is that they want good decisions. They don't necessarily always expect a positive one, but they want fair and good decisions made.

"Frontloading the process and requiring upfront investment needs to go hand in hand with increased certainty." Again, if they have to put more into the application right up front, then they need the rules to be very clear, because the higher the investment, the more certainty we need that if we follow all the rules and do everything, then at the end it will be a decision based on policy, not a decision based on the not-in-my-backyard syndrome or whatever that's called.

"Increasing cost delays that do not result in a clear and undeniable benefit is not in the public's best interest." We have to remember that any increase in cost at the end of the day is paid for by the consumer who purchases whatever it is that's being built.

It says here, "Legislation is not the appropriate tool to solve problems of perception." Again, when you're looking at solving the problem, then make sure you have a problem that you're solving, not just anecdotal evidence that this may have happened. I don't know how many—I mentioned that with the minister's zoning order. I've never heard of anyone, or a great number of people, having a problem with going to the OMB and causing a great delay with minister's zoning orders. But the perception is there, so all of a sudden we're making changes.

"Overregulation can unintentionally complicate and stymie informal processes that currently work." Again, that's the concern they have. They're working fairly well within the industry and within the planning departments of the municipalities, and they're very concerned that if too much of this becomes the political as opposed to the administrative process, it will not work.

"Increasing the mandate of municipalities without increasing resources available to municipalities will cause undue delay and could threaten the implementation of the provincial growth plans." It goes back to the responsibility and the authority. So far, there are 16 places where the act imposes things on municipalities—things they must do more. There is nothing that benefits the municipality as far as the cost-benefit of doing those things. Again, they're suggesting that the municipalities, if they don't get it from there, will get it from the industry itself and it will become part of the increased cost.

"The UDI suggests that Bill 51 not proceed to second reading until the province consults with stakeholders with

respect to the proposed sections of the bill that will be implemented through regulations, and draft regulations based on stakeholders' input are released." They want to see the documents that actually make the bill work. So far, we have nothing but hypothetical things in the bill, but the actual regulations of what happens are what they need to see.

Neil Rodgers, president of the Urban Development Institute, said, "Increasing the power of city councils may allow them to make politically motivated decisions against the broad public interest. It brings up the question of how much politics was involved in a decision versus a good planning decision." I think it is very important that we don't overlook the fact that sometimes politicians, I suppose in every aspect, make decisions for—what do we call that? "We made the wrong decision for the right reasons or the right decision for the wrong reasons." Sometimes they're made for political reasons, but we have to make sure that planning is made on good planning principles. His concern is that if you don't have the ability to bring an impartial third party into the system, then the political optics, if not the fact, will always be that the group that created the greatest number of people at the hearing will be the ones who win out in the end.

1720

This was in the *Globe and Mail* in December:

"But Neil Rodgers, president of the Urban Development Institute of Ontario, cautioned that the minister will have to be prepared to step in to protect the provincial interest in good planning.

"It would take one or two events for him to demonstrate that, if councils don't make decisions that are in the broad public interest, he won't be afraid to do it, and I encourage him to do so if the need arises," Mr. Rodgers said."

This really points out that even the development industry realizes that the ability of the minister to direct planning in this province is immensely increased by this piece of legislation. It's purported to be bringing the responsibility for good planning to local government, but in fact all players realize that the minister has a lot of power to be able to set a provincial policy and then say everybody must adhere to that with no public input, with no anything. So he could do that in an individual situation.

The OMB changes are a great concern for the development institute:

"UDI takes strong exception to the provisions in the bill that would continue to allow public bodies to introduce new evidence at hearings while at the same time restricting the opportunity for other hearing participants to do so. This double standard runs counter to rights of natural justice."

I think that's the number one issue when it comes to the reforms to the OMB. The number one issue is the fact that the restriction of things going in—because, as was mentioned earlier, it's like an appellate court. The information going in is the information that was before the decision-making body, but the municipality or the

proponent of the other side of the issue is allowed to bring in other evidence and more experts. That's their number one concern.

"In order to protect their rights in case of an appeal, applicants and interested parties will be motivated to file vast amounts of material, (essentially pre-filing OMB cases), prior to municipal council making a decision on an application—materials that are unlikely to be viewed by council."

