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Thursday 11 May 2006

Jeudi 11 mai 2006

Speaker
Honourable Michael A. Brown

Président
L'honorable Michael A. Brown

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Thursday 11 May 2006

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Jeudi 11 mai 2006

The House met at 1000.

Prayers.

**PRIVATE MEMBERS'
PUBLIC BUSINESS**

ONTARIO WORKERS'
MEMORIAL ACT, 2006

LOI DE 2006 SUR LE MONUMENT
COMMÉMORATIF DES TRAVAILLEURS
DE L'ONTARIO

Mr. Ramal moved second reading of the following bill:

Bill 86, An Act to establish the Ontario Workers' Memorial / Projet de loi 86, Loi visant à ériger le monument commémoratif en hommage aux travailleurs de l'Ontario.

The Acting Speaker (Mr. Ted Arnott): The member for London–Fanshawe has 10 minutes for his presentation.

Mr. Khalil Ramal (London–Fanshawe): As always, I like to rise to speak on different bills and comment on different issues that arise and are debated in this place. Today I'm privileged and honoured to speak about, and debate with my colleagues, a bill which I've introduced for the second time. I had the privilege to introduce this bill on May 10, 2004. What a coincidence: Today is May 11, 2006, almost two years later.

This bill is not new to this place. It was first introduced by the late Dominic Agostino—many people in this place remember him—on May 21, 2003. That's why the first time I introduced this bill was in memory of my colleague, who died battling a disease he suffered from for a long time. I thought the first time that it was important to continue his journey as a fighter for the working people of this province. I didn't get the chance to pass that bill in the past, and I strongly hope that this time, this bill will see the light.

My bill is to establish a memorial for the workers who get injured and die in workplaces. It's important to note that almost 49 cities and towns across Ontario have such memorials to recognize the injured workers who died on the job. Many people have spoken about it in the past, especially since we just passed April 28, the International Day of Mourning for Workers. Many people, many unions and many workers celebrate that international day

to recognize the effort workers put towards building communities, especially in the province of Ontario.

Our government is doing its best to create a safe environment for all the workers across Ontario. They hired more than 200 inspectors in many different locations to make sure that all workplaces are safe. I was delighted when I heard the member from Hamilton East yesterday sponsor a bill proposed by three schools across the province of Ontario, in Aurora, Hamilton and Ottawa, to create a safe environment for the students, the kids who wish to work during their break time, to let them know the rules and to ensure that the rules are enforced, for them to be educated about their rights and not being taken advantage of.

As you know, many of our youngsters who don't know the rules are full of energy. They go full speed and sometimes hurt themselves, and sometimes they die. Our duty as elected officials in this place is to protect them. That's why I strongly supported that bill yesterday, like other colleagues, because it is very important to create awareness and make sure our workplaces are safe. That's why our Minister of Labour is working hard in his ministry to make sure, by creating posters and brochures in different languages—almost 19 languages—that we explain to people who cannot speak English or French their duties and responsibilities on whether they are facing some kind of hazardous material or unsafe location.

Despite all these preventative measures, we still see a lot of people die and get injured in the workplace. The people who work hard to build our cars, the people who work hard to build our buildings, the people who work hard in the hospitals to keep them functioning, the people who work hard in long-term facilities to look after our elderly in this province who are subject to many different diseases deserve our recognition.

That's why I recommend—and hopefully I'll get supported by all the members of the House—that we build a memorial outside this building. As I mentioned, there are 49 sites across the province, in different small and large communities. We have one in London and at Adelaide Street, where I had the privilege and honour to go, with the Minister of Training, Colleges and Universities last month, to celebrate the International Day of Mourning for Workers alongside the London and District Labour Council. But a small community does not attract as many visitors as this place. Every one of us sees buses and buses, thousands and thousands of people on a daily basis come to visit this place. Queen's Park has become a tourist attraction. It's very important to have a memorial here to teach our students, our visitors and the many

people who come to this place on a daily basis about the importance of the workers who died in the workplace.

I was listening to the honoured member from Davenport yesterday talking about the memorials that exist right now on the premises of this place, one to recognize firefighters, one to recognize the police, one to recognize the veterans who died in the line of duty. I think the workers in this province who died in the line of duty are equal to the people who died defending their country, equal to the people who died battling flames or putting a fire out, equal to the people who protected us from the criminals and thieves in this province. Without them, we cannot have those buildings. Without them, we cannot make sure that all our streets and roads are clean. Without them, we cannot have bridges and roads and highways. Without them, we cannot have functioning hospitals. We cannot have nursing homes functioning in the way we want: clean, looking after our elderly in this province. Those are people who work in the line of duty. They deserve all our attention and respect.

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I think it is vitally important to recognize those who give their lives, their skills, their talents to make sure we have a vibrant province. The people who work hard to continue building this province I think deserve some kind of recognition. The people who give their talent and skills to make this province the engine of the whole country deserve all that attention, especially many different occasions and ways to celebrate their productivity. Many people do quilts to commemorate those people who die or are injured in the workplace. Many organizations across the province of Ontario—we have one in London, done by Mrs. Hickman. She created a community, a place to help people who are injured, whose families are suffering from a lot of loss.

It's important to all of us to recognize those who give their life in order to continue building our province, to continue building our communities, the people who give their talents to help us to continue prospering in these communities. Whatever we do is not enough to recognize them. I think a memorial outside this place is a small token of recognition for the many lives, for the many people injured in this province of Ontario. We pass so many different bills, like accessibility bills to deal partly with people who are injured, who are in a wheelchair or mentally ill, to make all places accessible to them. We create and open hospitals. We do a lot of things to accommodate the many injured workers in the province, but we don't have a memorial in this place to recognize their efforts, to recognize their work, to recognize their abilities and their skills and also to remember their lives, because those people who gave their lives deserve from us all the respect and recognition. That's why I'm looking forward to seeing the support and, hopefully, this bill pass in the future. Thank you.

The Acting Speaker: Further debate?

Ms. Laurie Scott (Haliburton–Victoria–Brock): I'm pleased to rise today in support of the private member's bill introduced by my colleague from London–Fanshawe,

Bill 86, An Act to establish the Ontario Workers' Memorial. The purpose of the bill is to require that a memorial be established in or adjacent to the legislative precinct of the Legislative Assembly here to honour the memory of workers who died on the job.

My colleague from London–Fanshawe has given a good history, which I did not really know about: that it was first introduced by his colleague and friend Dominic Agostino, who we tragically lost in the last couple of years. It's appropriate that this member is taking this bill forward in his memory.

You have to think that when you meet someone on the street and you ask them what are the most dangerous jobs in the country, you usually get firefighter or police officer; those may come to mind. But many people don't think of farmers, truckers, trash collectors. According to the department of labour, it's not public safety occupations that pose the most risk. It's interesting that when you frame that in your mind, you think of police officers, firefighters etc, but there are many occupations—I know construction workers were mentioned also—that just don't usually come first to our minds.

April 28 was mentioned as the nation's day of mourning. I know that in Lindsay in the riding of Haliburton–Victoria–Brock, they had a memorial service for the National Day of Mourning. Representatives of a growing number of concerned citizens are at these events to reflect on the lives and the communities affected by occupational injuries, illnesses and death.

According to the Ontario Workplace Safety and Insurance Board, in 2005 there were 562 total reported worker fatality claims and 357,555 total reported claims for injuries and occupational disease. We know that this is just the tip of the iceberg, as researchers point to extensive underreporting of occupational injuries, diseases and death. Here in Ontario, thousands, perhaps tens of thousands, die annually from cancer and other diseases caused by workplace exposures years, even decades, later. Worldwide statistics are equally alarming and are on the rise, with more than two million worker deaths, 1.7 million of which were victims of an occupational disease, 160 million new cases of work-related illness, and 268 million non-fatal injuries.

Technology innovations, health and safety training and education have all significantly reduced workplace fatalities over the years here in Canada. Workplace fatalities were commonplace way back in my grandparents' day. So I'm happy to see that we're being more preventive and taking more precautions in each of the industries that have been listed. We need to move forward on that. In 2005 in Ontario alone, 80 workers lost their lives on the job.

Some occupations are high-risk and workers entering them recognize the risk involved. Certainly, when I became a nurse, which was my previous profession before I turned to politics, I never looked upon it as a high-risk profession, but statistically it is. It's incredible, and it's on the rise. In 2004, for example, I think over 6,000 health service professionals were injured or killed

on the job. You're subject to many things that people don't normally think about, like aggressive patients; you mentioned diseases, and the SARS outbreak was the most recent where a nurse died; also needle sticks, lifting. It's incredible when you think that those are just some of the things that are encountered in nursing.

Farming is another profession very prominent in my riding. A lot of people don't think of it as high-risk, but it's a very high-risk business: exposure to pesticides; power takeoffs with large machinery, where clothing gets tangled. People get caught up in bailers; they drive large machinery on the roads. They even have an increase of skin cancer because they're outside so much. That's just not thought of most commonly. Farm children certainly are at risk too, where you have a lot of big machinery, big tires, and you can't see the children who are close by. I know in the last two weeks we lost one of our close family friends in a farming accident. He was a gentleman who had been around farms and machinery all his life. Things happen; it's just the nature of the job and what they're exposed to. I think those things need to be brought forward. There's unpredictable livestock. It's incredible. You just don't know what's going to happen around the corner.

There's a lot more we can do in training and occupational safety so we can prevent these statistics from rising. I was happy to see that there's a young worker awareness program, and the goal there is to give the health and safety awareness you need to protect yourself and your fellow workers. These types of programs are exposing our young children to how to be more careful in the workplace. It's incredible to say that 42 young Ontario workers are injured, made ill or killed on the job every day. This site, Youngworker.ca, contains health and safety information for young workers. Young workers are considered part-time or full-time and between 15 and 24 years of age. It's done by the Workplace Safety and Insurance Board.

1020

Those are the types of programs that I think we need to encourage out there and to also educate as much as possible. I worked as a nurse. I know that training for occupational health and safety has increased greatly. I know that other professions have done the same.

The member from London—Fanshawe has brought forward a very worthwhile bill. He underlined the importance of workers to the building of our communities and our future. As members of the Legislature, we should all support his initiative to build a memorial that will be close by to the Legislature, as has been done for fire-fighters and, most recently, the veterans out there.

I encourage support of this bill and look forward to other debate in the Legislature this morning on this.

Mr. Gilles Bisson (Timmins—James Bay): First up, I want to say, as we did the last time, that New Democrats will be supporting this bill. We think it's high time that in this Legislature we recognize injured workers, diseased workers and workers who are deceased as a result of their employment. There's no better way of being able to

demonstrate that, for us as legislators, than providing a memorial here at the site of the Parliament of Ontario where workers would be able to gather every year, as they do everywhere else across this province, on April 28 to commemorate injured workers, diseased workers and, unfortunately, far too many workers who are deceased as a result of their employment.

I want to take this to a little bit of a different take because it gives me an opportunity to talk about the rules that exist in this province in regard to health and safety and about workers' compensation.

There's no better memorial, in my mind, for injured workers or diseased workers than to have better legislation. I understand what the member's trying to do. It's very symbolic, and I appreciate and support what he's trying to do, but I think he'll agree with me that what we really need are rules and laws in this province that are tougher on the issues of health and safety and that properly deal with workers' injuries, both from the perspective of trying to prevent them by way of better health and safety legislation, a better workers' compensation system that employers understand is a deterrent. A deterrent from having injuries is to charge WSIB assessments, and if the WSIB assessments are too high, then employers will take health and safety much more seriously.

I want to talk about a couple of cases that I've dealt with over the years. First of all, I come out of the mining industry. I worked in the mining industry for a number of years, starting back in 1975 when I left the armed forces. It has been my observation, as a worker and eventually as a representative of the Steelworkers' locals that I was a member of, that no employer really has been taking the position of embracing health and safety and safer workplaces unless they've been dragged kicking and screaming, as my good friend Moses Sheppard used to say. Nobody jumps out of the boardrooms of Bay Street, Montreal, Vancouver or wherever it might be, saying, "We want to do all these wonderful things for workers when it comes to a safer workplace," because at the end of the day those things cost money.

I'm going to acknowledge that there has been a change of attitude in the boardrooms across Canada and Ontario over the years that I can observe. I look back to when I first started mining in 1974-75. Some of the conditions we worked in, quite frankly, were kind of atrocious. In some cases, especially the older outfits, conditions basically resembled the 1930s, 1940s and 1950s, just basic things such as washrooms underground. There was no place for men to go to the washroom on an eight-hour shift working underground. It was basically where you could find a spot. There was nowhere to wash your hands—just the very basics. The health aspect of being able to provide sanitation was something that was not even provided in many of the workplaces across this province.

In the lumber camps it was much the same story in regard to those who worked in the forest industry. It wasn't until unions, quite frankly—the Steelworkers in my case, IWA in others, and the Communication, Energy

and Paperworkers Union, or CPU, as it used to be called at the time. I remember, back in 1975-76, meeting at labour council meetings in the city of Timmins where union members were coming around the table saying, "We've got to get our employers to take seriously even the most basic things, such as the ability to have a place where you can have your lunch, so you can wash your hands, take the dirt off your hands and eat your sandwich without fear of contaminating yourself with whatever you've been working with during the day."

I remember going into bargaining at the time with one particular employer, because I used to bargain on behalf of the Steelworkers, where there was a huge resistance on the part of the employer to allowing even the most basic things such as lunchrooms to be put in place underground. It wasn't until the union made it a condition of the contract that in fact the employer relented and put in place what needed to be put in place as far as basic lunchrooms. Now, I don't think that would happen in today's workplace, because we've had changes to the health and safety legislation where that is mandated, and employers today take their responsibility very seriously. But go back 30 years, back to 1975-76, and that was not the case. My point is that it was workers—it wasn't this Legislature—who, through their unions, fought and got the most basic things inside the workplace, such as a lunchroom.

I also look at the issue of accidents in the workplace. It was very common, when I worked in the mining industry in the late 1970s and early 1980s, to hear of injury and see injury on a weekly basis—sometimes on a daily basis. I worked in a number of different mines in what they used to call the Porcupine camp. You would hear about or see accidents on a very regular basis. Unfortunately, death was something that was far too common as far as accidents within the forestry and mining industries back in the late 1970s, when I was in the industry, and the early 1980s.

Again, it wasn't this Legislature that decided to do something about it; it was workers. I think of workers like Omer Séguin, people like Moses Sheppard, Roger Ladouceur, Denis Carrière and a number of other people I worked with who made health and safety—Roger Toal was always a very big proponent of health and safety in one of the workplaces I was at, where we used to fight, day in and day out, with the employer and with the Legislature of Ontario in order to get the rules and the laws that we needed to make our workplace safer. Again, the Occupational Health and Safety Act didn't come out of nowhere. It was because of the Steelworkers in Elliot Lake in the uranium industry who said, "We need to have an Occupational Health and Safety Act that forces the employers to take the issue of health and safety seriously." It was only after the Steelworkers' humongous battle—and it was people like Omer Séguin in Elliot Lake; I worked with him later when he was a staff rep out of Sudbury—but Omer and a whole bunch of other people who worked in Elliot Lake and worked with Elie Martel, the New Democratic critic for labour, that they forced the then Conservative government to adopt health

and safety legislation in this province. We can tap ourselves on the back as legislators and say, "Oh, what a wonderful job we've done. Look at the wonderful Occupational Health and Safety Act." I remind people: It was workers who forced the provincial government to get this, and in this case in particular it was the Steelworkers out of Elliot Lake.

I look at the issue of workers' compensation. This is something we don't hear a lot about these days, I think for a very simple reason: The rules, as changed under the Conservative government of Mike Harris, make it virtually impossible for somebody to deal with a claim successfully if the claim has not been filed within a six-month period. I just want to make this one point: I got into politics as a result of my involvement in the union movement and specifically under workers' compensation. I did industrial diseases. I investigated and filed claims on behalf of the widows and families of miners who died as a result of working in the mining industry. Far too often, as we well know, a person doesn't know, until the onset of their disease—between the first contamination of whatever it is that affects the industrial disease and the onset of symptoms and eventually death in some cases—it doesn't happen until a latency of 10, 15 or 20 years. Under the workers' compensation rules of today, which were established by Mike Harris, you have to report an injury or incident within a certain period of time, and if you don't, you don't have the ability to file and the Workers' Compensation Board will not deal with you because they'll say that you didn't report it; too bad, so sad.

I sat across the table from many widows, from Timmins to Kirkland Lake, as I did their family histories in order to determine the conditions of the health of their husband who died and the circumstance that led to that death. Then we compared that to all of his brothers to see, if you had a group of miners and you compared them to miners' brothers who were not in the mining industry, what the difference was. We found that, on average, the mining brothers died, I think it was, about 11 and a half years faster than the non-mining brothers.

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Again, my point is this: We changed the Workers' Compensation Act in this province as a result of workers; in this case myself and people like Omer Séguin, Moses Sheppard and Ann Maftarak, who has passed away, a volunteer for the widows. We worked hard at identifying what the causes of the industrial disease, in this case lung cancer, were. We worked hard at putting together the case that eventually we brought before the Workers' Compensation Appeals Tribunal, and we lobbied with the New Democrats, at that time in opposition, to get the then David Peterson government to make the changes to the workers' compensation system so we could make compensation to those widows and families who lost their loved ones at very early ages. A lot of these men died in their 40s and early 50s as a result of working in the worst years of the gold mining industry, what we used to call the "dustiest years," back in the 1920s, 1930s, 1940s, 1950s and even into the 1970s.

I just say to members of this Assembly, it is fitting that we go forward with putting in place a monument by which we're able to remember the injured workers of this province, the workers that have been injured as a result of their employment, and those that unfortunately have died. No more fitting memorial can be done than for us to continue the struggle of making sure that we have rules in this province that provide for workers to be fairly dealt with when it comes to the issue of both accident and disease within the workplace.

I hearken back to something that was done away with under the Harris government that I think was a tragedy, and that was the Industrial Disease Standards Panel. There was, as a result of the work we had done in the Steelworkers—we had lobbied the David Peterson government through the NDP, Elie Martel and at the time Bob Rae—I think he's doing something else these days. Anyway, we successfully lobbied to create what was called the IDSP as a result of the accord from 1985 to 1987. The Industrial Disease Standards Panel was charged with looking at those cases of creating the criteria necessary to recognize, first of all, is a disease related to the workplace, and if so, what should be the criteria for compensation? Our thinking within the Steelworkers is that if we're able to effectively compensate people that are diseased as a result of their work experience, that is not only fair for them but it'll create pressure on the employer to clean up the workplace. Our ultimate goal is not to have one diseased worker and not to have one injured worker in the province. It's a hard one to get to, but certainly we need to strive towards that.