You're going to see applications with boxes and boxes full of material going to the original hearing at council. Right now—and the Speaker being a former mayor would know—council doesn't always spend three days on every planning application to review all the information to make sure that they're making the proper decision. In my time as mayor, it was usually based on a 20-minute or half-hour time slot when you would have staff explain the application to make things happen. The UDI says that under this piece of legislation and the reform at the Ontario Municipal Board, you will see everybody filing all this information. When they file all the information and council doesn't look at it, then nothing has changed from previously, except that when it goes to the OMB, it's all there and all ready.

The Ontario Municipal Board does not decide that information which council considered. Their only objective is the information that was before council and anyone who spoke there or was there. So if it was a citizens' group that just came in to hear the application at council, then of course somebody would have to keep notes of who was there, because if they didn't speak, there would be no record of it and then it's quite possible that the Ontario Municipal Board would say, "No, you were not involved in the original decision; you're not allowed to be in this one."

"UDI submits that these proposed provisions are not in the public's ... interest and, if left unchanged, will have a host of unintended consequences, including adding unnecessary costs (time and legal fees) to developers, ratepayers and municipalities and could potentially undermine the province's growth plan objectives."

This is the important thing as I listened to the minister speak about the municipal support for this piece of legislation. One of the things that was loud and clear from each of the municipal people was the cost of OMB hearings, and this new act would change because they would no longer be having as many hearings. The only hearings that are being reduced in this are those that relate to "minor variances and consents." All others are still eligible to go to the Ontario Municipal Board. It's just that the process to get there will be longer and much more evolved. There will be a lot more information going to council and the decision-makers at the local level, but every one that is not approved still has the right to go to the Ontario Municipal Board with that same information. What we have is developing every application for an OMB hearing, if necessary, before it goes to council as opposed to after it goes to council. So it's going to greatly increase the cost of a lot of OMB hearings.

The one thing I find interesting in this is that if municipalities deem this to reduce the number of OMB cases, it would have to be because the decision council is going to make is more often not going to require an OMB review. If that is what happens, then I would stand here this afternoon and support that 100%. If more information is given to council, and council makes decisions based on having more information and greater ability to make right decisions, and makes right decisions more often, which don't require a third party, I support that 100%. But that's not what the evidence shows.

I have here a whole number of issues that the good folks at the Urban Development Institute have put forward, but I won't put them all on the record.

I have another quote here, from the Greater Toronto Home Builders' Association. This is another sector, and they're presently working together with the Urban Development Institute. In fact, there is some discussion that they may become one organization because, again, they're looking for the most effective and efficient way to deliver their services too.

This is from the home builders: "Over the past two years the building and development industry has been drastically overhauled by this government. The Greenbelt Protection Act, Planning Act reform, Places to Grow, proposed OBC changes, WSIB, Clean Water Act and many more reforms have changed the way we in the development industry do business. We have been consistent in our position that we are in favour, in principle, of much of the legislative changes."

Again, this is not to find fault with all the things that the government has been doing; they support most of that. But, "We have been equally vocal that while these changes are needed in order to manage and accommodate further growth, it is imperative that we offer Ontarians a broad choice in housing forms and allow them to make a choice based on their individual lifestyle needs and wants."

Again, one size doesn't fit all. Their suggestion is that the government has done a lot of good things, but this one here seems to be trying to pigeonhole it all into, "You have to do it the way the provincial government deems the most appropriate way," and there's some great concern about that.

I saw the minister of infrastructure renewal sitting there smiling because he was pleased that the home builders were agreeing with the government. I just want to take the smile away now:

"GTHBA has significant concerns considering Bill 51's importance and that it is one of the last pieces of reform to Ontario's planning system. Recent provincial initiatives, from the new ... policy statement, Oak Ridges moraine act and conservation plan ... Strong Communities (Planning Amendment) Act, Places to Grow Act and Building Code Act reforms, to the now proposed Planning Act" reforms "have dramatically changed the landscape for the home building and development industry. The proposed legislation"—I think this is the important part; it's just one line—"gives the province significant power over planning."

I think that's really what I was trying to get to: This isn't an issue of devolving the power of planning to the local government; this is an issue of taking the authority for land use planning in Ontario to the provincial government through policy statements, and bringing the obligation of implementing the planning to the local level.