My point is that that was done away with under the Harris government. I always thought that was one of the most short-sighted things they had done. It was one of the first things they did when coming to government. I look at this government and say it's something that we should revisit as bringing back, because there are still problems within the workplace. We take a look at esophageal cancers that are created within the workplace. We take a look at some of the professions, such as firefighters who are in harm's way when walking into a burning building with a toxic chemical burning in the building. We look at smelter workers, we look at refinery workers, we look at workers in the construction industry. There are many examples of people that are still being diseased. We need to get to the bottom of it in order to prevent those types of diseases from occurring as a result of somebody's workplace.

I also just want to end on this note with something I was hoping I'd have a bit more time to get into, and that's the workers' compensation rules. We all of us have done a lot of workers' compensation work on behalf of the constituents in our ridings. One thing that always astounds me is that—we just, for example, yesterday got word that we won a particular appeal that we had in regards to a particular individual with white hand, and white hand is vibration-induced. My point is that this particular claim is one that's been ongoing for the better part of around 15 years and came to my office about four or five years ago.

It is amazing the amount of work that we have to do in order to be able to finally win a claim on behalf of a worker who's entitled to something as a result of their exposure to the workplace. This particular claim was rejected categorically by the Workers' Compensation Board. We went through all the hoops, loops and jumps that they put in front of us to finally today them basically saying, "Well, given that there's"—they're going to give this worker the benefit of the doubt because we presented the evidence in such a way that they had to come to a positive conclusion. My point is, why should workers, members of the Assembly with their staff or legal clinics have to go through five, six, seven and sometimes 10 years of adjudication with the Workers' Compensation Board to give an injured worker what the heck he or she should have been entitled to in the first place?

I've got another claim that I won for a woman. She lost her husband at age 47. He was an Italian immigrant. They said they wouldn't compensate him for his lung cancer because he had come to work in Ontario at age 31; the criterion was you had to have started at age 30. Luckily for me, we were able to find a chest X-ray to prove that when he emigrated from Italy he had a clean chest X-ray, the point being it took six or seven years.

We finally won at the Workers' Compensation Appeals Tribunal—a very long story; it took five or six years—and then they awarded us the claim without quantum, meaning no money. I had to go back to the Workers' Compensation Appeals Tribunal for another two years to get them to award the money. Finally, they compensated the widow. But why should this woman who lost her husband to cancer as a result of his working underground have to go through what eventually took about six years to resolve, let alone whatever happened before she came to my office? Because I'm sure she was dealing with others before she came to my office.

My point is that workers far too often have to go through extraordinary struggles in order to get the most basic of things recognized when it comes to their entitlement under the workers' compensation laws or whatever laws are applicable to them. I support the member in what he's doing with the monument, but I challenge members that there is no better tribute, no better memorial to a worker, than to have rules that give them justice while they are still here and able to benefit from whatever those rights would be.

So I commend the member for bringing this bill forward, but let's resolve to challenge ourselves in order to do what is right and make life a little bit easier for workers in this province when it comes to how they get compensated because of injury or disease, and make sure that our workplaces are safe so that we prevent workers from being injured or diseased in the workplace.

Mr. Dave Levac (Brant): Speaker, I wish I had 20 minutes. I have shared times, so I'm only going to get a few minutes.

I want to do a couple of things first, before I get into the body of my speech. I want to accept the challenge from the member for Timmins–James Bay. I think he's

absolutely bang on. We want to make our workplaces as safe as we possibly can, to avoid having to use a monument. But, having said that, I want to accept his challenge, his personal perspective, his personal experience, and the history he provided to us, the perspective that he has provided. I think it's a valuable exercise, and it was heard. I want to make sure he understands that. I think every successive government has made an effort to make our working Ontarians as safe as possible.

The member for Haliburton–Victoria–Brock provided us with her perspective in terms of the various ways in which we can protect ourselves as well, and within her own profession of nursing, because I did mention and signal to her that it's actually on the rise, and unfortunately, we need to correct that as well. So we should be accepting those challenges when we talk about this particular bill.

I also want to make one point that I harp on all the time, and that is that this is private members' time and business. I want to welcome all of our guests to the House and explain to them that you will hear very little partisan discussion, because it's private members' time, where we remove the shackles of our parties and talk about each individual bill and its merit—not a government-sponsored bill, but one where private members present from all sides have an opportunity to speak to us. I only have a few minutes, so I'm going to try to be specific, but welcome, and watch and learn about how the private members speak to each other during this particular time versus question period, where you can actually get turned off.

Quite frankly, I'm very proud of this moment and this time, because we have passed private members' bills. We do pass them from time to time, and the ones that we pass speak to what Ontarians want to speak about. That's the one point. I'm going to encourage us all to use these opportunities to do that.

I've spoken in the past about bills on this type of thing. I was, behind the scenes, very, very supportive of the police memorial that was passed by the previous government. I was somewhat instrumental in passing the Firefighters' Memorial Day Act. That was a private member's bill that was mine. We passed it, memorializing our firefighters who have lost their lives in the line of duty. So, quite frankly, I'm very supportive of this bill.

I want to thank the member for London–Fanshawe for bringing forward to us an opportunity to, one more time, speak to safety. No one has a monopoly on wanting to keep our workers safe, so I would suggest to you very clearly that this is an opportune time for us, as private members, to speak to the very issue that is in front of us today, and that is to memorialize those who have been injured or killed, unfortunately, on the job.

The most dangerous job on the planet—they did a show, and now it's actually a regular show—is that of an Alaskan crab fisherman; per capita, more people die and are injured than in any other job on the planet. Those are workers. Those are people who make good money, but they risk their lives. And what does that say? They've got

memorials in Alaska for the lost fishermen, and that's what we are talking about today.

1040

In Ontario, do we have an opportunity to honour those families? Absolutely. I'm very supportive. On the National Day of Mourning in April, I rushed home from an event in London to be there on time at Fordview Park to pay my respects to those people who have lost their lives and been injured in my riding and ridings across the province. It is the right thing to do. Does it answer what the member from Timmins–James Bay spoke of specifically? No, it doesn't. But what it does is that it elevates us to continue the debate and the challenges he's laid out for us to improve the circumstances for all workers. I support that as well. We will be discussing those things in all our caucuses: Are there things we can do in legislation to improve the life and the safety of our workers in the province of Ontario?

I've got a page full of all of the statistics. I'm not going to go through them, because I don't have enough time, but I will say that yesterday we debated Bill 95, the Employment Statute Law Amendment Act by the member from Hamilton East, who took the place of the member who brought this private member's bill forward, my friend Dominic Agostino. The late Dominic Agostino was well known in this province as an advocate for the workers, and to him, I want to dedicate this discussion, when we do decide to put this memorial up, and I want to dedicate it at least to the memory of Dominic as well. He saw that. He fought tirelessly for them.

I want to make one last point in terms of what we are trying to accomplish. Ontario does have the safest record for safety on the job in all of Canada. We need to do more. I think we should do that. Let's use this as the springpoint where we can improve worker safety completely.

Mr. Norm Miller (Parry Sound–Muskoka): It's my pleasure to join in the debate this morning in private members' business to debate Bill 86, which is An Act to establish the Ontario Workers' Memorial. It's been put forward by the member for London–Fanshawe. This bill would establish an Ontario Workers' Memorial either here at Queen's Park or somewhere nearby Queen's Park.

The preamble of the bill really says it all. It's about recognition of Ontario's workers that have given their life on the job: "Ontario's workers are the lifeblood of this province's economy. Their talents and skills have made Ontario the most important economy in this country, thus contributing to Canada's becoming one of the best performing economies in the world. Our day-to-day lives are touched by Ontario's workers, whether it be by the cars we drive, the food we consume, the buildings that house us or the streets and roads that pave our province's way to success. Unfortunately, many of this province's workers have been lost to accidents while on the job. Ontario has become strong based largely on their efforts and therefore we should recognize those whose lives were lost in making this province great. The Legislative Assembly believes that it would be appro-

priate to establish a memorial to honour those workers who have made the ultimate sacrifice.”

That’s really what this bill is about, and I support the construction of the memorial as proposed in the act. I note, as was noted by the member for London–Fanshawe, that there are other memorials, most erected in the last couple of years and some in the process of being built right now. In particular there is the Ontario Police Memorial; that was dedicated in 2000. It was put forward by the past government. In fact, just last week they had the dedication ceremony, on Sunday, May 7. I’m sad to say that the one name that was added to that memorial this year came from the riding of Parry Sound–Muskoka, and that was Andrew Potts, who was killed while working last summer. He and his partner, Matt Hanes, were going to a call in the middle of the night on Highway 169 between Gravenhurst and Bala; they hit a moose on that highway and, tragically, Andrew lost his life. He was recognized and his name is now on the police memorial. And of course just this past week saw another police officer, John Atkinson of Windsor, killed. His will hopefully be the only name that will be added to that in next year’s ceremony here at Queen’s Park.

We also have the firefighters’ memorial. That was committed to in 2002, and I believe it opened in 2005. It is to recognize firefighters who lost their lives and died in the line of duty. It’s also located right here at Queen’s Park.

And just being built now right in front of Queen’s Park, we also have the new veterans’ memorial, which was once again committed to in 2002. It takes a while for these things to happen. It’s just in the process. The area is barricaded off. It’s being built right now, a very fitting memorial to honour our veterans.

Actually, this past weekend in Parry Sound–Muskoka, I also had the pleasure of participating with the local Bracebridge Legion for their annual Flag Day ceremony. On Sunday, a number of veterans and Legion members went out to the Bracebridge memorial cemetery where a service was held, and then, after that ceremony, a banquet was held to remember those who have given their lives in wars, fighting for the freedom of Canada. So I was very pleased to attend that ceremony.

This memorial that’s proposed is for workers. I know Frank Klees had wanted to speak today, and I’m sure he probably would have mentioned the Safe Communities Foundation. Paul Kells, the father of Sean Kells, who was killed in 1994, has gone on to create the Safe Communities Foundation, to work towards improving safety in the workplace.

I’d just like to tell you a little bit about Safe Communities Foundation. It’s a national, not-for-profit, charitable organization dedicated to making Canada the safest country in the world to live, work and play. The Safe Communities network currently includes 48 safe community coalitions, covering approximately 23% of the total Canadian population. The goal of the the foundation and all participating safe communities in Canada is to eliminate injuries while promoting a culture of safety

through the implementation of programs and education. That’s been the result of the hard work of Mr. Paul Kells, and I’m sure he was motivated because of the tragic loss of his son, Sean, who was killed on the job in 1994.

Certainly I think our efforts have to be geared towards doing absolutely everything we can to prevent injury, and to prevent death especially, in the workplace. The stats show that in 2005 there were some 300,000 workplace injuries and over 80 people were killed on the job in Ontario. That’s from the WSIB. I think that’s shocking. I understand we have the best record, but still it’s not good enough and we need to work towards improving it. So I commend Mr. Kells for the work that he’s doing with the Safe Communities Foundation.

The member from Haliburton–Victoria–Brock talked about farming being a dangerous activity. I would totally agree with her on that. It’s a line of work that involves heavy machinery and not necessarily controlled situations. She specifically mentioned power takeoffs. I’ve had my own brush with power takeoffs, so I can attest to the fact that you have to be awfully careful around them. We have many other industries, like forestry and mining, which naturally have a high element of risk, so we have to do everything possible to make the workplace as safe as possible.

I support the introduction of this bill and the new monument that’s proposed here at Queen’s Park. Thank you.

1050

The Acting Speaker: Further debate?

Mr. Tony Ruprecht (Davenport): Permit me to first congratulate the member from London–Fanshawe for introducing Bill 86, An Act to establish the Ontario Workers’ Memorial.

This week indeed is very auspicious, because we had some students come in here from three different schools. That was Bill 95. It was introduced by Ms. Horwath. Essentially, the bill pointed to improving young workers’ health and safety and to ensure that they understand clearly the hazards they will face on the job once they begin to work.

I’m reminded of a story of one of our great union leaders, Mr. Antonio Dionisio, who in 1954 was digging a trench for the Toronto subway extension. The walls fell in. He escaped with his life, but many of his crew were injured.

I was working on Vancouver Island with the loggers, who are famous on that island, and for the first time in my life I saw a severed hand. When you see the blood and the gore first-hand, you know that safety must be a priority.

The statistics are clear. In 2004, for which we have statistics, 277,422 people were injured on job. Out of those, 49,000 were young people who were on the job pretty well for the first time. Seven of those 49,000 died. Between 1999 and 2004, we had 1,697 people dying on the job. Obviously, these kinds of statistics need revision. These kinds of statistics do not speak well of our record, yet our record is probably one of the best in the indus-

trialized world. But for Ontarians and for us today, this is simply not acceptable.

Their deaths remind me of the monuments that some members have spoken of before, and I mentioned them yesterday. Over here, just off to the east, we have the memorial to the police personnel who gave their lives in the line of duty. When you see a criminal point their gun and shoot point-blank at police officers, these kinds of statistics, these kinds of accidents, simply cannot be avoided—they are not really accidents.

Just over here to the south, on the corner of University and Queen's Park, at College Street, we have another memorial. That memorial is to the firefighters. When you see a firefighter, you understand that he or she will give their life to save someone else; when you see and hear a crying baby in a fire-engulfed building or a bigger edifice, you know that the fire personnel will give their lives to save the kids. Those are not accidents, no matter how careful you are.

Just to the south of us here, as we speak, we're building a monument to the veterans who gave their lives in the great wars, and also to those who just lost their lives, in fact, in Afghanistan, in Kandahar. They were blown up by a roadside bomb. That incident and the loss of those lives cannot really be called an accident. They gave their lives in service to our country, and in service to freedom and democracy.

Today, we're specifically talking about workers. We know that if we can—with this Bill 95 that the member from London-Fanshawe introduced—simply say yes, through this monument, through our participation here today and through the participation of all the workers, if we can save one accident, if we can save just one life, then we can say today that we have done our job.

To all Ontarians, especially to those who are today working in their specific construction industry or wherever they may be working, we simply say, "Be careful, know your rights and try to improve working conditions." If they have no accidents, we have done a better job, because fewer accidents mean better working conditions, and better working conditions mean a better Ontario in the end.

Mr. Lou Rinaldi (Northumberland): One of the opening remarks we always make is that it's great to speak to a new piece of legislation or a new bill. Unfortunately, I have a hard time saying that, although I must say from the outset, this bill introduced by my good friend and seatmate from London-Fanshawe is truly one of those things that makes us reflect on some of the folks who lost their lives, and we don't want to forget that. So a monument will certainly be appropriate. From the outset, I must say that I'm fully supportive of this and I'm sure every member in the House is.

As I mentioned, it's kind of hard that we are here debating a bill to establish a memorial for people who lose their lives. People should not lose their lives because they get up in the morning, or in the evening, whatever shift they work, and go to work and don't come home. That should not happen. As legislators, as previous

speakers have mentioned, maybe we need to work hard so those things don't happen.

Just in the last couple of weeks we recognized the federal labour council's National Day of Mourning. I had the opportunity, as I have for the past seven or eight years, both as a municipal politician and now here in the province, to celebrate with folks from the Northumberland federation of labour the day of mourning in Cobourg.

I remember when we first started that. We did it in front of the county building in Cobourg, just on the sidewalk. These folks worked so hard, we now have a memorial in Cobourg to honour the folks who lost their lives in their workplace. But it's not just a memorial, it's a park, right on the northern shore of Lake Ontario. It's a beautiful setting, I guess the best possible setting where one could celebrate those moments.

But wouldn't it be great—you know, I hear London has one; I'm sure other communities have one. We have one in Cobourg for the whole county of Northumberland. But wouldn't it be great if we had a monument somewhere around these buildings here at Queen's Park where we could honour all the folks who lost their lives right across the province.

It's not new, the saying "An accident is only a word until it happens." Many times we say that in passing, without a lot of feeling or a lot of meaning behind it. But if we stop and think for a minute—I had the opportunity to visit some families that lost their loved ones through the workforce. A couple of years ago, a policeman in Cobourg lost his life. It was a real challenge. We cannot imagine—I know we say we understand their feelings and we understand how they feel. I think we're lying when we say that, because unless you experience it—it must be difficult. There's no warning. It's not from a deadly disease that we can't cure. It's not from something that's expected. These people got up in the morning, left their homes, left their families and went to work, and they didn't come back. If that were ever to happen to any members of my family, I have no idea how I would handle it.

The member for London-Fanshawe is trying to heighten that awareness today. The more we're reminded of these accidents, I really believe we can prevent them. As a society, we can prevent workplace accidents and some that end up in people losing their lives.

Having a memorial, yes, remembers those people who lost their lives, but I think it will also heighten our awareness as Ontarians, as legislators, everybody, to try to work towards the prevention of that word "accident."

It's great to debate this, and I now look forward to a vote and to passing this bill along.

The Acting Speaker: The member for London-Fanshawe has two minutes to reply.

Mr. Ramal: First, I want to thank the members for Haliburton-Victoria-Brock, Timmins-James Bay, Brant, Parry Sound-Muskoka, Davenport and Northumberland for speaking in support of the bill.

Every speaker brought different perspectives to this debate, but all of them together put a lot of emphasis on

creating safety in the workplace. Safety in the workplace is the most important thing, to prohibit accidents from happening.

Despite all the mechanisms, laws and procedures we put in the workplace, accidents will happen sometimes. I know all governments over the years have worked very hard to establish and make procedural mechanisms to protect workers in the workplace, creating safety for all the people who decide to go to work, so they can come back home to their families and enjoy their lives. But despite what we do, accidents happen, people are injured and people die.

That's why I'm asking this House and all the members from all the different parties to support a recognition of the people who died and to support this bill to establish a memorial outside this House, a monument to recognize the people who work hard for us and give their talents, skills, ability and youth to keep our province alive and vibrant. This bill is only a recognition, a small token for the people who died.

I want to echo the member from Brant, who talked about the late Dominic Agostino, a fighter for workers across the province of Ontario, that this bill be a memory of his departure from this place. Thank you.

The Acting Speaker: That concludes our debate on ballot item number 35.

1100

DISCLOSURE OF CRIMES
ON PROPERTY ACT, 2006

LOI DE 2006 SUR LA DIVULGATION
DES CRIMES COMMIS SUR DES BIENS

Mr. Sergio moved second reading of the following bill:

Bill 40, An Act respecting the disclosure of information about crimes to purchasers of land and to tenants / *Projet de loi 40, Loi sur la divulgation de renseignements sur les crimes commis aux acheteurs de biens-fonds et aux locataires.*

The Acting Speaker (Mr. Ted Arnott): The member for York West has 10 minutes for his presentation this morning.

Mr. Mario Sergio (York West): Before I begin, let me introduce in the members' gallery Detective Sergeant Jim Qualtrough from the Toronto drug squad and Mr. Anthony Samotus from the Toronto Real Estate Board, accompanied by my EA, Mercedes Zanon as well.

I'd like to acknowledge my colleague from Cambridge, Gerry Martiniuk, who not too long ago introduced to this House for the first time a similar bill on grow ops. I would like to say thank you for bringing this matter forward, about which I know he shares some considerable concern.

The purpose of this bill is to provide protection and safety for the people of Ontario in an area of concern that is becoming more widespread as we speak. Bill 40 provides that a vendor in an agreement of purchase and

sale and a landlord in a tenant agreement must disclose to the purchaser or tenant whether the property that is the subject of the agreement has been used to commit a crime during the time the vendor or landlord had a legal interest in the property. Let me say at the outset that the bill as it is does not answer all the questions or cover every detail, but it must be seen as the beginning of a debate with the aim of seeking wider input, recognizing that there is a real problem that must be addressed; that we send this forward to go into our community to hear what groups and individuals have to say and let the appropriate committee bring back to the House a final paper that provides fairness, peace of mind and effective consumer protection.

Some 50 or 100 years ago, perhaps in a more vintage Victorian era, we had no grow op problems. People were dying in their homes, and yes, that was normal, acceptable. Even today it is normal and acceptable for people to die in their own homes—the 21st century is here—as a right. We now have hospices and long-term-care homes, where many of our senior people find final rest during their journey.

Today we have grow ops in residential homes and horrific murders and other vicious activities that take place as well. As a result of these actions, today too many consumers are left traumatized and in despair. I think it's quite appropriate, then, that an agreement to purchase and sell or a lease or rental agreement contain a disclosure of such an activity having taken place.

In 2005, Toronto police raided some 347 grow op houses. Scarborough's 42 Division has begun to publish exact street addresses of grow ops on their own website. Homeowners are required to disclose urea formaldehyde home insulation, even though this type of insulation has not been found to be hazardous. As a matter of fact, I believe it is now a standard clause in all offers to purchase. In my own 31 Division, there were 19 cases in 2003, 39 in 2004 and 67 in 2005; in 42 Division, 43 cases in 2003, up to 123 in 2005, equalling some 42,000 plants.

I have just received some fresh statistical information from our own Ontario Provincial Police drug enforcement section which is quite staggering, and I think we should pay serious attention to that: total investigations, 12,000; search warrants executed, 3,873; criminal charges, 30,400; charged persons, 7,700; marijuana grow ops eliminated, 2,486; marijuana plants destroyed, one million; weapons seized, 2,379.

What does all this mean to a young family with a couple of kids who just scrounged to find the down payment to purchase their first home? What will be their reaction when the neighbours tell them that this house was busted or that so-and-so was murdered? They may not see ghosts, but the nightmare begins. It is a traumatic and mental anguish that is compounded when forced to deal with an exorbitant cleanup bill.

The health risks, trauma and financial burdens associated with these issues beg the attention and resolve of this House.

Health risks: Mould can be removed, but some spore species can be present for up to 50 years. Mould spores

cause debilitating illnesses. A pregnant woman, a child or a frail elderly, someone with a weak immune system, chemical sensitivities or respiratory problems are at the greatest risk of adverse effects. An artificial atmosphere is fertile ground for airborne bacteria. Inhaled bacteria spores ingested or absorbed through the skin can cause potential respiratory disease. New occupants—families—will likely become ill in a few months or even in a few weeks. Many studies confirm that mould exposure is a leading cause of childhood asthma. Repeated exposure will see the onset of allergies that could become lifelong.

Financial costs: You cannot cover up a mouldy wall without endangering the lives of renters or buyers. Returning a house to a habitable condition will cost absolutely thousands and thousands of dollars—it is being said some \$30,000 to \$40,000 for a normal house. To run tests and spore removal is costly and never guaranteed as a total remedy.

1110

This is not a case of “What you don’t know is not going to hurt.” We must not only educate an unwary public, but we must take responsible action and make disclosure mandatory. I think it’s incumbent upon us to send a very strong message to villains and criminals, and property owners and landlords, that we intend to protect consumers. It is time to give consumers protection and peace of mind.

The real estate profession is a very noble profession. Agents are professionals, and they conduct themselves as such. They are very happy when they finalize a sale and end up with a very happy client. As a matter of fact, I’m thankful I was provided with a letter from the Toronto Real Estate Board supporting this, but showing concerns with a lot of the issues. They would like to see this bill work in our communities, and they would be looking forward to having their input on the matter. As well, I have a fax from one of the city councillors who has shown some concern. He deals with a number of grow ops in his constituency as well. There are several calls that I have received in support of this particular bill.

My time is running very quickly and I have quite a bit to say, but let me say to the members of the House today that this is not an issue related to a particular constituency or a particular riding but one that affects everybody in our province. I would indulge the members of this House and say that I would like to see the House send out to those people who intend to make a quick buck at the expense of vulnerable Ontarians a very strong, unequivocal message to owners and landlords, to those criminal minds, that there is a price to be paid. But the highest price will be paid by some innocent Ontarians.

I hope I can have the support of this House. I hope that indeed it will come back soon, and then we can truly say that, yes, we have done something to protect the people of Ontario.

The Acting Speaker: Further debate?

Mr. Ernie Hardeman (Oxford): I rise to speak to Bill 40, An Act respecting the disclosure of information about crimes to purchasers of land and to tenants. I want

to thank the member from York West for introducing this bill.

Any time that we can talk about issues that deal with protecting public confidence in our economy and our society, it’s a good thing, although, as I read this bill, I started having some concerns that the bill does a lot of things that have very little to do with consumer protection. When we have a property that has had a grow operation in it, the fact that it may have the climate that was attached to that operation, which of course would be a criminal activity covered by this bill—we don’t see the damage that it does in the structure. So I think it’s appropriate to find a way to make sure that’s disclosed when someone else purchases the property. But when you look at other crimes, I find it very, very hard to accept that a landlord or an owner of a property could be held liable for anything that may have occurred in that building during the time that they have owned the building.

I would suggest that, as you read the bill, it’s not only the unit; it is the total building that the landlord must disclose, first of all, to any tenant. If there has been a criminal activity in that building in the last 25 years that the landlord has owned that, he must disclose it to every tenant coming in.

First of all, I wonder how they would keep track of that. Second, I wonder what significance what has happened in the building other than that which may be structurally applicable—what interest that would be to a tenant 20 years after the fact. The disclosure of that, to me, does not seem to be anything that deals with the quality of the structure of the accommodations. So I see absolutely no benefit to putting that in there for consumer protection.

There are certain crimes, I’m sure, that, their having been committed in a building, someone may not want to buy that building because that crime was committed there, even though it has no material effect on the building. Having said that, I’m not sure the onus should be put upon the owner of the property to say, “I will tell you why you shouldn’t want to buy my property because of something that happened here through no fault of my own, but this happened in our neighbourhood or this happened in this house.”

In fact, if we’re going to use that analogy, I expect it’s fair to say that we should likely broaden it to say everything that’s happened in this community, because I think you would find, if you’re looking at criminal activity as it relates to whether a person wants to buy or rent accommodation, the criminal activity that goes on in the neighbourhood will likely have a greater impact on the decision as to whether they want to move into that area than what actually happened in that individual unit. Again, I don’t think this is an issue where the onus should be on property owners to divulge or gather this information and make it available to each one who goes in. From that aspect, I think the majority of the bill is somewhat misplaced.

As I said when I started, it’s so important that we do all we can, at least in discussion, to protect consumers

from being taken, shall we say, on a contract, that what they end up with is not what they wanted. Of course, this is private members' business so it's not a party issue, but it's interesting that the member who introduced it is a member of the present government.

The minister responsible for the Real Estate and Business Brokers Act, which is the act that this would apply to as to the information required in buying and selling, announced the following on March 31, 2006:

"People buying and selling real estate in Ontario will be better protected under the new Real Estate and Business Brokers Act, said Minister of Government Services Gerry Phillips.

"We know that buying and selling a home are two of the most important decisions Ontarians will make in their lifetime," Phillips said. "This new legislation will help protect consumers and play a role in maintaining a safe and vigorous marketplace for both residential and commercial real estate." ...

"The government made new regulations for the act in November 2005 after consultations with the industry.

"The new act will benefit both the consumer and the real estate practitioner, as it includes consumer protection initiatives, higher ethical standards and standards of conduct, which, in turn, will strengthen confidence in the buying and selling process for all types of real estate in Ontario," said Real Estate Council of Ontario chair Bruce Law."

The reason I read that into the record is, I think this is the issue that the member's bill is dealing with, building that consumer confidence and consumer protection. If the member's own government believed this was the right approach, why wasn't it introduced in the legislation in 2005?

Having said that, I know governments move in mysterious ways, and sometimes new ideas come forward after legislation is put in place. But it's important that when you do make changes like that—and this would make a major change in how real estate deals must be put together, what real estate agents must do and what the owner of the property must do—I would think it would be a government initiative that would put that in place. I think the member pointed out that the bill isn't the answer; it's just a framework to build around. I think that's really what it should have been, as a government bill. It should have been and should be part of the next review of the Consumer Protection Act, as opposed to a stand-alone bill, as to whether that would work.

I think it's important that we look at this in the essence of what it does to the public. Again, in consumer protection we have to remember that people who own properties are also consumers who need protection, and we don't want to put laws in place that make it more prohibitive for them to be able to sell their properties. We want to protect all consumers. The whole essence of the bill is to make sure that everyone knows what they're buying and then gets what they pay for or what they put their money down for.

1120

Again, with this being from a member of the government, I'm having real concerns. This morning, between leaving home and now, I've heard from at least six people—more than that, but at least half a dozen people—who were very concerned about what the government did yesterday. In fact, they introduced a budget bill that we all—I suppose the people of Ontario knew that the government had passed a budget. They knew there was a budget bill that was going to implement the budget, changing the rules that needed to be changed in order to implement the new budget plan for the government. But as they woke up this morning, they realized that something else had changed too, and they're all very concerned about why they hadn't heard about that. That was the fact that section H, I believe, changes the term of office—the most basic part of democracy is the elected people—for municipal politicians from three to four years. The people said, "Oh, my gosh, how did this happen?"

Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh): That's been in the news for months. My constituency has known about it.

Mr. Hardeman: Obviously, the member had great interest in his constituency, but the Premier and the Liberal government had no interest in the constituency of the whole province, because people all over say, "How did this happen?" Now, of course, what was interesting about it is that if you talk to the municipal politicians, they were told about this in February, at a conference that the municipal politicians had gone to. At that time, the municipal people were not very happy with the provincial government because that was a matter of a month after the government imposed the changes to the municipal pension plan, which was going to cost municipalities bundles of money. Every municipality was concerned. The Premier needed something to announce that would make people in this room smile, so he announced that before the next election he would see that the term of office for municipal politics would be extended by a year. Some people said, "How are you going to do that? You would have to introduce a piece of legislation because the term of office for municipal politicians is governed by the Municipal Elections Act." He said, "Don't worry about it. I think I can sneak it into the budget bill." And all of a sudden we have the budget bill, we have two hours of public hearings, and most of those public hearings were related to people coming in and opposing that part, but it was passed with a time-allocated vote, and now we have new laws.

The people didn't buy into that. It wasn't given to them during an election. They just woke up one morning and found it. I think what we need is building consumer confidence, voter confidence, and we've got to quit doing it as this bill it trying to. That's why I just want to say I can't support this bill as it's being proposed.

Mr. Michael Prue (Beaches–East York): I read this bill. On first blush, I thought this was a bill that we should support. On further reading, though, I am having

some very real difficulties, and I hope the member will take some of this to heart. If it does pass today, and if it does get sent to committee for discussion, I believe that the entire bill would quite literally have to be gutted. I'm going to outline what some of this is.

The bill starts out and makes the statement that an owner of a property, whether that is the actual owner who lives in the property or an owner who might rent out the property, must disclose if a property was used to commit a crime. The letter that I received from the member from York West sets out some of the crimes that may be involved. He doesn't limit the crimes or expand the crimes. His exact wording is, "The scope of the bill could include murders, kidnappings and hostage situations, callous acts committed against humans or animals, sexual offences that include those committed on the Internet, prostitution rings, grow ops and gang-related crimes. The parameters will be established during committee." What this sets out is that there is a broad potential range. It can be narrowed by committee, I would suppose; it could also be expanded by committee. But there is no way of knowing, if this passes today, exactly where we are headed, whether it will run the entire gamut of the Criminal Code or whether it will extend to acts beyond the Criminal Code for which there are mandatory life sentences, such things as trafficking in non-narcotic drugs, those that are hallucinatory or are manufactured as opposed to narcotic. We really do not know the scope of this bill.

This is a very sweeping potential invasion of privacy. The entire matter comes down to: Will it have an impact on the owner or potential owner as to the enjoyment of that property? Will it result in a lessened enjoyment of a property if you were to find out that some type of criminal activity took place there? Quite frankly, with the exception of grow ops and the health concerns, I fail to understand how that might happen. I really honestly fail to understand how that might happen.

I want to deal with grow ops and what already exists at this time. There was a bill before this House not too long ago. Minister Kwinter, the Minister of Community Safety and Correctional Services, stood up and we had a fulsome debate over many days on a grow op bill. I remember people in this House, particularly government members, stating that when this bill passes, this will be the definitive explanation on banning grow ops, on dealing with grow ops, on assisting the police and government agencies to get into the buildings to find them, and that nothing else would need to be done. I remember that debate as if it were yesterday. It took place, it was real, and it was to be the final word on this issue.

What already happens to people who find their property used for a grow op? A gentleman called me to his house in Beaches-East York last year. He is a man who lived in the house for many years. He purchased a house out in Pickering, where he and his family moved, but he kept this house and decided it was going to be a rental property. He was going to use the money from the rental property to finance his new home in Pickering. This is

not an uncommon experience. This is something many people do when they start to amass property. They will buy one property, move to another one, rent out the first property and use the proceeds to amass wealth. It's quite normal.

He was a fine and upstanding citizen in East York, and I am sure is a fine and upstanding citizen to this day in the city of Pickering. But who was not fine and upstanding were the people he rented it to. He rented this property to three young men who said they were going to live in the house. They agreed to look after the upkeep on the outside of the house, and in fact they did. They agreed that he could come by every three or four months and inspect the inside to make sure no damage was done, and in fact that's what was going to happen.

What happened to this poor individual was that about three months after he rented out the property—and he got his money every month; they paid him every month—the police busted it. When they went inside, they found marijuana plants and hydroponics. They found that the electricity had been tapped, because one of the things you want to hide is that you're using inordinate amounts of electricity. They found it had been used for gambling. They arrested the three young men inside and charged them with various offences relating to a grow op and to gambling. They called the owner of the house. He came down from Pickering and was as shocked as the neighbours and everyone else would be that this had happened in his property.

1130

But what happened to him after that I think is instructive, because what this bill would do to him is make him even more a victim than he already was. The city of Toronto, in conjunction with the police and the building inspectors, are called in in every grow op situation. Their first duty is to look and see if any structural or other damage has occurred in the house and to require the owner of the house, under the building code, to make the necessary repairs.

This poor individual, who I don't want to name because he's already a victim, was ordered, among other things, to replace all the baseboards in the house, because although it was not related to the grow op, the building inspector said they were not up to code. He was required to completely change the parking area at the rear of the house because it was in contravention of one of the city bylaws. He was required to repair all the water damage, even water damage that was not caused as a result of the grow op; there had been some leaking in the roof in previous years. He was required to replace all the windows because the windows were leaking and were not up to code. He was required to completely redo the wiring system in the house. He was required to remove and change the front porch, and he was required to remove and change all the cupboards that were found in the house.

I don't know how much of that was a result of the grow op, but it was certainly a result of a building inspector, and I think a zealous, perhaps even an over-

zealous building inspector, going in and making sure that this person, this innocent victim, was required to do all this because his house had been used unbeknownst to him as a grow op.

Here we have a circumstance that went well beyond the mould and the damage and what was actually happening inside the house. The owner was required to spend tens of thousands of dollars and many personal hours of work to accommodate all the changes that had to be made inside the structure because his building had been used contrary to law.

What we have here is particular and serious wording that causes me even more concern. I think about this poor gentleman and what happened to him already under the existing laws and under the building code. This is what's going to happen here, and I read this from the act itself. Section 62 is going to be added to the Conveyancing and Law of Property Act so that "the vendor warrants to the purchaser that the building or structure has never been used, during the time that the vendor had a legal interest in the land, in the commission of a criminal offence resulting in the conviction of any person...."

This causes me some considerable grief because the law is not confined simply to those that are suggested, and even some of those that are, such as sexual offences, gang-related crimes, grow ops, callous acts and kidnappings—let me just pose the question and maybe the member can answer this in his two-minute rebuttal.

If a person is assaulted inside his or her own house, whether it be spousal assault or anything else, and it is of a particularly serious or grievous nature, the victim, the person who was assaulted—and someone else was convicted of this—has to reveal this. They have to reveal at the time of the sale of the house that a person came into the house, assaulted them, beat them, did whatever. They have to reveal that their house was the scene of a crime. They already have had a bad enough experience, having been assaulted and beaten, and they may want to move out of the neighbourhood or the house as a result of that. They then have to expose to any potential buyer that they were a victim.

I ask the same things about victims of a home invasion. This happens all too frequently in our society. You open the door, someone comes in and does the home invasion, ties you up, ransacks the house, steals the money, does whatever and leaves. They subsequently get caught, but the victim, who then may say, "I want to move away from here," has to reveal to the world that they were a victim, that a criminal offence took place in their house. They had absolutely nothing to do with it. They are victims already, and they are going to have to reveal this so that a potential buyer may say, "I want to get out of this." This is an easy way to get out of it. I find this quite horrendous.

What about the victim of a robbery? Somebody robs you. You're not home today, and you go home and somebody has ransacked the house. They finally catch him. That happened on the property. You're a victim and you have to reveal that. What about a victim of mischief

to private property? Although that's not included and is usually a fairly minor crime, it could be. You go home at night and see that somebody has thrown a brick through your window. They catch the perpetrator. Okay, there you are. You then have to reveal that your house was used in the commission of a crime, because it was.

This causes me, and should cause all of you, considerable grief. The owners are going to have to reveal that it was used as a crime. They are not the perpetrators; they are the victims. That's why I have some considerable problem with this.

When I look down to the next section on tenancy, it is even more problematic. When you look down at that, it says, "The landlord warrants to the tenant that the building or structure in which the rental unit...." That's what I want to focus on: the building or structure. If anywhere inside the building or structure was used for criminal purposes, the landlord must reveal this to all potential and future tenants as long as the landlord owns it.

What happens here? The landlord is held responsible for literally every tenant and everything that is happening in an apartment unit. We know that there are some very large ones; we know that there are up to 500 apartments in a building. If somebody commits something serious in an apartment, one of 500, this bill will say that the landlord must reveal that to every future potential tenant who comes to the building as long as he owns it. If there is an altercation—two guys come home and have a drunken brawl in front of the elevators in a public area, and the police come and take them away; maybe one of them gets hurt badly—that is going to have to be revealed to every single potential tenant as long as that landlord owns the property, because a criminal offence took place inside that apartment building. I don't have to tell you that if you have a 500-unit apartment building, this is going to send shivers up your spine. It will become increasingly difficult for you ever to rent out your building, because you'll have to say, "There was a criminal offence that took place in my building four years ago, where two guys went at each other"—nothing to do with the building, nothing to do with the property, nothing to do with the cleanliness, nothing to do with anything, but it is going to cause great grief, I'm sure, to the landlord community.