There was one other thing. I won't go on much longer, Mr. Speaker, but this bill—

Mr. Hudak: At least five more minutes.

Mr. O'Toole: Work with us.

1730

Mr. Hardeman: Five more minutes.

Since this bill was introduced, there's been a lot of media coverage—not so much recently, but just shortly after it was introduced. I have a number of articles here. I just wanted to go over one for a minute. It's from Tuesday, February 21, 2006:

"Higher prices for residential and industrial land and a much more politicized land-development process are in store for the GTA if the province passes Bill 51, which fundamentally changes the way development is approved in Ontario, critics said yesterday.

"The only beneficiaries of this bill are the legal community," said Neil Rodgers, president of the Urban Development Institute of Ontario.

"While the change won't cost the government, 'it is going to have a lot of cost on our society.... No. 1 is higher housing costs,' added Frank Clayton, a housing economist.

"The procedures in the bill impose unreasonable demands on ratepayer groups, forcing them to retain a professional planner from the outset of the council-approval process if they ever seek to challenge a decision at the Ontario Municipal Board, said former Toronto mayor John Sewell, who has long asked for change to the current process." Again, he isn't one who believes the process is working right now. He'd be very supportive of "shall be consistent with." He sees the problem with this process, as do we.

"The criticism is a far cry from the assertion made by Municipal Affairs Minister John Gerretsen when he unveiled the bill in mid-December.

"We want to put land-use decisions back where they belong, in the hands of municipal decision-makers, and provide new opportunities for citizens to become truly engaged in the process that shapes their communities," Mr. Gerretsen said.

"Since then, planning lawyers and the development industry have been studying the proposed law, and they think it will have a quite different effect than the one the minister described.

"After looking at the bill, which is likely to have second reading in the spring ... the critics have concluded that:

"—While local councils ostensibly get more power, the province has dealt itself an extremely heavy planning hand by giving itself the authority to change the rules up to the day a decision is made;

“—Developers and ratepayer groups that want to appeal a decision to the OMB will be hampered by a provision that prevents them from bringing any new planning evidence to the board,” even though a municipality or council can introduce new evidence;

“The legislation will have a number of practical consequences for councils, including making the development-approval process more legalistic, with more meetings and possibly the need to make verbatim transcripts of each one.” Again, as I said, records will need to be kept not only of who said what, but who was there.

“—The legislation will slow down development approvals, while the new system sorts itself, a factor that will contribute to rising housing and industrial land costs.

“Lawyer Jeffrey Davis has concluded that the law shifts ultimate planning authority to Queen’s Park, by giving the province the authority to override any aspect of the Planning Act up to the date of a decision on the application.

“This provision—which Mr. Rodgers says flies in the face of natural justice—means the minister has so much power to interfere in planning that, as well as dealing with city hall, developers of major projects will be forced to lobby Queen’s Park to ensure the province does not derail their developments, Mr. Clayton said.” Now all of a sudden we’re going to have people lobbying Queen’s Park to make sure we don’t step in on the application.

“In his view, the legislation—and the powers it gives Queen’s Park over local planning decisions—will ensure GTA municipalities have to dance to Queen’s Park tune as it enforces its policies against urban sprawl and in favour of intensification.

“But the market effects of the policy will force up the price of residential and industrial land, which may force people and manufacturers to go further afield to get either their homes or the plant sites they want.

“Mr. Clayton said current studies show that while 50% to 60% of the demand for housing in the GTA is for single-family units, the province’s current plans take 75,000 to 100,000 units out of single-family housing and push them into the multiple-residential market.

“There is only one way to make a market like that and this is restrict supply, so that prices go up and people are forced to be in multi-residential housing...,” he said.”

That kind of goes over the whole bill and points out the problem it will create. This isn’t just about whether it’s going to be easier for municipalities to conduct the planning process; it’s about what impact it’s going to have on the citizens of Ontario, and I don’t think it’s good. Thank you very much for the time.

The Acting Speaker: Questions and comments?

Mr. Marchese: I congratulate the member from Oxford for being very, very thorough. I just have one question, because he mentioned John Sewell on a number of occasions. He talked about all the consultations that John Sewell was engaged in when we hired him in 1992-93 to do a thorough review of the Planning Act. The member from Oxford was part of those discussions, so

we know that much debate has happened on this particular issue.