There will be a huge reluctance on the part of landlords and owners to reveal this information—a huge reluctance. If they know that a criminal activity is taking place, I will tell you, they will be reluctant to go to the police and explain anything, because this is going to cause them nothing but grief in the end and make it difficult for them to rent the property. I think they're just going to start turning a blind eye—something that I do not want them to do.

The real remedy, I would suggest, is not within the body of this bill. The real remedy is to force owners, to force landlords and to force those who have committed the act to completely clean up and make whole again the property that has been damaged as a result of the criminal activity. If there is a law that will force that, that would

take the money, however that's done, whether you take it from people's wages or fine them or take it through the courts, and if it costs \$20,000 to fix it up and they must be required, as part of the penalty in law, in the case of a grow op, to pay that to make whole the landlord's property and to make sure there is no mould and no damage, that is what should be done. To put innocent people at risk, to put landlords at risk who, through no fault of their own, are victims, I think is a mistake.

Mr. Lou Rinaldi (Northumberland): I rise to speak on Bill 40, the bill from my good friend from York West. Once again, it's one of those pieces of legislation that, if passed, will protect our constituents. I think that's what we're all here about.

Before I get into that, and I know I have a few minutes, I just need to address something. I must say that I'm disappointed with my good friend from Oxford, who took about half of his time to talk not about the private member's bill that we're supposed to be here talking about today but about a piece of legislation, the budget bill, that passed last night, which had a piece in it about the extension of municipal councils' term of office. I didn't think that this was appropriate, but then he's got the freedom to speak about what he likes to speak about.

Just to explain, I was disappointed that his constituents weren't aware this was happening; he got phone calls this morning. I feel bad for the people of Oxford, because this member's not keeping them informed. I feel bad because he, as a member of AMO, knew darn well that AMO has been lobbying this government and the previous government about the extension of terms of council. I'm going to stop there because I am here to talk about the bill.

1140

I think the member made it very, very clear—I hear the previous speakers—that the bill is not very specific. Many times we sit in this House, whether it's a government bill or a private member's bill, and we hear that there's no room for debate, no room for input. I think the member was very, very clear. I know his cover letter that we all got was that this created the basic of a framework, and he was looking forward to committee to get that type of input so that if the bill becomes law someday we'd have it right. The framework wasn't rigid, I think he made that very, very clear, and I think I need to commend the member for that.

Sometimes, as I said before, whether it's a piece of government legislation or a private member's, we seem to put in some pretty tight constraints, like a straitjacket. That bill deals that and there's not much wiggle room, and we're afraid that if we make the wiggle room, then the bill loses its flavour.

I think maybe this is a way that we should look at future legislation in this place, to leave those opportunities, so that we not only debate them during second and third readings, but to let the committee do the real work that they're supposed to do; bring in those ideas from the public and members of this Legislature to talk about how we can best address the issue.

On a little bit of a lighter note that refers to this, in my riding, as a matter of fact in the town where I live, we

have Proctor House. This was a piece of real estate that a shipping magnate from years gone by had acquired. It's a beautiful old home. It's now a museum. The property is owned by the conservation authority, but the municipality administers the museum, the house. It's a beautiful house. It's turning into the museum to showcase the era in which the house was built, and the costumes and all those wonderful things that they did back in those days, and we're honoured to have it so we can remember those memories.

Subsequent to that, just in the last five or six years, they built a beautiful theatre, Proctor Barn, which is a replica of a barn of the era and was transplanted to complement the house. They have some fantastic live performances.

But back to the house. The house was known, and still is, for the Proctor ghost. I can tell you, as much as I would love to live in that house, there's no way that my wife would ever move there because of the stigma—although it might not be true—but the stigma of that ghost.

I can just picture myself. When we moved to Brighton 26 years ago, we just wanted to move into the county. We didn't check the history; we didn't check where people came from. It was kind of nice and refreshing, moving from the city to a nice rural community, a different way of life. I could just see me and my wife and four young kids buying Proctor House and then somebody telling us, "Well, Mr. Rinaldi, this house was known for a ghost." I can tell you, I would probably have to move pretty quickly, knowing my wife.

Just to prove that, as mayor of that great municipality, I was at one of the functions. Over the mantle of the fireplace in this great big living area, there's an old mirror that's sort of faded away, as old mirrors go. I can't remember the function. I think it was around Christmas-time, and myself and some other folks had the opportunity to have their picture taken in front of the mirror. You know what? In the picture afterwards, just behind our heads, there was a shadow. I know it's from the faded mirror, but it was a ghost. I have proof in my house with the Proctor ghost behind my head. We talk about superstitions, but there are people that believe in those things.

But more about the bill. I think the point we're trying to make here today is that "Buyer beware" is not good enough anymore. We know that with some environmental issues. We have some laws in this province where we have to unveil or reveal, and in many cases go through some pretty stringent tests to make sure that a property you buy, whether it's commercial or industrial—and from what they tell me these days, if you have to get a mortgage for a residential house, in many cases, depending where it's located, you have to have an environmental study done on it to protect the buyer who is potentially buying the property.

We talked about some of the things that might not fit this—maybe not. Maybe, through committee, we will identify or the member from York West will be able to identify those things that are right and those things

should not be there. I think we need to be open-minded about that. But, for example, I'd be very concerned if a house I buy is a grow op—we talked about this from all sides of the House; we used that example from all members—that might have left some of those chemicals in the house that maybe my kids, not knowing any better, would come in contact with, or even myself. When you buy a house—I know I did it every time we moved. This is why I haven't moved for 26 years: because I've got to go through the torturous process of doing some renovation, not knowing what you're going to find when you tear down a wall or a window. And you may find one of those things that might create some problems.

I want to congratulate the member for recognizing the need to protect our communities. I know he's taking the right approach. Let it go to committee, and let's find those things we need to protect the best. I look forward to this bill moving on.

Mr. Robert W. Runciman (Leeds–Grenville): I don't have a lot of time to participate, but I certainly, as a rule, like to support private members' bills or resolutions, whatever side of the House they come from. Knowing the member for York West, I know he's a very sincere individual, and he certainly tabled a piece of legislation that he feels is going to be helpful to his constituents and others in the province of Ontario.

Regrettably, I think that perhaps not enough time was given to assessing the impacts of the legislation in terms of the scope. I'm not personally too worried about that, but because it does, in many respects, revictimize victims of the crime, I don't believe our caucus can be supportive. Certainly the indication from the third party's spokesperson here today is that they're going to be unable to support it as well. That's regrettable, but I think we can get the sense that the majority in the House, the Liberal Party, will support their colleague and get it to committee.

I think all of us know the sad fact is that virtually no private members' legislation, substantive legislation, ever comes back for third reading. That's the sad reality of this place. If we want to have a motion that says we're calling every Tuesday Dead Duck Day or something, that might have a chance of getting acceptance, but any substantive motion—and there are a number on the legislative agenda from all three parties in this place. I can talk about two in our party. Mr. Klees has one on organ donation, a very important initiative. Mr. Jackson has one dealing with a mandatory inquest for children who die while in the custody of the children's aid society. Those are important initiatives that I suspect would have the support, and have had the support, of all members of the House when they've been debated and voted on in second reading. But the reality is, they're not going to be called for third reading. We put them forward as priorities for our party, and we are now looking forward to priorities for the NDP and for the Liberal government. But at the end of the day, since our bills are all substantive and deal with important issues, they're not likely to see the light of day.

The only way is to perhaps get around the situation—we've seen efforts by Mr. Zimmer, of course, with his legislation, which, again, is a bill that we agree with. Ms. Jeffrey has one on sprinklers. I think she's had every fire department in the province of Ontario writing to me, as the House leader of the official opposition, saying that I'm somehow the problem here in terms of getting this legislation through. Of course, if you know how this place operates, you know that's not the case. Certainly, the member for York West knows that the opposition doesn't have the responsibility for calling legislation in this place. But that's the sort of thing that does go on around the perimeter and efforts to circumvent the system. I don't blame members for doing that, because the record is that we don't get beyond referring these to committee, and we have some interesting discussions in committee, and maybe some amendments come forward.

Certainly with this legislation, it would require amendments to the scope. I think most of us could support it if the scope was narrowed down to a significant degree. So then it gets amended, and then it will die on the order paper. That's what happens. The public, when they hear about this, just can't understand it, but that's the way the place, sadly, has operated and continues to operate, regardless of which party is the government of the day.

So I guess we all have to take responsibility for that. I guess at some point, if we all stood up on our hind legs and said, "Enough is enough; we want to see two or three substantive private member's pieces pass through this House that have unanimous support," maybe it could happen, but I'll be a very happy man if indeed the day ever occurs while I'm a member.

1150

The Acting Speaker: The member for London–Fanshawe.

Mr. Khalil Ramal (London–Fanshawe): Thank you, Mr. Speaker, for giving me the chance and opportunity to comment on Bill 40, An Act respecting the disclosure of information about crimes to purchasers of land and to tenants.

I was listening carefully to many speakers in this House, certainly to the member from York West, the member from Beaches–East York, the member from Oxford and the member from Leeds–Grenville. The member from York West is a great member, as everybody knows in this House. He's been around for a long time, from a municipal councillor to a member representing York West, always bringing important issues to us in this place concerning his constituents, concerning the people of Ontario, which I think he represents very well.

I think the intent of the bill is great. It tries to protect many people across the province of Ontario, especially young people. Getting married, they want to buy their first home for themselves to raise a family, to raise kids, to enjoy their investment. I think they have a right to know what happened to the house before them. They have a total right to know if the house was a scene for criminal activities or a grow op for marijuana or drugs.

I think the member from York West was clear at the beginning when he was talking about the bill not being defined yet. That's why he was hoping it would go to committee, and then the committee would define it or shape it up and make it such an important bill to deal with very important issues.

I want to share the concern of the member from Beaches–East York. I respect his opinion, and I know he had great experience when he was a municipal mayor for his riding. I know he brings great information to this House, and we value and respect his concerns all the time, but we don't want to go far and try to explain the bill or give it more different explanations. We want to be fair to the member from York West, because he stated at the beginning when he was introducing this bill that he knows it's not firm yet, not defined yet. So, hopefully, when the bill goes to committee, it will satisfy the member from Beaches–East York and the member from the Conservative Party, because it's very important to create awareness among all the people.

I think, as a purchaser, I have a right to know what kind of activities were happening in the house, maybe some criminal activities that, psychologically, I won't be able to accept. I also agree with the member from Beaches–East York: We cannot list every criminal activity, whether somebody was fighting with his wife, or the police came to visit for some reason, or we rented a place and that tenant used it for criminal activities. Well, we're not going to penalize the owner and landlord. I agree with him 100%. I don't dispute that, but we have to create an important issue which the member from York West brought to us. I think the homeowner, when people want to buy a house to raise a family, has a right to know the history of that house, if criminal activities happened in the house or if it was a grow op for marijuana. I think it's our right to know. Then, after our knowledge about what kind of activities happened in that house, we can decide if we want to buy it or not. I don't think the intent of the bill is to open it up to all criminal activities—whether somebody is smacking someone or if police have visited the place. I don't think that's the intent of the bill. I think the bill has good intentions to create awareness among people, and it's the right of people who are going to invest thousands and thousands of dollars in a certain location to know what kind of property they are buying.

I want to echo my friend and seatmate, the member from Northumberland, who talked about the ghost place, which everybody knows was on CBC one time. I don't want to buy a place that's well known as a ghost place. I don't believe in ghosts, but for some psychological reason, I would be stressed out and I wouldn't be able to live there. If it was a place where a crime had been committed, like a kidnapping or money laundering or grow ops or many different activities, I have a right to know about those activities before I buy it, because I'm investing my future and my savings to create a place for myself and my family. I think I have a total right to know about the situation of the house or the unit I'm going to buy or lease or whatever.

I don't think the intent of the bill is to open it up to all criminal activities, because they are endless. I don't think the bill intends to list all apartments in a 500-apartment unit. I don't think the member from York West wants to create an obstacle to renting for tenants across Ontario, or for the many houses across Ontario from being leased or sold.

I think the member from York West has great intentions and I believe he was honest and sincere about it from the beginning. He told the people of Ontario that this bill does not define—and he wants it to go to committee to get help from many members, to have input from both sides of the House, to make it a great bill that we can use to protect the people of Ontario, and also to satisfy the member from Oxford. It's very important for us. We were elected to this place and have been given time to bring issues concerning our constituents to be debated in this place through bills or motions or whatever comments we make. It's important to raise these issues on a continual basis, because they are very important to all of us.

I hope the bill goes to the committee. I'm looking forward to more debate and I'm looking forward to supporting it.

The Acting Speaker: I'll now return to the member for York West, who has two minutes to reply.

Mr. Sergio: I wish to thank all the members for the contributions they have made, positive or negative. The only point I would like to stress with the members of the opposition is that at the outset of the introduction of my bill, I said that this is not the final say, and I wish they would change their minds. It's unfortunate that the House was just vacated now by school kids, because the intent of this bill is to protect those people.

I concur with the member from Leeds–Grenville when he says that maybe this is a waste of time in here on Thursday morning. Everybody comes and says their own thing. Let's give an opportunity, and bring it back. Let's give ourselves an opportunity to send it to a committee and say, "We like this and we don't like that." That is the purpose of being here, not only on Thursday morning but the rest of the week. So I would say to the members that indeed if there is such a concern—as he said at the beginning, "Yes, I'd like to support it but..." This is typical. I would say to the members, let's see what the public has to say. This is going to cost absolutely—and I'm pleased to see the Minister of Health here today—millions and millions of dollars because of the activities that are going on in our entire province, especially here in Toronto. I say to the members, Is it possible that we're closing our minds, our ears and our concern to what the Ontario police and other members of the force are going through with respect to grow ops and other criminal activities in our communities? Are we this irresponsible that we are saying no, regardless of what happens, that we don't care about it?

I hope that, indeed, this will be approved today and I will be looking to the members on the other side to bring

in some good recommendations during the normal process.

The Acting Speaker: That concludes the time available for debate on ballot item number 36. The time provided for private members' public business has expired.

ONTARIO WORKERS'
MEMORIAL ACT, 2006

LOI DE 2006 SUR LE MONUMENT
COMMÉMORATIF DES TRAVAILLEURS
DE L'ONTARIO

The Acting Speaker (Mr. Ted Arnott): We will deal first with ballot item number 35, standing in the name of Mr. Ramal.

Mr. Ramal has moved second reading of Bill 86, An Act to establish the Ontario Workers' Memorial. Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

We'll defer the vote until afterwards.

DISCLOSURE OF CRIMES
ON PROPERTY ACT, 2006

LOI DE 2006 SUR LA DIVULGATION
DES CRIMES COMMIS SUR DES BIENS

The Acting Speaker (Mr. Ted Arnott): Mr. Sergio has moved second reading of Bill 40, An Act respecting the disclosure of information about crimes to purchasers of land and to tenants. Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it. I declare the motion carried.

Pursuant to standing order 96, the bill is referred to the committee of the whole House.

Call in the members. This is a five-minute bell.

The division bells rang from 1203 to 1208.

ONTARIO WORKERS'
MEMORIAL ACT, 2006

LOI DE 2006 SUR LE MONUMENT
COMMÉMORATIF DES TRAVAILLEURS
DE L'ONTARIO

The Acting Speaker (Mr. Ted Arnott): Mr. Ramal has moved second reading of ballot item number 35. All those in favour of this question will please rise and remain standing.

Ayes

Berardinetti, Lorenzo	Lalonde, Jean-Marc	Ramal, Khalil
Bisson, Gilles	Levac, Dave	Rinaldi, Lou
Bradley, James J.	Marchese, Rosario	Ruprecht, Tony
Brownell, Jim	McNeely, Phil	Scott, Laurie
Delaney, Bob	Miller, Norm	Sergio, Mario
Hardeman, Ernie	Mossop, Jennifer F.	Smith, Monique
Hoy, Pat	Ouellette, Jerry J.	Smitherman, George
Kormos, Peter	Prue, Michael	Van Bommel, Maria

The Acting Speaker: All those opposed to the motion will please rise.

The Clerk of the Assembly (Mr. Claude L. DesRosiers): The ayes are 24; the nays are zero.

The Acting Speaker: I declare the motion carried.

Pursuant to standing order 96, the bill is referred to the committee of the whole House.

Mr. Khalil Ramal (London–Fanshawe): Can I refer the bill to the standing committee on social policy?

The Acting Speaker: Shall the bill be referred to the standing committee on social policy? Agreed. So ordered.

Mr. Dave Levac (Brant): On a point of order, Mr. Speaker: Ballot item 36, Bill 40, was just referred to the committee of the whole House. I seek unanimous consent for that particular bill to be sent to the standing committee on general government.

The Acting Speaker: Is there unanimous consent to refer Bill 40 to the standing committee on general government? Agreed? I heard a no.

All matters relating to private members' public business having now been completed, I do now leave the chair and the House will resume at 1:30 p.m.

The House recessed from 1210 to 1330.

MEMBERS' STATEMENTS

FAIR TRADE

Mr. Ted Arnott (Waterloo–Wellington): I rise in this House today to recognize Ten Thousand Villages, the largest and oldest fair trade organization in North America. I'm proud to say that they are headquartered in New Hamburg in the riding of Waterloo–Wellington. The people coordinating this organization have asked me to inform the Legislature that Saturday, May 13, will be World Fair Trade Day, and events will take place in more than 60 countries to observe it.

Ten Thousand Villages is a non-profit program of the Mennonite Central Committee. I would like to quote Diana Mounce of that organization, who describes their work in the following way: "Ten Thousand Villages provides vital, fair income to people in the developing world by marketing their handicrafts and telling their stories in North America. Purchasing fair trade products—coffee, jewellery and beautiful handicrafts for the home—offers increased support to farmers and artisans in some of the world's poorest places by providing much-needed income. As a result, their children can go to school, and

families are healthier”—all superb reasons to support their very good work.

I want to also say that we in Waterloo–Wellington are most grateful to the Mennonite Central Committee for the way in which they band together with their neighbours when help is needed most. Our area has been through three destructive tornadoes that occurred in 1985, 1996 and 2005. Each time, the Mennonite Central Committee was there to help us pick up the pieces and help restore people's lives back to normal. That is the spirit of giving and action that needs to be recognized and rekindled every day in this House. I want to congratulate, once again, this fine organization.

CONSERVATION

Mr. Peter Tabuns (Toronto–Danforth): Last night, I attended a forum at Toronto city hall about green energy alternatives to the Portlands Energy Centre. This forum was just one of a series of conversations, dialogues going on in the city about how Toronto can keep its lights on in the most cost-effective, environmentally sustainable manner. That would allow us the opportunity to stop the construction of a mega gas-fired power plant on Toronto's waterfront, one of our most precious assets.

At each of these conversations, energy efficiency and conservation are seen as the answer, the cost-effective, environmentally sustainable answer, and yet our Minister of Energy continues to argue that the Portlands Energy Centre is necessary to meet Toronto's peak power needs.

There are proven ways to cut demand and meet peak power needs in this city. One of the things we can do is provide low-interest loans to businesses, institutions and homeowners to help them cut their energy costs, to cut their air conditioning needs. Unfortunately, this government has chosen a different course.

A course that they could follow, the one that has been set by Toronto Hydro, demonstrated today that they can concretely cut power demand by helping institutions and businesses use their emergency generators to make power. This government has to go in a different direction.

FAIR TRADE

Mr. Kevin Daniel Flynn (Oakville): I rise today, similar to the member from Waterloo–Wellington, to recognize an important celebration and speak about an important issue. May 13, this Saturday, is World Fair Trade Day. This important day recognizes the need and promotes the means by which we can all ensure that developing countries around the world have an equitable chance of trading goods on the world market. Furthermore, it also provides an opportunity to celebrate all of the individuals, organizations and companies that engage in fair trade practices around the world.

Fair trade constitutes a strategy for poverty alleviation and sustainable development. It also creates opportunities for producers who have been economically disadvantaged or marginalized. It allows for the capacity building

of local entrepreneurship, ensures payment of a fair price for goods and services to people in developing countries and incorporates the fundamental concept of environmental sustainability.

With 15 stores across Ontario, Ten Thousand Villages has been a leader on this front. I would like to recognize the work of this organization. For over 50 years, they have been working to promote fair trade issues. There is a Ten Thousand Villages store in my own riding of Oakville, which I have visited often. I'd like to thank Ingrid Pauls, the store manager, for her work on raising this issue. I would also like to encourage all members of the Legislature and all Ontarians to become informed about fair trade issues.

PENSION FUNDS

Mr. Ernie Hardeman (Oxford): I rise today to express concern with regard to a funding shortfall in the Ontario co-operatives pension plan and the devastating impact this shortfall will have on businesses and farmers in rural Ontario. The Financial Services Commission of Ontario has ruled that all farm co-operatives are jointly and severally responsible for pension plan shortfalls. Ontario's deputy superintendent of pensions is proposing to block any windup of the pension plan unless the sponsors put up the money to restore all benefits earned by pensioners and active employees up to April 2003, which of course they have appealed. This is certainly a positive and deserved outcome for pensioners, but this decision also has a negative impact on Ontario's farm co-operatives, Gay Lea Foods dairy and the Ontario Federation of Agriculture. All farmer-owned organizations are being told they will have to raise about \$60 million to cover pension shortfalls. Suppliers were told that pension liabilities will have first priority over inventory and accounts receivable, which has resulted in suppliers putting plan members on a COD basis as of May 1.

Spring is the peak season for farm supply co-ops, a season in which most co-ops do half of their yearly business. This is not a good day for farmers or rural Ontario. If cooler heads do not prevail, all agricultural co-ops could go bankrupt. I believe the Minister of Agriculture, Food and Rural Affairs has to step up to the plate and do whatever needs to be done to help keep these businesses and rural Ontario alive and flourishing.

WOMEN OF DISTINCTION AWARDS

Mrs. Liz Sandals (Guelph–Wellington): This evening I will have the pleasure of attending the YMCA-YWCA of Guelph's 11th annual Women of Distinction Awards, which showcases the many women in Guelph who are making a difference in a broad spectrum of community life. Since 1996, the YMCA-YWCA of Guelph has recognized well over 300 women. I would like to congratulate all of the 2006 nominees for their contributions to the advancement of women and to the quality of life in Guelph–Wellington.

Among this year's 47 nominees, they have contributed to the community in many ways. The nominees include the founder of Canada's first bookstore-café, a union president and the chief executive officer of a \$1.3-billion multinational corporation. We have a number of firsts: the first public school teacher to attend the International Space University in California, the first director of the university's office of open learning and the first female television producer in Guelph. We have an internationally recognized expert on fish genetics, a former synchronized swimmer and team physician for the Canadian Olympic synchronized swim team and the creator of the South Asian Women's Group. There's a nurse practitioner who specializes in wound care and the founder of Guelph's HIV/AIDS clinic.

I would like to thank the Y and their organizing committee for their commitment to recognizing the contributions of women in Guelph and Wellington counties. All of this year's nominees are women of distinction.

NORTH GRENVILLE DISTRICT HIGH SCHOOL

Mr. Robert W. Runciman (Leeds–Grenville): I rise in the House today to make members aware of a troubling and dangerous situation in my riding that calls out for action by the Minister of Education. Recently, the Kemptville fire chief raised serious concerns regarding the safety of North Grenville District High School. In a public statement, the chief said, "If a fire were to start in one of the lower areas of the school, the occupants of the building would be in great jeopardy due to smoke travel." Chief Tim Bond also said that his fire crews would be at risk entering the school, and he states that the students and staff should not "have to deal in a high-risk environment such as this on a daily basis."

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There's no doubt that North Grenville District High School is in need of replacement. It's unable to meet the needs of the student body and shortchanges students in many ways. But the fire chief's warnings are the most serious and pressing concerns.

According to ministry guidelines, the problems at North Grenville cannot be addressed until 2016, but this situation has to be addressed quickly. It is a safety issue and I call on the Minister of Education to expedite the identification of this school as a priority for replacement. No student should have to enter the halls of a building that the fire chief deems too dangerous for his own fire crew.

SOUTH ASIAN COMMUNITY

Mr. Vic Dhillon (Brampton West–Mississauga): It gives me great pleasure to rise in the House today to acknowledge the contribution of the South Asian community to the province of Ontario.

I invite all Ontarians to join us in celebrating South Asian Heritage Month throughout the month of May.

South Asian Heritage Month, the first of its kind in Canada, commemorates the first arrivals from the Indian subcontinent to the Americas beginning in May 1838.

South Asians have been contributing to Ontario for over 100 years. Today, Ontario is home to more than 500,000 people of South Asian origin, some 7% of our population. While the South Asian community has preserved and shared its traditions, it has at the same time contributed to virtually every facet of business and public service in our communities. South Asians have come to live in Ontario from India and Pakistan, Sri Lanka and Bangladesh. Immigrants of South Asian descent have come from many other countries as well.

I encourage my colleagues and all Ontarians to celebrate South Asian Heritage Month. I ask that we visibly demonstrate our recognition for the contribution this rich and dynamic community has made and continues to make to our province and our country.

CANADIAN MEDICALERT FOUNDATION

Mr. Shafiq Qaadri (Etobicoke North): Joining us today are Abigail Brown, Mario Longo and Stephen Reid, who represent Canada's largest membership charity, which is celebrating its 45th anniversary of protecting and saving lives, including many in my own riding of Etobicoke North.

The Canadian MedicAlert Foundation provides essential emergency medical information services that are a critical part of emergency preparedness and health care in our community. Celebrating 45 years of charitable service to Canadians is indeed a significant milestone for any organization. For many of us, MedicAlert is synonymous, as you'll appreciate, Speaker, with a bracelet. I was impressed to learn, however, of the services that actually go behind the bracelet, especially the emergency response centre that offers all Canadians protection 24/7.

This May marks MedicAlert Month, and I encourage all members of this Legislature and citizens of this province to learn more about MedicAlert services. If you have a medical condition or an allergy, speak to your doctor or pharmacist and ask if MedicAlert services can be right for you.

In closing, I salute this organization for all they have done for Canadians across this country in terms of medical protection, because as you will appreciate and as I can attest to you as a physician, in an emergency, seconds really do count. We salute MedicAlert.

ONTARIO BUDGET

Mr. Kim Craiton (Niagara Falls): I'm pleased to stand in my place today to thank the Minister of Finance for his excellent budget in March, in which he gave the city of Niagara Falls \$1.675 million to help the city repair its roads and bridges.

The city of Niagara Falls had already identified some \$40 million worth of repairs that needed to be made over

the next five years and had put in place a program that could only accomplish half the work that needed to be done. Thanks to our government's budget initiative, the city of Niagara Falls now has the opportunity to do more and to jump-start its road rehabilitation program. I'm proud to report that at its last city council meeting, city aldermen adopted a program that will see up to 35 streets rehabilitated and paved this year. Important roads such as Victoria Avenue, Morrison Street, Ontario Street, Whirlpool Road and O'Neil Street, along with many other local roads, courts and cul-de-sacs, are going forward.

This investment in infrastructure renewal at the local level by the McGuinty government is an excellent example of how a positive partnership with the cities and towns of Ontario can really help the citizens of the province right where they need it: on their front doorstep.

The people of Niagara Falls want to thank the government of Ontario, this assembly and, in particular, the Premier and Minister Duncan for thinking provincially but acting locally.

VISITORS

Mr. Dave Levac (Brant): On a point of order, Mr. Speaker: Today, I'm very pleased to announce that in the east gallery some very important visitors from the riding of Brant are here for page Alyna Poremba: parents Rich and Melissa, siblings Nancy and Joe and a good friend, Michelle Ratko, whom I taught and who wants my job someday. I appreciate their being here in the House.

CORRECTION OF RECORD

Hon. Steve Peters (Minister of Labour): On a point of order, Mr. Speaker: I rise to correct the record in reference to a comment I made, in response to a question from the member from Northumberland, regarding the Making the Grade project. The correct response should have been, "I've directed the ministry to ensure that the Employment Standards Act poster now contains a section for young workers."

VISITORS

Ms. Judy Marsales (Hamilton West): On a point of order, Mr. Speaker: I'm proud to introduce to this House Fauzia Viqar and her son, Isfandyar, as well as Mr. David Feliciant, who's over in the members' lobby. They join us from the Children's Aid Society of Hamilton. They were the successful bidders in Volunteer Hamilton's "Join Your MPP for Lunch." Welcome.

The Speaker (Hon. Michael A. Brown): In the same spirit, we have with us in the Speaker's gallery the legal affairs committee from the Parliament of Finland, led by Ms. Tuija Brax, chair of the committee. The delegation is accompanied by His Excellency Pasi Patokallio, ambassador of Finland to Canada. Please join me in welcoming them. Thank you for coming.

STATEMENTS BY THE MINISTRY AND RESPONSES

MUSEUM MONTH

Hon. Caroline Di Cocco (Minister of Culture): I'm pleased today to stand in the Legislature to encourage all members of the House and the people of Ontario to participate in the province-wide celebration of May is Museum Month, organized by the Ontario Museum Association.

Our province is famous for its wealth of museums. The Ontario Fact Book says that Ontario is the place to be if you are a fan of museums. It says, "Ontario is a gold mine of unique, educational, world-class—and yes, weird—museums and collections. In fact, there are more than 600 non-profit museums and another 200 commercial venues where you will find everything from reconstructed dinosaurs to shoes and artefacts."

We have a lot to be proud of and to celebrate. The government of Ontario—under the leadership of Dalton McGuinty—supports our museums because they are an integral component of the cultural, social and economic fabric of this province. Museums enrich our lives and create better communities. They contribute to an innovative economy, promote lifelong learning, safeguard our heritage and improve the quality of life for all Ontarians. Just as important, our museums enhance the education and growth of our young people.

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I'd like to take this opportunity to highlight the important role played by the Ontario Museum Association. For over 30 years, the association has been a guiding partner to museums of every description across the province. On March 25, I launched May is Museum Month 2006 at the Textile Museum of Canada. It was an excellent opportunity to meet members from the museum community and to celebrate the role of museums in supporting education, cultural tourism and community engagement.

We also highlighted the special participation of Toronto's museums in this celebration. The McMichael Canadian Art Collection, the 10 city of Toronto museums, the ROM, the Textile Museum of Canada, the Bata Shoe Museum, Black Creek Pioneer Village, Casa Loma, the Toronto Aerospace Museum, the Toronto Police Museum, as well as the Ontario Heritage Trust are participating in May is Museum Month.

Whether a museum's focus is art, ceramics, textiles or pioneer life, museums are an integral component of the cultural, social and economic fabric of this province. We have a number of museums across this province.

One is the Bytown Museum. Opened in 1917, the Bytown Museum traces the history of Ottawa's early years, from the construction of the Rideau Canal and the rough-and-tumble days of Bytown to the city's emergence as the nation's capital. There is a penitentiary museum in Kingston. There is White River Heritage

Museum. This community museum explores the town's connection with the story of Winnie-the-Pooh as well as the area's industrial history. There is the Cobalt Northern Ontario Mining Museum. This museum's collection includes one of the world's largest native silver displays as well as mineral specimens from around the world. The collection not only displays the life of early miners but also focuses on all social aspects of the town. Other activities include the heritage silver trail, which is a driving tour to 14 different mine sites, as well as the cobalt walking tour and the guided colonial adit underground tour.

I'll name a few more: the Colborne township historical society museum; the Joseph Brant Museum. This community museum features artifacts relating to Burlington, with a special emphasis on Mohawk Chief Joseph Brant. There's Pelee Island Heritage Centre. This heritage centre offers a diverse range of displays and activities relating to the area.

There are many more—again, there are hundreds across this province—and they help us to keep alive the accomplishments of the past and to understand who we are as Ontarians and as Canadians.

I would like to commend the Ontario Museum Association for their fine work in leading this year's Museum Month celebrations. It's also a good time to thank the many museum volunteers across the province who give their time and energy all year long. Without their help, many museums in this province simply would not exist.

Happy May is Museum Month.

ANTI-SMOKING INITIATIVES FOR YOUTH

INITIATIVES CONTRE LE TABAGISME POUR LA JEUNESSE

Hon. Jim Watson (Minister of Health Promotion):

Mr. Speaker, I rise today to detail for you and members of the Legislative Assembly the actions that our government is undertaking to prevent youth from smoking in Ontario.

As part of our smoke-free Ontario strategy, youth smoking prevention activities will receive \$3.8 million in increased funding this year. That brings our total budget for youth initiatives on prevention, promotion and cessation to over \$9 million.

Our government is on the side of Ontario families who care about their health. That's why we're also announcing that we're extending the \$500,000 high school grants program in support of student-led activities across the province. Schools once again may apply for funding by contacting the public health unit in their area.

Recently, one of my parliamentary assistants, Peter Fonseca, and I travelled across the province, listening to various groups tell us about the challenges in developing healthy life practices in their communities. We heard so

many touching and important stories, but there's one that Peter shared with me that I'd like to relay to you.

When he was in Windsor, he met with a local high school group that had a Quit 4 Life program. That's a quit smoking project that the local public health unit runs in schools for students. To start the session, each student introduced themselves and talked about why they started smoking and when. Most of the students had started in grade 7 or grade 9, and mostly due to peer pressure.

There was one student who stood up and told the group that the biggest influence in starting was his sister, and he had actually started smoking at age seven. This young man was now in grade 12 and a pack-a-day smoker. A quick calculation done by the group determined that already in his lifetime he had spent \$35,000 on cigarettes. That young man and his sister are why we are taking action.

It's no secret that the best way to avoid becoming a smoker is to never start smoking in the first place. Studies show that if young people don't take up the practice before age 18, chances are they never will.

Statistics show us why it's so vital to act before youth take up this deadly habit. Over 90,000 young people decide to try smoking every year, and one half of long-term smokers die from their habit. Best practices tell us that peer-to-peer, grassroots messaging is the most effective means of preventing smoking among youth.

Earlier today, I had the pleasure of visiting a school in Minister Mike Colle's riding, Loretto Abbey Catholic Secondary School, to see the good use students there made of the \$1,000 they received last year as part of the high school grants program. I have to tell you that I was amazed at how far they had managed to stretch that \$1,000. They promoted smoke-free living to their peers using a very clever Mission Possible theme, and developed a variety of activities that included petitioning the city of Toronto to support smoke-free legislation and bringing in a speaker to talk about the importance of making positive choices around smoking.

In Barrie, at St. Peter's high school, I was able to see first-hand the vibrant displays that the school's anti-smoking youth council had put in the main lobby to discourage their peers from smoking.

In Sault Ste. Marie, at St. Mary's College, the St. Mary's SWAT team—that's Students Working Against Tobacco—developed and implemented a unique and successful tobacco prevention program that has had an unanticipated, far-reaching positive impact throughout their elementary feeder school community. Their initiative also networked with the Smoke-Free Ontario funded local youth alliance.

Other Ontario high schools participating in the grant program have held poster design contests, promoting tobacco-free messages to youth, run health risk awareness campaigns during National Non-Smoking Week or advocated cessation.

The \$3.8 million in new funding we've announced will go toward a number of key initiatives that will help us meet our youth tobacco control priorities. These

include expanding our successful Youth Action Alliance program, which is operated province-wide by the 36 public health units. We're also expanding the Youth Advocacy Training Institute to provide additional support for the Youth Action Alliance.

Earlier this year, I had the real pleasure of speaking to 350 Youth Action Alliance members in Toronto at the first annual Take!Action Smoke-Free Ontario Youth Summit, organized by the Ontario Lung Association and funded by the Ministry of Health Promotion. It was inspiring to be among so many highly motivated, anti-tobacco youth activists.

The Youth Action Alliance is a critical component of our youth prevention efforts. I could give you countless examples of initiatives they have undertaken across the province to promote a smoke-free lifestyle, but time does not permit, so I'll just provide you with one.

In January, a group of Youth Action Alliance members in Kenora, called the Whacky Tobacco Kids, created 130 highly visible snow angels overnight to communicate to the people of Kenora in a very concrete and effective way that 130 people die in Canada from smoking each and every day. That's 47,500 people each year in our country.

We're putting more money into the Leave the Pack Behind campus protection program targeting post-secondary universities. I know my colleague the Minister of Colleges and Universities is very supportive of that program; it's expanding to all colleges and universities in the province.

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I'm proud to say that in a few weeks the McGuinty government will launch a new series of television ads targeting youth as part of its ongoing *stupid.ca* anti-smoking campaign. To date, that website—which is award-winning, and I'd encourage those students here today to log on to *stupid.ca*—has received over one million unique visitors within the province in its first year.

When our government took office, we set an ambitious target to reduce overall tobacco consumption levels in Ontario by 20% by the end of the year 2007. That's the equivalent of 3.2 billion cigarettes—3.2 billion cigarettes that will not be contributing to disease and death in the province of Ontario. Our 20% target is within range. Consumption rates have already dropped by almost 10% since 2003.