I wonder whether the member from Oxford remembers what he recommended to John Sewell, or whether he recommends what John Sewell recommended that we do as a government, which we in fact did, and what his government did in 1995 when it got elected vis-à-vis what John Sewell had to say that we implemented. I’d be very interested to have his view on this matter, and why he felt that his government felt it necessary to change all of the things that John Sewell had proposed. I’d be very curious to know.

Mr. Jeff Leal (Peterborough): I listened carefully to the member from Oxford. Not only has he had a long career in this House, but he certainly spent time as a municipal politician in the Oxford area.

A bit of history is interesting. It was Leslie Frost, when he was Premier of Ontario, who brought two regulating bodies to Ontario in the early 1950s. He established the Ontario Municipal Board, and his government also brought conservation authorities to the province in 1952-53. From his biography by Mr. Graham, the reason Mr. Frost wanted to bring in the Ontario Municipal Board in the early 1950s was to give citizens the opportunity to appeal decisions that were made by the councils of the day. To make sure, as he thought, that the decisions were in the best interest of the citizens, he brought in this appeal body.

It seems that we’ve moved away from that fundamental philosophy of the Ontario Municipal Board. I know that during my time as a city councillor more and more developers were leapfrogging legitimate, bona fide councils to get an opportunity to appeal planning decisions. It’s interesting too, as part of Bill 51, the obligation to have municipalities keep their official plans up to date, which I think is very important, plus the implementation tool of official plans, which is the zoning bylaw—to keep that up to date, to make sure that planning documents and tools are indeed in place.

I think this bill provides more onus on the developer who’s bringing forward an application to make sure that all the necessary detailed studies are in place so that decisions can be made based on documentation and based on information, which is the best way for municipalities to make decisions.

Mr. O’Toole: I want to compliment the member from Oxford for his very informed comments with respect to Bill 51. I just want to put on the record that the member from Peterborough is quite right. Having served myself for 22 years—I guess in 1982 I was first elected. I would say that the Sewell commission was the start of the review of the Planning Act, 1993-94. Mr. Hardeman from Oxford did participate at that time as a mayor. Most of us did have some municipal responsibility. In fact, I think he was the president of AMO or ROMA, speaking as the voice for one of the provincial organizations.

The argument there was a very conflicting argument. It’s the same argument here today. We see once again the strong hand, the arbitrary hand of the government, of

Minister Gerretsen here. The constant argument then was whether or not municipal planning, its official plan and process, had to be “consistent with” provincial policy statements or “have regard to”; in other words, recognizing the important work that’s done at the local and regional level of government. That’s really what it’s about: offering them some flexibility. Yes indeed, as he said, Mr. Frost set up—as most Conservative things are well-thought-out and well-delivered—they set up an appeal process that was able to make sure the process was transparent and accountable.

1740

Once again what we’re moving back to here, as Mr. Hardeman made the point as our critic on this file, and I commend him on the tireless work he puts into this, is that it clearly demonstrates the subtlety of the actions of the McGuinty government. What they’re indeed doing is uploading the authority, the centralization of power, and they’re downloading the difficult execution of the responsibility to the local government. It’s this obsequious way of doing things that most makes me question my ability to trust Bill 51. I see the same thing in Bill 43.

Mr. Bob Delaney (Mississauga West): I never thought I’d have much common ground with former Toronto mayor John Sewell, but the distinguished member for Oxford quotes him as saying how important it is that power over development rests with citizens and municipalities rather than with developers, and I agree. The bill before us today, Bill 51, will continue to strengthen the abilities of municipalities and the province to manage growth and, more importantly, to seek appropriate growth. Bill 51 will reform Ontario’s planning system and the Ontario Municipal Board. The bill will make the OMB more transparent and accessible and more effective in settling land use disputes. The OMB would be required to have much greater regard for the planning decisions made at the municipal level. Very tellingly, this means that no more will parties be able to withhold information until they come before the OMB. The OMB will be required to consider the whole plan, and this is important.

Bill 51 will also clarify planning rules and will give municipalities better planning tools, including the ability to promote sustainable design features such as energy efficiency, as well as allowing municipalities to consider architectural and design features as part of site plan approval. This helps us improve the look and the feel of our communities. This helps preserve some of the character and nature of some of the historic communities and helps design new communities that have a common theme running through them. This helps maximize the value that people will have in their homes.

Managing growth is important. In the 2006 budget, Ontario invested some \$1.2 billion in transit, roads and bridges throughout the province, including support to get the extension of the Toronto subway built. For my community in Mississauga, Bill 51 is important. Bill 51 will enable a good community to manage its affairs better.

The Acting Speaker: The member from Oxford.

Mr. Hardeman: I would like to thank all the members who commented on my presentation. I just wanted to say to the member from Trinity–Spadina that the one area that I did have a problem with when I was working with Mayor Sewell was “shall be consistent with,” because it is impossible for any municipal document to be consistent with every provincial policy. When I had the opportunity—

Mr. Marchese: Why was it impossible?

Mr. Hardeman: Because you can’t save land for aggregates and build houses on it at the same time. They happen to be in the same area. I want to say just quickly that I thank everyone for that. I just wanted to clarify that. The rest of the area John and I agree with, and incidentally, AMO agreed with me.

“Toronto developer Julie Di Lorenzo is proud of what she builds. Naturally, she was thrilled when the director of Toronto’s urban design department, Robert Freedman, singled out a couple of her projects for special praise recently at a city-sponsored workshop devoted to mid-rise development.” Both those projects that were commended were turned down by the city and had to go to the Ontario Municipal Board for approval. Now the city’s task force commends her for her good development.

I just wanted to point out that that system worked. If we could find a way to keep those from having to go to the Ontario Municipal Board by getting good decisions at the city, I support that 100%. I do believe we need to reform the Ontario Municipal Board, because it’s not working the way it should. But I think we should not throw the baby out with the bathwater, because the present system is allowing development through the Ontario Municipal Board that the city and the province of Ontario want and need.

The Acting Speaker: Further debate.

Mr. Marchese: Mr. Speaker, I would like unanimous consent to stand down the lead of our illustrious critic, who is in the chair.

Mr. Hudak: What riding is he from?

Mr. Marchese: He’s from the riding of the Beach–East York.

The Acting Speaker: On the same point of order, the minister.

Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader): Only if we can have John Sewell come and address the chamber.

The Acting Speaker: First of all, I think the addendum was a little frivolous, although humorous.

On the motion to stand down the lead, is it agreed? Agreed.

Mr. Marchese: I have to tell you, I prefer “the Beaches.” It’s amazing how, when you’re used to a name, it sticks to you and you like it. So when you say “the Beach,” where’s the Beach? I know where the Beaches is, but I don’t know where the Beach is going to be. But the folks have voted, and it’s now the Beach.

Speaking to the bill before us, Bill 51, the Planning and Conservation Land Statute Law Amendment Act—we're not going to be able to have the 20 minutes, but in the 15 minutes I have at a quarter to 6 on April 19, I want to speak to the deficiencies of the bill. I leave what might be good in the bill to the government. It's not my business to praise what they do; they will praise themselves, and they won't speak to the deficiencies. So we in opposition have to be the ones to alert the government members, who don't follow all the detail, and alert the folks who are watching, to some of the deficiencies, which the member from Ottawa Centre clearly understands, because when he was in opposition, that's exactly what he would do. But now he's a member of government, so things have changed.

It's amazing how things change when you move around this place—and we do. And you will again, and it will be nice to see you in the opposition benches, I have to admit, just as I love to see the Conservative members in opposition, because they sound so healthy and so positive at times and so progressive at times. It's good to see them. It will be a pleasure to see you on this side of the House after the next election. But that's another issue.

You see, we move around, right? We rotate around this place. You have to remember that the Liberals in Ontario were the third party for a long, long time, and that can still be the case. You can make it, as I know you will. And the Tories, of course, lost 43 long, painful years of ruling this place. So things are now shifting a little bit. I think it's good for society; it's good for the civil service to have different politicians; it's good for politicians to have the experience of opposition.

I love to see the Liberals, when they're in government. You should hear how cheerful they are when they're in government, how positive they are. They're not negative anymore. Jim Bradley used to live on negativity, but not now; not no more. Now he's Mr. Positive and he wants to get along, and all the government members with a lot of experience want to get along. You know how that works, right?