A survey from the city of Ottawa, my hometown, recently showed that smoking rates in Ottawa high schools had decreased from 21% in March 2003 to 16% in 2005. One of the initiatives responsible for this particular situation in Ottawa is the Exposé program, which is unique in its approach: fewer lectures and more emphasis on encouraging youth to examine the facts for themselves, particularly on the tobacco industry's propaganda aimed at the youth market. The program also includes smoking cessation counselling, an annual mass media contest, student committees and numerous community events such as youth summits and interactive exhibits.

I want to commend the honourable member from Ottawa-Orléans, Mr. Phil McNeely, who is one of the great supporters of Exposé, for the work that he has done for this program, as well as Dr. Rob Cushman, the former medical officer of health, and Dr. David Salisbury, the medical officer of health.

Soyons clairs : la cigarette est la première cause de maladies et de décès prématurés évitables en Ontario.

We're happy to be participating with young people across the province of Ontario. I thank the students I met today for their wonderful and warm presentation. We are very excited, as part of the smoke-free Ontario legislation, to put more money into youth programs. We're excited about May 31 and the fact that Ontarians across this province can breathe easier. Merci beaucoup.

LAND TRUSTS

Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs): It gives me great pleasure to rise in the House today for the second time this week to announce that the McGuinty government is taking steps to increase protection for Ontario's natural spaces and biodiversity.

Two days ago I announced that we were launching a public review to strengthen the laws that protect Ontario's species at risk and their habitats. This morning I took part in an event honouring an innovative partnership between the Ministry of Natural Resources and the Ontario Land Trust Alliance that is helping to permanently protect environmentally significant lands across Ontario. This partnership has protected over 12,000 hectares of environmentally sensitive lands across Ontario worth more than \$4.5 million, certainly an achievement worth celebrating.

The Ontario Land Trust Alliance represents 34 non-profit charitable organizations that work with conservation-minded landowners to acquire land in Ontario or interest in land for the purpose of conservation. The areas protected under this partnership have included wilderness, agricultural, water and wetlands, and areas of ecological significance.

Protecting natural spaces is more important today than ever before because all of us depend on a biologically diverse environment for clean air and water and abundant wildlife, as well as the benefits we derive from forestry, farming, fishing and recreation. With our growing population, we can only conserve Ontario's biodiversity by making sure that significant natural features and wildlife habitats are permanently protected. Land trusts play a vital role in the conservation of land areas. These non-profit organizations hold land or conservation easements in trust for future generations.

The Ministry of Natural Resources strongly supports the work of Ontario's land trusts, and we've shown our support first by providing funding to the Ontario land trust assistance program. This program gives grants to Ontario land trusts for the legal and other costs of acquiring or placing conservation easements on ecologic-

ally significant lands. Since late 2004, the ministry has contributed \$150,000 to the Ontario land trust assistance program. As I have mentioned, to date this funding has helped to protect environmentally significant lands across Ontario worth more than \$4.5 million. We think that's a tremendous investment.

I'm pleased to tell the members of the House today that I'm renewing my ministry's support for the Ontario land trust assistance program with another \$150,000 grant so that this successful partnership can be continued. I also want to emphasize that none of this would be possible without the willing involvement of the landowners who have secured their land for conservation, either through donation or sale, or by choosing to will their property to a land trust. That's why I see this as a three-way partnership among the Ministry of Natural Resources, the Ontario Land Trust Alliance members and the landowners themselves. Only by working together are we able to protect more land, conserve more species and habitat, and ensure a healthier natural environment for Ontarians.

Another way the ministry has helped land trusts is by proposing changes to Ontario's Conservation Land Act and Planning Act. A conservation easement is a legally binding agreement between a landowner and the holder of the easement. It limits certain activities on the land during the term of the easement. Conservation easements are an important tool for supporting the stewardship and protection of natural heritage features and agricultural lands on private property over the long term. That's why this government is taking steps to make conservation easements easier to use and to clearly define when they can be used. For example, the Duffins Rouge Agricultural Preserve Act, enacted in 2005, clarified that conservation easements could be used to protect land for agricultural purposes. It also provided greater certainty about using conservation easements to protect conservation values over the longer term.

In addition, Bill 51, the Planning and Conservation Land Statute Law Amendment Act, if passed, would, among other benefits, make it clear that conservation easements can be used to protect water sources and simplify the process for putting a conservation easement on part of a property.

These changes would mean that Ontario land trusts could spend less time on meeting the complex requirements of the current laws and more time on protecting the land. The result would be more conservation lands legally secured for the future and an increase in the number of private landowners who manage their land sustainably.

At the MNR, we will continue to make protection of natural areas a priority. Our natural spaces program, which was announced last year by Premier McGuinty, is a voluntary partnership program that encourages landowners in southern Ontario to restore and protect natural areas on their properties. The program includes a \$6-million grant to the Ontario Heritage Trust in partnership with the Ministry of Culture. The grant is funding the

natural spaces land acquisition and stewardship program to acquire and secure significant natural heritage properties.

The deadline for applications for this funding was March 15, and I understand that the Ontario Heritage Trust had a great response from many organizations. I look forward to announcing, with the Minister of Culture and the chair of the Ontario Heritage Trust, the first round of funding. It's another step toward protecting significant natural areas across the province.

All of the initiatives I have mentioned today will take us closer to our ultimate goal of conserving Ontario's biodiversity, protecting natural spaces and ensuring a healthier environment for all Ontarians now and in the future.

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

MUSEUM MONTH

Mrs. Julia Munro (York North): I'm pleased to join with the minister and all my colleagues in the House to recognize Museum Month in Ontario. We all recognize that Ontario's museums are a vital, living reminder of the heritage and history of our province. Our museums show us how our ancestors lived their lives—the struggles and the challenges they faced.

In the last few years, our museums have entered a great period of revival and expansion. I am very proud that our PC government, through the SuperBuild program, was able to launch the renewal of so many museums and cultural institutions. As an example, our \$30-million investment of SuperBuild money gave the Royal Ontario Museum the seed capital to launch a major plan of new construction and renovation. This reconstruction will help the ROM secure its place as one of the world's great museums, with a vast increase in display space.

Museums are not just in big cities, though. Communities all across Ontario have museums celebrating local heritage and history. In my own riding, we are proud of such places as the Sharon Temple, the Georgina Pioneer Village and the Campbell Museum, to name a few.

I encourage all Ontarians to visit their local museums during Museum Month. Take your friends and family and learn about our history and our culture.

1410

ANTI-SMOKING INITIATIVES FOR YOUTH

Mr. Frank Klees (Oak Ridges): On behalf of the official opposition, I want to express our support for the government's commitment to support smoking prevention activities targeting youth. Anything that can be done to prevent youth from smoking should be done, and we will always endorse any initiative that encourages young people to take up the cause of promoting good health habits.

We do have a concern, however, and that is with this government's propensity to ignore the consequences of their actions. While we fully support the government's initiatives to reduce smoking, we cannot support the government's irresponsibility and callous disregard for those whose personal lives and businesses are being affected by this government's actions. I refer in this context to the thousands of families and businesses that have appealed to the government for transitional support to help them cope with the financial impact of the McGuinty government's policies. We call on the government to recognize its responsibility to these hard-working citizens and to respond to the Ontario Korean Businessmen's Association petition, which calls for fair compensation and help from this government to allow replacement categories for tobacco products.

LAND TRUSTS

Mr. Norm Miller (Parry Sound–Muskoka): It's my pleasure to respond to the statement made by the Minister of Natural Resources. Of course the opposition supports the government in its desire to protect environmentally sensitive land, and we're pleased to see the announcement about protecting 1,200 hectares of land. But I would like to remind the Minister of Natural Resources about who protected more land in the history of this province than any other Premier. Who might that be?

I will answer the Minister of Natural Resources, in case he isn't sure. That was Mike Harris, who in 1999 initiated the Ontario Living Legacy program. Today we're talking about 1,200 hectares of land. That program protected some 2.4 million hectares of land: some 378 new protected areas, 61 new parks, 45 park additions. That is an area three quarters the size of England, protected by Mike Harris. It's really quite remarkable. You might wonder who protected the Oak Ridges moraine. Again, the answer to that question is Mike Harris.

In the short time I have left, I might point out that many new parks and protected areas are within the riding of Parry Sound–Muskoka. In fact, I suspect there are probably more parks and protected areas, including access to Algonquin Park, either from east of Huntsville on Highway 60 or from Kearney to Algonquin Park, and of course we have the park-to-park trail program, a recent initiative which connects five parks that is just coming to completion. We have Massasauga Provincial Park, we have O'Donnell Point park, protecting some very important species. So across Parry Sound–Muskoka, and indeed across Ontario, there are many parks and protected areas created by Mike Harris. Thank you, Mike.

MUSEUM MONTH

Mr. Peter Tabuns (Toronto–Danforth): I rise to address the issue of Museum Month. It's certainly a pleasure to rise in support of this celebration of our museums. I remember, as a kid, my folks coming in from

Hamilton, driving in for the day to go to the Royal Ontario Museum; an extraordinary experience for a child that continues to be an extraordinary experience as an adult.

When we think about museums, when we think about culture, we think about the collective consciousness of this society, we think about the repository for the artifacts, the display of the artifacts, that gives us a sense of where we've come from as a civilization, what our roots are and what they can be. So I think it does make sense this month to honour those roots, to make sure that the repositories, the museums themselves, are well-treated and well-respected.

I hope the celebration of Museum Month is accompanied by adequate and growing funding, so those museums, those repositories of our culture, can continue to exist and help our society.

The Speaker (Hon. Michael A. Brown): Responses, the member for Timmins–James Bay.

Mr. Gilles Bisson (Timmins–James Bay): Just on a follow-up to that, how ironic that we celebrate Museum Month, and tomorrow, Écomusée, the only francophone museum in northeastern Ontario, will be shutting its doors because it ran out of Dalton McGuinty's funding. I would say that the best thing you can do to respect museums in this province is provide funding to Écomusée of Hearst, and I'll be giving you a letter later on their behalf.

LAND TRUSTS

Mr. Gilles Bisson (Timmins–James Bay): I would also like to say to the Minister of Natural Resources that it's too bad the minister isn't as concerned with protecting the north Leslie lands in Richmond Hill, one of the most environmentally sensitive, hydrologically complex areas in southern Ontario. Instead of protecting the north Leslie lands, home to the Rouge River headwater wetlands complex, the McGuinty government is content to let developers put new urban sprawl communities of 7,800 residents in that area, an area as big as Stouffville. Recent testimony at the Ontario Municipal Board hearing on the north Leslie lands has proven that the majority of north Leslie is too sensitive for development and home to provincially threatened fish—the red side dace—and regionally significant wildlife colonies. Yet again, the McGuinty government is more concerned about protecting developers than environmentally sensitive lands.

ANTI-SMOKING INITIATIVES FOR YOUTH

Mr. Michael Prue (Beaches–East York): In response to the Minister of Health Promotion, I remember back to the time before the last election when the Liberals proudly announced, "We will ban countertop and behind-the-counter retail displays of tobacco products." If only you had done so. If only the date that everything else is being done at the end of this month included that,

because so many people came before the committee and said, do it at the same time, take that extraordinary step.

Just to talk about some of the young people who came before the committee, Tanya Wagner, who represented Whitby Youth Council, stated in part as follows: "Tobacco advertising and promotion increase smoking and the number of youth who start smoking. A ban on such advertising and promotion would decrease smoking among adults and youth. That would be a very good thing."

Or how about Wide Awake: Generation Against Tobacco and their spokesperson, Brian Dallaway, who said, "We ... don't believe it is morally permissible to market to kids in retail stores using power walls.... It is important that regulations be set in legislation rather than industry self-imposed restrictions." At the end, he made a very simple statement: "Ban power walls."

Or how about Olivia Puckrin and Caylie Gilmore, students from Port Perry High School? I quote what they had to say: "Every time we go into a store, cigarettes are there. Cigarettes are displayed on the counter, behind the counter and even in the counter. We recently learned that the tobacco industry pays stores \$88 million a year to do it. This advertising not only tempts adults to smoke, but it makes cigarettes look like a normal product. But no other product will kill you if you use it as the manufacturer intends. So how can this be normal?"

That's what kids had to say. We're all looking forward to the end of this month and having smoking cessation take place in various parts around the province. But I have to ask in the end: If the government was truly serious, why wouldn't you have removed the power wall displays? That would have removed the temptation from young people once and for all. How many of those young kids, seeing the power walls, are going to take up a cigarette habit, and 20 years from now, how many of the kids who take up the habit between 2006 and 2008 are going to be statistics in this province, who never should have been? I ask the minister: Think about those kids and do something about those power walls today.

ORAL QUESTIONS

MEMBER FOR PARKDALE-HIGH PARK

Mr. Robert W. Runciman (Leeds-Grenville): I have a question for the Acting Premier; I believe it's the Minister of Health today. This question has to do with your colleague the MPP for Parkdale-High Park and his continuing desire to have the Ontario taxpayer subsidize his federal leadership campaign. Minister, I recognize you are supporting Bob Rae for the federal leadership. I guess it's the "Smitherman can make people cry, then Rae can tell them how he feels their pain" campaign. But putting your leadership candidate support aside, do you honestly believe it's appropriate for Mr. Kennedy to be

anywhere but in his own riding and still draw his MPP salary?

Hon. George Smitherman (Minister of Health and Long-Term Care): I'm very privileged to stand in this House today and say that I'm very, very open about the fact that I think Gerard Kennedy is a fantastic fellow. I believe that for 10 years in this place he has distinguished—

Interjections.

Hon. Mr. Smitherman: They're a small number, but they're noisy.

Interjections.

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

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Hon. Mr. Smitherman: Obviously, we saw evidence yesterday of the hard work and determination that Gerard Kennedy brought to the file with respect to education. The education critic on the other side could hardly get a question when Gerard Kennedy was the Minister of Education, which stands as some example of the fine work that he was doing.

We're very proud that Gerard felt that he had some business to finish with respect to the work that he does in his riding. One of those pieces—he had the privilege, on behalf of our government, of announcing last week a significant expansion to a hospital in that area. Accordingly, he has indicated that soon he will resign, and accordingly, we believe it's appropriate that he do that in accordance with his constituents.

Mr. Runciman: That endorsement was just dripping with sincerity. Closeness breeds lack of support, I guess.

There is a Canadian Press story out today where a Kennedy campaign worker says that the MPP wanted to resign his seat when he entered the leadership, but stayed at the request of the Premier, who wants to hold off on a by-election—quite a different story than what we've been hearing from the Premier, who has said it's not his responsibility; he has nothing to do with it.

I know trying to determine which Liberal is telling the truth is like trying to tell cats apart in the dark, but I have to ask you, was the Premier being forthright in his responses?

Hon. Mr. Smitherman: You would think if there is anybody in this Legislature who is afraid of a by-election in Toronto, it would be the honourable member, whose party's result in the last by-election in Toronto but a few hundred yards from where the leader lives—they hardly registered at all, and this member stands today with all his rhetorical bravado.

The reality is that any comment that I made with respect to Gerard Kennedy in my first answer I said in a heartfelt way, and for that honourable member to stand in his place and suggest that I wasn't being sincere is evidence of just how low he has sunk. The reality is there. The constituents in the riding of Parkdale-High Park and their member of provincial Parliament will have the appropriate opportunity to consider this issue. Mr. Ken-

nedey has been clear about his intentions and we think this is very, very appropriate.

Mr. Runciman: We know the Minister of Health isn't known as a bully-boy for nothing, and he's not going to draw me in with that kind of rhetoric.

Interjections.

Mr. Runciman: Give me some help here, Mr. Speaker. They're drowning me out.

Interjections.

The Speaker: Order. I want to take this opportunity to remind members that we are all honourable members and we need to treat each other with respect in both asking and responding to questions. Try to keep that in mind.

The member for Leeds–Grenville.

Mr. Runciman: It's a practised Liberal tactic: intimidation or shouting down people who disagree with them.

Acting Premier, in today's edition of what I'll politely describe as a Liberal-friendly newspaper, the Toronto Star, there is a surprising call for Mr. Kennedy's resignation. Even the editors at the Star recognize that this "entitled-to-my-entitlements" Liberal mentality could do further damage to an already severely damaged brand. Acting Premier, when will your Premier show leadership, show some intestinal fortitude and show Mr. Kennedy the door?

Hon. Mr. Smitherman: The first thing that is most appropriate to say is I believe that among those who know me best, it's well known that I am a lover and not a fighter.

But I want to say this to the honourable member, who today in his attempt to be a statesman rather forgets, as just one example, the language that he used to describe the Ontario Medical Association at a point in time when his government was in negotiations with them. I just want to say we do believe that it's fully appropriate that Mr. Kennedy, along with his constituents, make a determination. He has indicated that this is coming very, very soon, and obviously if we count the days between his decision point and his exit from this place and compare that to the actions of three members from that side, we will know that Mr. Kennedy could only be accused of being particularly expedient.

FEDERAL-PROVINCIAL FISCAL POLICIES

Mr. Frank Klees (Oak Ridges): My question is to the Acting Premier and it deals with honesty in government, specifically with the Premier's credibility. When asked by the media yesterday morning about the equalization agreement from the fall of 2004, the Premier responded by saying, "It was something that I opposed." Why would the Premier say that when he knew full well that the media and the other leaders in that room in 2004 heard him say the exact opposite?

Applause.

Hon. George Smitherman (Minister of Health and Long-Term Care): I think the most interesting thing was the delayed applause for the honourable member's ques-

tion. I think the other honourable members in the caucus must have realized that it's a rather precarious position they find themselves in. Unable to stand up and articulate a position on behalf of Ontario, instead they seek to get into some game of innuendo.

The reality is clear: Our Premier has made a very pronounced case on behalf of the people of Ontario. We're very proud in our province to be supporters of equalization, and we're very proud of the progress other jurisdictions are making, but at a certain point in time it is appropriate to stop and ask the question: Is it appropriate for Ontario to be asked to continue to pay forward with significant advances in equalization when, as just one example, we now spend the second-lowest amount per capita on support for our hospitals and we have the lowest overall program spending in the country? These are the questions that our Premier has appropriately put, and it's very interesting that that party has no position in favour of the people and the province of Ontario.

Mr. Klees: What we do have a position on is the truth. We're trying to find out what the truth is with this Premier, because back in October 2004, when commenting on the deal with the then Prime Minister, Paul Martin, the Premier said, "From our perspective, as an Ontarian, we have come to a reasonable accommodation." He was also quoted, in the Ottawa Citizen, as stating, "We have come to a reasonable accommodation ... we think we have struck the balance between making a fair contribution to the strength of the federation ... without compromising our ability to invest in the kind of programs that enable us to act as Canada's economic engine." That statement completely contradicts what the Premier said yesterday to the media. I'm going to ask you one more time, what is it about the Premier's ability to say one thing in 2004 very publicly and say exactly the opposite yesterday? Where is the truth on this issue?

Hon. Mr. Smitherman: It's astonishing. One piece of the truth that would be evident for anyone who has been following the debate is that the Conservative Party in Ontario is missing in action as it relates to the interests of the people and the province. This honourable member is very likely to get two questions in today. In the first one, he asked why we are not supporting flowing \$15 billion of equalization. In the next question, no doubt this honourable member will be standing in his place and asking for advances in expenditure, because that is exactly the policy of the Conservative Party under the leadership of John Tory: two sides on every position. But we ask this honourable member, with one more opportunity in his supplementary, to stand in his place and say that he thinks in the fiscal capacity of the province of Ontario, in a circumstance where his party already has a commitment to cut health care spending by \$2.5 billion—where are you going to get the additional resources for the equalization program that you are standing up and supporting today? Our Premier stood in his place and said, "3.5% is reasonable. That is acceptable. That is what we will do"—

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

Mr. Klees: The fact of the matter is that the Minister of Health continues to tell this House an untruth. He continues—

The Speaker: I of course need you to withdraw that remark.

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Mr. Klees: I withdraw.

What we're trying to get to the bottom of, acting Premier, is why your Premier continues to tell the people of this province one thing one day, and the next day turns this around and refuses, even through you—he's even convinced you that it's okay as Premier to say one thing one day and then flip-flop the next. My question to you very simply is this: Which Premier will show up here on Monday? Will it be the one who said it is a good deal and he negotiated it, or will it be the one who spoke to the media yesterday morning? That's my question to you. Which Premier will show up on Monday?

Hon. Mr. Smitherman: What I assure this honourable member of is that the Premier who will show up in this place on Monday is the same Premier who stands up every day for the people of the province of Ontario with a single message about fairness. On the way into the meeting the honourable member wants to speak about, our Premier said that he felt increasing equalization wasn't the way to go. Many people of course would like to see equalization increase to the sky, and apparently the honourable member and his party are among them. The increase was held to 3.5%.

But this is the basic unfairness that is associated so far that the honourable member stands in support of: for an unemployed person in Ontario, \$3,310 less in annual regular benefits than other provinces; 181 bucks less for every hip replacement; \$104 less per college student; \$361 less per disability support case. These are the items that we stand to address.

Ontario is proud of its role in the country. This is fundamental to the belief structure of Ontarians. But there is a limit to our capacity.

MEMBER FOR PARKDALE–HIGH PARK

Mr. Peter Kormos (Niagara Centre): A question to the acting Premier: Sir, folks in Parkdale–High Park were shocked to read in the Toronto Star this morning that Gerard Kennedy “had wanted to resign his seat when he formally entered the leadership race two weeks ago, but stayed on at the request of Premier Dalton McGuinty, who wants to hold off on a by-election.”

How can your government justify denying the folks of Parkdale–High Park full representation here at Queen's Park for your government's own crass, partisan political and self-serving reasons?

Hon. George Smitherman (Minister of Health and Long-Term Care): If the honourable member really, really feels all those people in Parkdale–High Park woke up feeling that way this morning, I rather suspect they might have been here stampeding the lawn, but it's only

the honourable member's rhetoric that's revved up on this point.

The reality is clear. He said, what about this role of the MPP delivering for the people of Parkdale–High Park? Well, it seems apparent that the honourable member for Parkdale–High Park still has some awfully good skills, because he just delivered a hospital for the people of that community, a long-awaited necessity that has been long-standing.

We've been clear. The Premier has left this up to the honourable member, in his conversation and his work with his local constituents. He has decided that is going to come soon, and this falls very short of the Marilyn Churley time lag.

Mr. Kormos: While the Premier has wanted us to believe that this is a matter between Mr. Kennedy and his constituents, it appears to have been a matter between Mr. McGuinty and Warren Kinsella, because this morning Mr. Kennedy finally went on the radio to let the folks of Parkdale–High Park know they'll have a chance to elect a full-time MPP after the Premier lets him resign two weeks from now. The problem is, people here in Toronto listening to CFRB or CBC or 680 or 640 didn't hear it, because Kennedy made that announcement on Halifax News 95.7, where he was at the time. This is sad. Gerard Kennedy isn't speaking to his constituents anymore, much less representing them. Why doesn't he just resign today, go now? Why doesn't the Premier let him do that?

Hon. Mr. Smitherman: I think it's appropriate to remind the honourable member of the tremendous work and contribution that Gerard Kennedy has made, not just to the community of Ontario but the community of Parkdale–High Park. The reality of the work continues in the sense that he had the opportunity just last week to deliver a long-standing promise, to deliver on something that has been on the wish list of the community of Parkdale–High Park for more than a decade, back to the brief days when that honourable member was entrusted with power in the province of Ontario.

Obviously, Mr. Kennedy has indicated it's his intention to resign shortly. What we know for sure is that he will have done so in a manner that is rapid compared to the exit strategies of honourable members opposite.

Mr. Kormos: That's interesting. After Marilyn Churley announced her intention to run federally, she had 38 recorded votes, 19 oral questions and two private members' bills before she resigned her seat. Since Gerard Kennedy made his announcement April 5, not a single day here in the Legislature, not a single reading of a petition—

The Speaker (Hon. Michael A. Brown): We are not, as you know, permitted to talk about absence from the Legislature.

Mr. Kormos: Zip; nothing from the member.

You can't blame Gerard for wanting to resign. He's running for the leadership of the federal Liberals, and the sooner he separates himself from Dalton McGuinty and McGuinty's record of broken promises, weak leadership

and ongoing excuses, the better for Gerard Kennedy and his chances. Why doesn't the Premier put his partisan, crass, self-serving delay of the Kennedy resignation aside and accept Mr. Kennedy's resignation today, here, now, effective 6 p.m.?

Hon. Mr. Smitherman: I think that, upon reflection, the voters of Toronto–Danforth, the riding next door, cast their view about the questions that Marilyn Churley was asking during that period. What I do believe is that the voters and the residents of Parkdale–High Park would rather know that their honourable member delivered an important expansion of their hospital than stood in the Legislature and asked a couple of questions.

LONG-TERM CARE

Mr. Gilles Bisson (Timmins–James Bay): My question is to the Minister of Health. Minister, residents and families representing five nursing homes delivered petitions to Sarnia–Lambton MPP Caroline Di Cocco on Friday calling for \$306 million in increased funding across Ontario for more nursing home care. Residents of the Trillium Villa long-term-care facility in Sarnia want their dignity. Seniors there are forced to wait as long as half an hour to be taken to the bathroom. Diana Sitzes, one resident, says, "These are our golden years. If that's what it is, I don't want them."

Minister, seniors deserve dignity. When are you going to provide the funding you promised in the last election and allow Diana and all other seniors to live their golden years in dignity?

Hon. George Smitherman (Minister of Health and Long-Term Care): As is so often the case in this Legislature, when the third party stands and asks a question, the next day, all of those who have been offended by the nature of the question send in letters. So it was this party, over the course of the last week or so, that asked a question about a circumstance in Peterborough. Then it was the letters to the editor that followed to the local newspaper and to our office from all of the people who were indignant about the characterizations that were made there.

Our government has invested almost three quarters of a billion dollars in expansion of service and number of long-term-care beds in the province of Ontario. We've brought in a new capacity to respond to concerns that are raised about the quality of care. We fundamentally believe that, for those most vulnerable, we're providing a very adequate resource to provide the care and support that they need. I encourage the honourable member to tell anybody who doesn't feel that that's occurring to call the 1-800 action line. They will get action on these points.

We have 618 long-term-care homes, and they are providing a very, very high quality of care.

Mr. Bisson: Minister, you can stand in the House and you can yell all you want; the reality is that seniors and residents across this province are having to do with less today than they are needing in order to be able to provide services. You're providing half the amount of money

that's provided to prisoners for food to people who live in long-term-care institutions: \$5.34 of funding is available for food for seniors in long-term-care facilities, and we provide double that for people who are inside our jails across this province.

Mr. Al Muxlow has to live on \$5.34 worth of food a day. Your government hasn't done anything to respond to his needs. I say it again: When are you going to provide the dollars that you promised in the last election to make sure that these seniors live in dignity in their golden years and don't have to be in this situation?

Hon. Mr. Smitherman: I'm so delighted for the opportunity to remind the honourable member that he too had the chance, the privilege at one time, of being in a government. Do you know what the government that he was part of—do you know the decision point that they made? On one day in 2003-04, they made a decision about increases to food for people in institutions. Do you know what they did on that day? They increased the amount of money that they provided for prisoners and those in corrections institutions, and they didn't provide a penny for people in long-term care.

In contrast to that, not only have we increased the food allowance; we've done something that hadn't been done in more than 20 years, and that is, we provided increases in the comfort allowance, to be able to give those people in our long-term-care homes the opportunity to purchase things that are personal to them and for their needs. The other thing that we did: We froze increases in the co-pay. In addition to that, three quarters of a billion dollars of new expenditure on long-term care; 2,300 additional employees.

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Mr. Bisson: Minister, you can do that all you want to in this Legislature. You can try to blame it on the past government, the previous government and governments 100 years ago, but it doesn't do anything to deal with what's going on today.

The reality is that long-term-care institutions are having to provide meals to people at a level of \$5.34, and it doesn't cut it. In Sarnia–Lambton, in Thorold, in Toronto, in Timmins, in Thunder Bay and in Kapuskasing, the story is the same. People are coming together in those institutions and they're calling on your government to do what you promised in the last election and not just stand in this House and try to blame it on everybody in the past.

You're the minister. You're the government today. You've got the limo. What are you going to do to live up to your promise of the last election?

Hon. Mr. Smitherman: The honourable member doesn't like to be reminded of the day when he had the limo and, let's face it, most of us don't either.

Mr. Michael Prue (Beaches–East York): He never had one.

Hon. Mr. Smitherman: Yes.

I didn't stand up in blame; I stood up in contrast. I'm proud of the work that we've done in long-term care. I'm proud of the work that my colleague from Nipissing,

Monique Smith, has done in long-term care. I'm proud of the fact that there are 2,334 new staff working in long-term care. I'm proud of the fact that we've increased funding by three quarters of a billion dollars. I'm proud of the fact that we increased the comfort allowance for those in long-term care. I'm proud of the fact that we froze the co-pay.

There's more to do in long-term care, as there is in all elements of health care. But across the breadth of our 618 long-term-care homes, I'm proud of the work that's being done to provide care for the most vulnerable in our communities.

HOSPITAL SERVICES

Ms. Laurie Scott (Haliburton–Victoria–Brock): My question is to the Minister of Health and Long-Term Care and also deals with honesty in government. On May 1, 2006, you tried to justify the removal of July's wait times data from your website by saying, "When the first wait-time information was provided, several hospitals weren't reporting, including the University Health Network, which is our largest hospital."

I have in my hand the July wait times data that we printed from your website before you deleted it. It clearly shows that the University Health Network reported wait times for cancer surgeries, both gastrointestinal and genitourinary; wait times for all three cardiac procedures that you measure; cataract surgeries; hip and knee replacements; and MRIs and CAT scans. Minister, they reported data for each of your five priority areas.

Your explanation for deleting July's wait times data is hokum. Will you admit today that the real reason you deleted the July data is because you didn't like what they had to say about your failure on wait times?

Hon. George Smitherman (Minister of Health and Long-Term Care): If the honourable member were to be in touch with the University Health Network, they would tell her what they told our ministry, which is that they made mistakes in the data. The other circumstance with respect to the July data was that it was a single month, and we were working on the basis of two-month refreshes.

It's interesting, though, that what the honourable member doesn't want to speak to is the reality that, across those nine areas where we're measuring wait times, on the median or on the 90th percentile, they're only headed in one direction, and that's down.

What is sad is that this party is so desperate to be negative that they cannot stand in their places and acknowledge that across the breadth of health care, thousands and thousands of our dedicated health care professionals, leading innovation in the context of the public health care system, are delivering much more timely results for the people of the province of Ontario. That is the message with respect to wait times: They are only headed one way, and that is down. I rather suspect that through our efforts, this pattern will continue.

Ms. Scott: The simple fact is that you've said the University Health Network didn't report. However, as I

pointed out, in this report, they did. Deleting the July data lets you paint a better picture about the wait times than the actual reality that exists.

We're talking today about the ability of the McGuinty Liberals to present an accurate picture of reality to the people of Ontario. Minister, you're failing on that count. Will you restore the July data today, and why are you and your Premier still failing to be straight with Ontarians on the truth?

Hon. Mr. Smitherman: Well, I've tried never to fail with Ontarians to be honest that I'm gay, so I don't really understand the honourable member's instigation at the end of that question.

The reality is that we're being tremendously straight with the people of the province of Ontario, and the obvious evidence is that they're rather liking the way we're being straight with them. There's evidence that 700,000—

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke): It's always about you, George.

Hon. Mr. Smitherman: I doubt you have any evidence to back up any point like that.

I do think that one measure of the effectiveness of the strategy we've developed is that more than 700,000 people have logged on to the website that we have made available to them.

The reality is that that party was in office for eight and a half years, and at the end of that eight and a half years they could not even say how many cancer surgeries were being provided in the province of Ontario, much less what the wait time was. That information is now available to all Ontarians at www.health.gov.on.ca.

SOFTWOOD LUMBER

Mr. Gilles Bisson (Timmins–James Bay): My question is to the Minister of Natural Resources. Forest industry companies and workers across Ontario are angry because they're starting to find out that the Harper/McGuinty softwood lumber deal is a complete sell-out of the industry in Ontario. Groups like the Free Trade Lumber Council, which includes the Ontario Forest Industries Association and most major softwood producers in Ontario, want to know why you support a softwood deal where the US gave up nothing and now mills may close and good jobs are at risk. Will you, Minister, finally admit that the deal that was inked a couple of weeks ago is a bad one for Ontario?

Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs): First of all, I think the member has to understand that this was a negotiation between two sovereign countries, but I do support it. I think it is a good deal for Ontario, and I will tell you why.

For the last five years, our softwood industry has had no certainty as to how much they can sell into the American market, and selling into it, what started to be a 30% tariff rate is now down to 10%. So now we have a deal for seven years, if finalized, that gives certainty.

Today, at the prices of lumber landing in the United States, there would be no tariff at all.

Mr. Bisson: Minister, the softwood lumber deal is a deal between two consenting adults—Dalton McGuinty and Stephen Harper—and we, as citizens, are the ones who are caught in between. Quotas, export taxes and a billion dollars in illegal tariffs are left on the table. We have quotas that are imposed as of this day. We have the whole issue of tariffs also imposed. The industry is up in arms. They're saying this deal is going to do nothing to save the jobs that we need to save in northern Ontario. Will you finally admit that this deal is not one that is to the benefit of Ontario, and will you go back and try to get a better deal for our province?

Hon. Mr. Ramsay: I know the member knows that this is a negotiation between the United States of America and the Dominion of Canada. That's what this is. Where we certainly got involved—I was very concerned a couple of weeks ago when it looked like the deal was going to short Ontario its historic market share. That's when I stood up for Ontario, as my colleagues do also, to make sure that we retained our historic market share.

But I think the member has to know, if he looks at his news clips, that the Buchanan company is now going to purchase the pulp and paper company in Terrace Bay, Neenah Paper. That is because Mr. Buchanan is getting his money back. He's going to put that to work and create jobs and build a sustainable forest industry in northern Ontario. So you're already seeing the positive ramifications of this deal going forward and more investment in this industry in northern Ontario.

APPRENTICESHIP TRAINING

Mr. Bob Delaney (Mississauga West): My question is for the Minister of Training, Colleges and Universities. Minister, our skilled trades in Ontario need more young people entering. Our aging workforce is going to hit the trades especially, and it will hit them hard unless we start early and invest in apprenticeship programs all across Ontario.

Even though Mississauga is an affluent community, our young people need access to apprenticeships in order that they won't be left behind through no fault of theirs if they are better suited for a career in the trades rather than a life of white-collar work.

Yesterday, our government took another proactive step to help apprentices in the trades. How does your announcement yesterday make it easier for young men and women across Ontario to pursue a career in the trades?

Hon. Christopher Bentley (Minister of Training, Colleges and Universities): I thank the member for the question and for his concern about ensuring our businesses and our province have the ability to meet our skilled trades needs. In fact, we've set goal of 26,000 new registrations by 2007-08, which is a \$7,000 increase over what we inherited.

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There are many routes to apprenticeships which, of course, lead to skilled trade journeypersons. We announced an increase to one of them just the other day. It was developed by my colleague and the Premier a couple of years ago. It's called the co-op diploma apprenticeship program. Before the announcement, it provided 1,600 students with the ability to obtain both pre-apprenticeship training and a college diploma. We announced an increase just the other day, \$11.5 million of increased funding, which will provide 900 more students with the ability to get into apprenticeships in trades such as electricians, millwrights, automotive technicians and the cooking arts—one more route to assist us in meeting our skilled trades needs for the future.

Mr. Delaney: Minister, I've been saying in a lot of the schools that I've visited for years that Ontario finally gets it in terms of what we need to ensure that Ontario grows its own carpenters, drywallers, bricklayers, plumbers, electricians, cement workers, painters. And that's just the building trades; that doesn't cover the other occupations. The years of neglect ended in 2003, but could you please update me: What other apprenticeship opportunities has Ontario created since the fall of 2003?

Hon. Mr. Bentley: We try to convince young people that a skilled trade is a great occupation, a great future. So we have the Ontario youth apprenticeship program, which this year provides more than 21,000 high school students with what it is to have a taste of the trades and earn a high school credit at the same time. Routes into apprenticeship: Apart from the co-op diploma apprenticeship program, we are funding 700 more students this year with pre-apprenticeship programs, again another route into an apprenticeship.

But it doesn't end there. We fund apprenticeship in-school training opportunities, almost \$10 million in the past year, and I have a funny feeling there will be more in the years to come. We provide our colleges with the college equipment fund, \$10 million this past year, to support increased enhanced college equipment for the best hands-on learning; and the apprenticeship enhancement fund, a specific fund of \$10 million to provide up-to-date equipment for those apprentices and pre-apprentices for hands-on learning opportunities.

I could speak more, Speaker, but I have a funny feeling you're going to call me—

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

COAL-FIRED GENERATING STATIONS

Mr. John Yakabuski (Renfrew-Nipissing-Pembroke): My question is for the Minister of Energy. Minister, more on the credibility issue here: Yesterday, the Minister of the Environment and the Attorney General joined a lawsuit—now, this is priceless—to force six coal-fired plants to install modern pollution equipment. The duplicity of this is not lost on most Ontarians. It's sort of like when parents used to use the phrase, "Do as we say, not as we

do,” and now we’re doing it to our own children, of course. I understand that.

Minister, in order to strengthen your case, could you tell us and tell the people of Ontario how much you have invested as a government in installing those modern pollution controls on your coal plants here in the province of Ontario?

Hon. Donna H. Cansfield (Minister of Energy): I thank the member for his question. There are some scrubbers on both Nanticoke and Lambton, and they’ve been there for a while. That doesn’t mean that they necessarily encourage less emissions. What the member forgets to tell folks is that when there are scrubbers on coal-fired plants, there still is something called liquid solid waste—sludge. And sludge is hazardous and still has to be dealt with.