I want to get along with you too, but I need to beat you up from time to time, so that we can keep our friendships close—

Interjection.

Mr. Marchese: Hey, Jim. I called you Mr. Positivity.

Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader): You weren't positive from 1990 to 1995.

Mr. Marchese: Exactly. I admit that. I'm just saying how wonderful it is for people to rotate, because the insights change, the experiences change. It's good for everyone; it really is.

Speaking to this bill, because I don't have much time: "Municipalities that meet the minimum requirements"—whatever they are—"will have power to establish optional local appeal bodies that would deal with certain planning matters instead of the Ontario Municipal Board." Now, this appeal board sounds appealing. But how appealing is it really from the standpoint of all the

municipalities across Ontario that are broke because collectively they are \$3 billion in the hole, left in great part by the Conservative regime and continued by the Liberal regime now in place? How are municipalities that are \$3 billion in the hole going to find the money to be able to set up an appeal board to deal with variances—which may be minor or may not be so minor; I don't know—to replace the Ontario Municipal Board? I don't think many are going to do it, because I suspect you're going to need three people on this appeal board, and they don't come cheap. Speaker, you're going to have an opportunity to speak to this, and I think you have much more experience in municipal politics than I do, but an appeal board, I suspect, is not going to be cheap. These guys want to be well paid; otherwise, they're not going to do it. And that's going to be significant to a small municipality that's suffering serious financial problems.

1750

This appeal body is going to need an office of sorts, I would think—at least a little room somewhere in some municipal office. And I suspect they're going to need some assistance—you know, secretarial.

Interjection.

Mr. Marchese: Some former municipal councillor is saying "maybe one"; at least one, you would say, right? There's going to be some cost: paper costs, buying pens and stuff.

I suspect that this appeal board is not going to happen. The reason for that is that they will have to bear the cost of establishing these appeal bodies to hear these appeals. My sense is they will not create these appeal boards to deal with variances.

I begin to propose and to suggest that although it sounds like a reasonable thing to do and it appears as if municipalities are going to be empowered to deal with this, avoiding at the same time the OMB, the much-detested OMB—by the way, many of the municipal councillors, when they were on the Liberal opposition benches, said, "We need to eliminate the OMB." You will recall that, Speaker. Many of the former government members who are here remember that there were former municipal councillors who were sitting on this side of the House who said, "The OMB has got to go." And we were waiting for the government, once firmly seated in their place, to get rid of the OMB. You would think they would do that. But no sooner do they ensconce themselves in the safety of their offices than they decide, "Ah, it's too much. Maybe we shouldn't have made that promise. Maybe we should have had a little restraint," just like the restraint they show when they're in government, except when they're in opposition, of course, all restraint is abandoned. But that's another matter.

So all I'm saying is, this appeal board is not likely to happen, and you're still going to have to go to the OMB: point numero uno.

Number two: There is no reform of the Ontario Municipal Board as it relates to the appointment process. I have indicated earlier—and our criticism of the OMB

when the Conservatives were in power is that they put a lot of their friends, to use a friendly term, in the OMB, people who would support development, because the party is all about development. It's an open door kind of Conservative Party, right?

Mr. Jim Wilson (Simcoe–Grey): Jobs.

Mr. Marchese: And it's about jobs. So it's an open door policy: Anything goes. Build what you want, where you want, how high you want. It was great. And you want the Conservative Party, if that's the kind of politics you like. Of course, they wanted to be sure that the appointees to the OMB were consistent with, or they used their positions consistent with, the provincial Conservative policies. You'll remember that the member from Oxford said these things are impossible. Well, I guarantee to you, Speaker, and to others listening that the Conservatives had no problem making sure that their provincial policies were consistent with the members they hired on the OMB, and so their views, I suspect, were in harmony and consistent with each other. So it's not impossible to achieve that if you want it. That's what they did.

Now we've got the Liberal government in power. By the way, if you'll recall, a couple years ago I said, "What's the difference between a Liberal fundraiser and a Conservative fundraiser? It's a hundred bucks."

Mr. Hudak: Who charges more now?

Mr. Marchese: The Conservatives used to have \$700 fundraisers and the Liberals used to have \$600 fundraisers. And I said, what's the difference? It's the same landlords—the not-so-nice ones—it's the same builders and developers that go to the same events, because, you see, they've got no problem; they're interchangeable. They could change the jacket or the tie, and it doesn't make any difference. It's a hundred-buck difference: no problemo. You won't find too many of these developers coming to our events and spending a hundred bucks, because a hundred bucks for these guys would be too much to come to a New Democratic Party event.

I tell you, you've got Liberal appointees going to the OMB, and they're the same as the Conservative appointees. They will be consistent with each other.

Mr. Wilson: The Power Workers' Union was my largest supporter last year.

Mr. Marchese: Jimmy, Jimmy, don't get so angry. Come on.

Mr. Hudak: You provoked him.

Mr. Marchese: Did I provoke you? I don't want to do that, because you're my neighbour. I want you to use two minutes to fight back, okay? All right.

The OMB isn't changing much, only the colours. There is no guarantee from the Liberal government that we're going to have some individuals who have environmental expertise. There is no guarantee that we're

going to have on that OMB individuals who have expertise in heritage properties so that you're going to get people who will keep an eye on these things. There is absolutely nothing of the sort, in terms of OMB appointments, that is going to change or has changed by way of this bill. That's problemo numero dos.

Number 3: Principally, this bill deals with the important objective of Ontario Municipal Board reforms. Unfortunately, many local citizens' groups trying to stop a development that is out of character with their neighbourhood or the development of a large quarry or gravel pit that potentially threatens their groundwaters find themselves before the OMB. For those citizens' groups who have been through it, an OMB hearing is not a pleasant experience. Citizens' groups with limited means are pitted against deep-pocketed developers, who seldom lose at the Ontario Municipal Board level. Not only have developers the resources to forcefully make their case, but the OMB usually decides in favour of development interests.

It's not just local citizens' groups spending money that they don't have at the OMB; municipalities are continually having to defend their land use planning decisions at the OMB, draining their coffers and leaving them with less money to spend on needed services.

As the OMB hearing on the North Leslie lands has shown, public interest groups do not have the means to take on development interests at the OMB hearings. Expert testimony is expensive, and many OMB hearings hinge on such testimony. The North Leslie area in Richmond Hill is a site for a proposed 6,000-residential-unit subdivision, as well as industrial and commercial buildings. This is one of the most environmentally sensitive and threatened areas in southern Ontario, one of the 10 areas identified by the Greenbelt Alliance and for which the McGuinty government received an F on the greenbelt report card for failing to protect it.

So when we speak about intervener funding, what does the bill say about this? What does the bill say about the discrepancy in resources between developers and local citizens' groups at the OMB hearings? It says virtually nothing, or very little. There is no intervener funding. Community groups need to be able to have dollars from the government, as Sewell proposed when we were in government, so they can defend themselves against developers, who usually have deep pockets and the power to be able to get what they want.

Given that the Speaker is indicating that we have arrived at 6 o'clock, I will come back to this another day.

The Acting Speaker: The time now being 6 of the clock, and in accordance with the motion unanimously passed earlier this afternoon, this House stands adjourned until 10 o'clock tomorrow, Thursday, April 20.

The House adjourned at 1759.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenant-gouverneur: Hon. / L'hon. James K. Bartleman
Speaker / Président: Hon. / L'hon. Michael A. Brown
Clerk / Greffier: Claude L. DesRosiers
Deputy Clerk / Sous-greffière: Deborah Deller
Clerks-at-the-Table / Greffiers parlementaires: Todd Decker, Lisa Freedman
Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
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Barrie–Simcoe–Bradford	Tascona, Joseph N. (PC) Second Deputy Chair of the Committee of the Whole House / Deuxième Vice-Président du Comité plénier de l'Assemblée législative	Halton	Chudleigh, Ted (PC)
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Bramalea–Gore–Malton– Springdale	Kular, Kuldip (L)	Hamilton Mountain	Bountrogianni, Hon. / L'hon. Marie (L) Minister of Intergovernmental Affairs, minister responsible for democratic renewal / ministre des Affaires intergouvernementales, ministre responsable du Renouveau démocratique
Brampton Centre / Brampton–Centre	Jeffrey, Linda (L)	Hamilton West / Hamilton–Ouest	Marsales, Judy (L)
Brampton West–Mississauga / Brampton–Ouest–Mississauga	Dhillon, Vic (L)	Hastings–Frontenac–Lennox and Addington	Dombrowsky, Hon. / L'hon. Leona (L) Minister of Agriculture, Food and Rural Affairs / ministre de l'Agriculture, de l'Alimentation et des Affaires rurales
Brant	Levac, Dave (L)	Huron–Bruce	Mitchell, Carol (L)
Bruce–Grey–Owen Sound	Murdoch, Bill (PC)	Kenora–Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Burlington	Jackson, Cameron (PC)	Kingston and the Islands / Kingston et les îles	Gerretsen, Hon. / L'hon. John (L) Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement
Cambridge	Martiniuk, Gerry (PC)	Kitchener Centre / Kitchener–Centre	Milloy, John (L)
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Davenport	Ruprecht, Tony (L)	Lambton–Kent–Middlesex	Van Bommel, Maria (L)
Don Valley East / Don Valley–Est	Caplan, Hon. / L'hon. David (L) Minister of Public Infrastructure Renewal, Deputy government House leader / ministre du Renouvellement de l'infrastructure publique, leader parlementaire adjoint du gouvernement t	Lanark–Carleton	Sterling, Norman W. (PC)
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Dufferin–Peel– Wellington–Grey	Tory, John (PC) Leader of the Opposition / chef de l'opposition	London North Centre / London–Centre–Nord	Matthews, Deborah (L)
Durham	O'Toole, John (PC)	London West / London–Ouest	Bentley, Hon. / L'hon. Christopher (L) Minister of Training, Colleges and Universities / ministre de la Formation et des Collèges et Universités
Eglinton–Lawrence	Colle, Hon. / L'hon. Mike (L) Minister of Citizenship and Immigration / ministre des Affaires civiques et de l'Immigration	London–Fanshawe	Ramal, Khalil (L)
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Etobicoke–Lakeshore	Qaadri, Shafiq (L)	Mississauga West / Mississauga–Ouest	Delaney, Bob (L)
Glengarry–Prescott–Russell	Broten, Hon. / L'hon. Laurel C. (L) Minister of the Environment / ministre de l'Environnement	Nepean–Carleton	MacLeod, Lisa (PC)
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	Sandals, Liz (L)	Niagara Falls	Craiton, Kim (L)

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Nipissing	Smith, Monique M. (L)	Stoney Creek	Mossop, Jennifer F. (L)
Northumberland	Rinaldi, Lou (L)	Stormont–Dundas– Charlottenburgh	Brownell, Jim (L)
Oak Ridges	Klees, Frank (PC)	Sudbury	Bartolucci, Hon. / L'hon. Rick (L) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Oakville	Flynn, Kevin Daniel (L)	Thornhill	Racco, Mario G. (L)
Oshawa	Ouellette, Jerry J. (PC)	Thunder Bay–Atikokan	Mauro, Bill (L)
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Ottawa–Orléans	McNeely, Phil (L)	Timmins–James Bay / Timmins-Baie James	Bisson, Gilles (ND)
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Oxford	Hardeman, Ernie (PC)	Toronto–Danforth	Tabuns, Peter (ND)
Parkdale–High Park	Kennedy, Gerard (L)	Trinity–Spadina	Marchese, Rosario (ND)
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Sault Ste. Marie	Oraziotti, David (L)	York North / York-Nord	Munro, Julia (PC)
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Scarborough East / Scarborough-Est	Chambers, Hon. / L'hon. Mary Anne V. (L) Minister of Children and Youth Services / ministre des Services à l'enfance et à la jeunesse	York West / York-Ouest	Sergio, Mario (L)
Scarborough Southwest / Scarborough-Sud-Ouest	Berardinetti, Lorenzo (L)		
Scarborough–Agincourt	Phillips, Hon. / L'hon. Gerry (L) Minister of Government Services / ministre des Services gouvernementaux		
Scarborough–Rouge River	Balkissoon, Bas (L)		
Simcoe North / Simcoe-Nord	Dunlop, Garfield (PC)		
Simcoe–Grey	Wilson, Jim (PC)		
St. Catharines	Bradley, Hon. / L'hon. James J. (L) Minister of Tourism, minister responsible for seniors, Government House Leader / ministre du Tourisme, ministre délégué aux Affaires des personnes âgées, leader parlementaire du gouvernement		

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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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