Instead, what we’ve done—for example, with the member in Haldimand–Norfolk–Brant—is invested \$186 million in clean, green, renewable energy. They’re called wind turbines. Done locally, with local people, that investment is in that community making a difference for the air that we breathe.

Mr. Yakabuski: Minister, your responses are getting weaker and weaker, because you understand more clearly every day what a failure your energy policy is. In fact, the sludge is getting hard to walk through in this chamber. It is time for the minister to reduce the rhetorical emissions and—no pun intended—come clean with the people of Ontario. Your plan is not working. It will not work. Your deadlines will not be met.

On the flip side, you’re telling people in the United States that they must install pollution controls. But in this province, where we have not installed a single pollution control since you’ve been government, you continue to burn our coal stations with no mitigation. How do you square that with your record of challenging the Americans’ coal emissions record?

Hon. Mrs. Cansfield: To the Minister of the Environment.

Hon. Laurel C. Broten (Minister of the Environment): I’m so pleased to have a chance to talk to this chamber about what I’ve been doing in Washington over the last couple of days. What I’ve been doing, my friends across the way, is standing up for Ontarians and ensuring that we have clean air in this province. In case you haven’t paid attention to the statistics, some 50% of our air pollution comes forward from the US with the prevailing winds. What we did yesterday was stand side by side with the Department of Justice, the USEPA and a number of states as they moved forward in enforcing pollutant controls on coal plants that want to move backwards.

In this province, we are doing everything we can to move the yardstick forward to have cleaner-burning electricity, and the Minister of Energy is doing a fantastic job in moving that forward. What is happening across the border, unfortunately, is that those controls are being sought to be rolled back. What is at stake in this litigation is 300,000 tonnes of pollutants coming across the border.

I’m very proud to be standing side by side with the Department of Justice to make sure that stops happening.

CARDIAC CARE

Mr. Peter Kormos (Niagara Centre): A question to the Minister of Health. Last year in Niagara region, 775 people used the services of Heart Niagara, and the number is expected to grow. The services are things like cardiac rehabilitation for heart attack victims, learning CPR and access to defibrillators. The problem is that this year you only allocated \$200,000 for cardiac services for all of Niagara. Officials at Heart Niagara tell us that’s less than \$300 a person, far less than the \$1,000 a person received by other regions. Minister, when are you going to fund cardiac care in the Niagara region at the appropriate level?

Hon. George Smitherman (Minister of Health and Long-Term Care): As the honourable member may know, on the issue of inequitable funding with respect to other regions of the province, this is the issue that I’ve engaged at least one time in this Legislature with the honourable member from Kitchener, a former Minister of Health, because there is no doubt that some special deals were made during previous administrations that have created some inequity in the delivery of programs. We’re working to try and make sure that there is equitable access in the province of Ontario.

I’ve had the opportunity to be provided with good information about the qualities of the Heart Niagara program. I’m operating off the top of my head here, but I do believe we’ve been working for a made-in-Niagara solution that also involves the capacities of Brock University, a well-known institution in Niagara. As we move towards the construction of a new hospital in Niagara, we of course recognize that the desire to have some cardiac services is going to be one important part of the debate. I think all these things help me to demonstrate the necessity of working together in Niagara to produce the best possible result that we can.

Mr. Kormos: Niagara patients are at risk of losing a very important cardiac care provider because of that funding double standard. Some regions get up to \$1,000 per person for cardiac care and all of Niagara only gets \$300. Karen Stearne, executive director of Heart Niagara, says it may have to close its doors on June 30. A resolution by its board says that the suggestion that cardiac rehabilitation services in Niagara will not be funded at the same level or by the same sources is an unacceptable solution to CR services in Niagara.

Minister, please. Heart Niagara is an important and integral part of that community. Will you ensure that it plays a continued role in the delivery of cardiac services in Niagara region?

1500

Hon. Mr. Smitherman: As I had the chance to say in my earlier answer, we’re working towards a solution that is built in Niagara. Of course, this relates also to the referral hospital that is part and parcel of that work, the

Hamilton Health Sciences Centre. We know that Hamilton Health Sciences and the Niagara health system have been working together, and I believe Heart Niagara has been part of those conversations. I know that there was a meeting very recently to try and resolve these issues in a fashion which can create a more equitable circumstance across the province of Ontario and continue to support important work that has been ongoing.

We believe that the people in Niagara have the capacity to resolve these matters. Of course, we're very aware of the tremendous capacities of Heart Niagara. Accordingly, we'll continue to work on this issue with respect to a successful resolution to the benefit of the patients of Niagara.

ONTARIO DRUG BENEFIT PROGRAM

Mr. Wayne Arthurs (Pickering–Ajax–Uxbridge): I'm almost hesitant to ask my question to the Minister of Health and Long-Term Care, given the rather heavy workload he has had during this question period, but I'll take my chances regardless. Minister, I'd like to ask you about an initiative that's currently under way, something I believe all members in this House would agree is long overdue, and that's change to Ontario's drug system.

I understand the costs for this program have been skyrocketing over the past number of years and there are many shortcomings in how well it serves Ontarians. On the first point, yesterday I was reading a report released by the Canadian Institute for Health Information on drug spending in Canada. It said, "Drugs continue to be the fastest-growing category of health care spending, with drug spending estimated to have reached 17.5% of total health expenditure in 2005, almost double the 9.5% reported in 1985. Since 1997, drugs have accounted for the second-largest share after hospitals, among major categories of health spending." Minister, how can we ensure that we have a drug program that is sustainable?

Hon. George Smitherman (Minister of Health and Long-Term Care): That's a very timely question. I thought the report was rather fascinating for the evolution in fairly short order of a circumstance where the public and private investment in drugs has actually overcome the money that we spend on doctors, to become the second-highest item. This really does speak to the necessity of making sure that we're doing the very best here in the province of Ontario with the public's resource. We've seen a 12% increase annually over the past nine years. One of the things that I think is frustrating is that Ontario spends the second-highest amount per capita on drugs and yet not everyone is necessarily enamoured with the program that has emerged.

We believe fundamentally that we can get better value for the money we're spending and use all of those savings, channel all of those savings into being able to purchase a broader array of innovative products to the benefit of our patients. At the end of the day, we know that pharmaceutical products can be beneficial to our patients. What we're seeking to be able to do here in the

province of Ontario is to spend our money wisely and gain the best benefit possible so that we can expend it as far as possible. Accordingly, that's the centrepiece of the initiatives—

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

Mr. Arthurs: Minister, I know that my constituents are anxious to see these kinds of initiatives move forward. It's clear that we need to have a sustainable drug system in order to be able to provide patients with the drugs they actually need.

Minister, I also want to confirm something with you on behalf of my constituents. In the course of finding ways to get more efficiency out of the drug system and out of drug spending, can you confirm that in no way will this mean that we'll be spending less on drugs in the future?

Hon. Mr. Smitherman: I think three points here are noteworthy. First, as we brought forward this package, we indicated very, very clearly that there's no change with respect to the benefits Ontarians are currently receiving. We have basically a flat line in terms of the costs this year, but that is because we anticipate savings which will all be channelled back into additional purchases. If we look forward to the projections that we've made with respect to these costs, it's our ministry's projection that our drug expenditure in 2007-08 would go up by more than 8% and by more than 11% in the two years that follow. We recognize that this is an area where we're going to continue to be under pressure for increased expenditure. We're planning for it, we're anticipating it, but more than anything else we're working to make sure that the patients of Ontario, the taxpayers of the province, get very, very good value for the dollars they're investing so that we can move forward with a broader range of innovative products to the benefit of our patients.

PUBLIC CONSULTATION

Mrs. Christine Elliott (Whitby–Ajax): My question is for the Acting Premier and also deals with issues of credibility. On April 27, the Premier stood in this Legislature and listed the names of a number of organizations that he said had been consulted with concerning Bill 107, the proposed human rights legislation. Since that time, it has become increasingly clear that your government really has no idea who was consulted with after all. I'm pleased to say that we've received confirmation from one group, the HIV and AIDS Legal Clinic, that actually had been consulted with, but we've received at least two letters from other organizations saying they were shocked to find out that they had been consulted with when in fact they had not been. In light of this, acting Premier, can you please explain to Ontarians why they should trust your government on anything, especially with respect to legislation dealing with this vital issue of human rights?

Hon. George Smitherman (Minister of Health and Long-Term Care): The honourable member is new, and

that will excuse, I think, circumstances that include the fact that she doesn't know this issue has been ongoing for something like a couple of decades. If you want to talk about it, the reality is that it is the honourable member the Attorney General who has had the courage to move forward on a piece of legislation that many, many people believed to be long-standing.

Metro Toronto Chinese and Southeast Asian Legal Clinic, League for Human Rights of B'nai Brith, South Asian Legal Clinic, African Canadian Legal Clinic, Ontarians with Disabilities Act Committee, Advocacy Resource Centre for the Handicapped, Centre for Equality Rights in Accommodation, Bromley Armstrong—

Interjection.

Hon. Mr. Smitherman: You're not in your seat.

Operation Black Vote Canada, Raj Anand, Nelligan O'Brien Payne, Gowlings, OPSEU, University of Ottawa, Ontario Civilian Commission on Police Services, Centre for Spanish Speaking Peoples, Ontario Labour Relations Board, Council of Ontario Universities, Ontario Public School—you get the point, less than halfway through the work, the very extensive consultation that was involved in this legislation coming forward. We're very proud of our government's commitment on that point.

Mrs. Elliott: Just to show what a big mess this is, I have to say that I'm quoting from the African Canadian Legal Clinic, which wrote to the Premier on May 1, stating, "You claimed in question period that the Attorney General had consulted with the African Canadian Legal Clinic on the bill. The African Canadian Legal Clinic has not been consulted at any time by the Attorney General on this bill." Now I'm going to have to paraphrase because I can't be unparliamentary. They continued, "It is a shame that you and your government continue to be unclear about the consultation process."

In a letter from the Metro Toronto Chinese and Southeast Asian Legal Clinic, also cited by you and also dated May 1, they said to the Premier that they were "shocked" to learn that he claimed they had been consulted. They continued, "We have much to be worried about regarding the true state of democracy in this province," if the Premier maintains this claim.

This is just another example of saying one thing and doing another. How can you even have any credibility with respect to the people of Ontario when you don't even know who he has consulted with?

The Speaker (Hon. Michael A. Brown): The question has been asked.

Hon. Mr. Smitherman: It's a wonder that the honourable member, knowing what she does about the history of the government that someone close to her served in, would dare to stand in her place and talk about a government's commitment to consultation. It is, after all, a long-standing practice now of our government that every substantive piece of legislation goes out for committee hearings. That party when in government randomly brought forward motions in this chamber that cut

off any access the public might have even to committee work.

To clarify: My understanding is that Avvy Go, someone well known to many of us, met on April 6 and was consulted. Similarly, the African Canadian Legal Clinic—Margaret Parsons and Marie Chen—met on April 7, 2005. Of course, I'm depending upon information that has been put forward in very, very good—

The Speaker: Thank you. New question.

WASTE DIVERSION

Mr. Peter Tabuns (Toronto-Danforth): My question is for the Minister of the Environment. Instead of municipalities using their scarce resources to divert waste from landfills, some, such as York and Durham regions, are now actively pursuing expensive and dirty municipal waste incinerators, this despite the fact that modern incinerators still emit cancer-causing toxins such as dioxins, as well as heavy metals such as mercury, lead and cadmium. You promised a ban on landfilling organics and a 60% waste diversion rate across this province by 2008, not burning garbage. Will you step forward today with your 60% municipal waste diversion strategy so that dirty, unwanted waste incinerators aren't built in our communities?

1510

Hon. Laurel C. Broten (Minister of the Environment): I say the same thing in this Legislature that I have said to communities right across this province: Nothing prohibits anyone from seeking my ministry's approval of a new waste management technology, but our government's commitment to clean air and the environment and protecting the health of Ontarians is steadfast. So they should be absolutely clear that they have an opportunity to step forward. We do not cover our eyes and not examine new technology. We're open to examining new technology, but it has to be clean and it cannot take away from true recycling. It cannot discourage efforts to reduce, reuse and recycle waste.

I had an opportunity to talk about these initiatives at the Recycling Council of Ontario this morning. There are new ideas out there, and it is for our government to assist municipalities who are stepping forward to embrace the challenges and look at ways to deal with this issue in the 21st century.

Mr. Tabuns: Interesting answer, Minister. The task in the 21st century is not to destroy discarded materials but to stop making packaging and other products that have to be destroyed and then recycle what's left. Nova Scotia diverted 50% of its waste in the year 2000. The city of Edmonton leads the country with a 60% diversion rate. Yet Ontario languishes in the basement at just 34%. In your answer, you seem to have abandoned your goal of 60% waste diversion. Minister, instead of focusing on dirty incinerators, tell us: Will you announce your promised 60% waste diversion strategy today?

Hon. Ms. Broten: Perhaps my friend across was not listening. Our government is absolutely committed to

diversion, but it is not for us to stand here and tell municipalities that they should not look at the examination of new technology. We have communities such as York and Durham which, I believe, are doing a very good job as they look forward with a 25-year waste management strategy; the terms of reference of that EA have come forward to the ministry. It's the responsibility of all of us—the municipal leaders, the provincial government and my ministry—to work together to ensure that public health is maintained.

We are tackling this issue on many fronts. I have announced that I am seeking a review of the national packaging protocol. We absolutely need to reduce the amount of waste and the amount of packaging. We are coming at this issue on a number of fronts. We will meet the challenge of the 21st century, we will manage our waste responsibly in this province, and we will do so in collaboration, giving the municipalities the tools they need to move forward in that on a leadership front.

RURAL ONTARIO

Mr. John Wilkinson (Perth–Middlesex): My question is for the Minister of Agriculture, Food and Rural Affairs. A recent poll of 500 eligible voters from across Ontario by SES Research/Osprey Media indicated that 215 respondents felt that our government has paid too much attention to cities and not enough to the province's smaller communities. In my experience, nothing could be further from the truth. In my predominantly rural riding, our government has made significant investments. For example, our government, through the standard offer contract, has opened up new, much-needed cash crops for my farmers; namely, renewable energy. In my riding, we've invested \$4.5 million at Lynn Cattle in Middlesex county, and \$1.7 million at Atwood Pet in Perth county for renewable projects based on biomass, plus new wind farms are being developed by the farmer-owned Country-side Energy Co-Op based in my riding.

Minister, please set the record straight: Does our government focus too much on cities and not enough on smaller rural communities?

Hon. Leona Dombrowsky (Minister of Agriculture, Food and Rural Affairs): I want to thank the honourable member, a strong advocate for rural communities, and certainly for the one he represents. It is an opportunity for me to restate for the people of Ontario our commitment to all the people of Ontario, which includes rural communities—our commitment to improving access to primary health services. That is why our government has committed and followed through with establishing family health teams across the province, most particularly in rural communities. That increases access to primary care.

We've also invested in rural schools. Although the previous government tends to forget this now, when they were in government they closed many of our small rural schools and reduced support to school boards so that many of our rural schools didn't have full-time prin-

cipals, secretaries or vice-principals. Our government has invested \$51 million in rural schools so we can keep our rural schools—

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

Mr. Wilkinson: Minister, thank you for setting the record straight. I'm proud that since my election in 2003 our government has delivered, in health care in my riding, five new family health teams and a new \$1.5 million CT scanner in Stratford, Minister Smitherman has committed over \$30 million in capital grants for much-needed redevelopments at Listowel Memorial Hospital, Stratford General Hospital and Knollcrest Lodge in Milverton. Plus, we boosted operating funding for the Huron-Perth Healthcare Alliance by some \$5.1 million a year and increased long-term and community care spending. Funding is up by \$7.6 million. In education, peace and stability are in our classrooms, and that's been coupled with \$4.8 million for urgent repairs and construction in my rural schools. For my rural municipalities, provincial operating grants are up 37%, plus a whopping \$9 million for roads and bridges and over \$100 million in long-term, low-interest OSIFA loans.

Minister, it's apparent to me that our government is on the right track in rural Ontario. Am I wrong?

Interjections.

Hon. Mrs. Dombrowsky: I'd like to thank the honourable member for identifying the many important investments that we have been making across rural Ontario. I want to remind the members opposite who are heckling what you did in rural Ontario. You downloaded provincial highways to our local municipalities right across rural Ontario—a burden to their local taxpayers. You introduced regulation 170, which was going to close small schools right across rural Ontario. We fixed that. Our government has committed money for capital improvements for infrastructure that's long been needed.

So I say to the member who has asked the question and to all the members of this House: Our commitment to rural Ontario is solid. We have invested hundreds of millions of dollars to support infrastructure in rural municipalities and the people who live in rural communities, and they know the investments that we have made.

HEART VALVES

Mr. Frank Klees (Oak Ridges): To the Minister of Health: Minister, you're probably aware that St. Jude Medical recalled heart valve products with Silzone coating and that we have, in the province of Ontario, some 1,193 patients who have received these valves. Are you aware that, first, there is a class-action lawsuit initiated as a result of this recall, and are you aware that patients who have these faulty valves are not being told by their surgeons but they're finding out that they have these valves that are being recalled when they get a call from lawyers letting them know about the class-action suit?

Hon. George Smitherman (Minister of Health and Long-Term Care): I will candidly say that that is not an

issue I have previously been apprised of. I appreciate the honourable member bringing it to my attention. We will consult promptly with the Cardiac Care Network and others that provide advice to us with respect to the appropriate response to this.

I have not been contacted by either doctors or lawyers on this matter, but would appreciate the opportunity to learn just a little bit more about it. I will endeavour to report back to the honourable member as promptly as I am able.

Mr. Klees: Thank you, Minister. I appreciate your response. This was brought to my attention by one of the patients who has these valves. He was disturbed, as you can well imagine, that within our medical system in the province of Ontario, there would not be an immediate response by the medical community to this.

I would just ask you this: Do you believe that it is important for patients to be contacted immediately by their surgeons to advise them of the potential risk of having these valves in their hearts?

Hon. Mr. Smitherman: It would be very irresponsible of me to stand up, having indicated what I just did, and answer the question that the honourable member has asked. I don't question his presentation of the information that he has, but I'm not certain that those are all of the facts that are available in the circumstance. Until such time as I've had a chance to apprise myself of them, I don't think it would be appropriate to comment. But as I said in my earlier answer, I will endeavour to get back to the honourable member promptly.

VISITORS

Mr. Gilles Bisson (Timmins–James Bay): On a point of order, Mr. Speaker: I'm sure that all members in the assembly would like to know that former member of the Legislature Paul Klopp's wife is here, Heather, along with her sister Megan. We welcome them to the assembly.

1520

PETITIONS

ORGAN DONATION

Mr. Frank Klees (Oak Ridges): I have a petition that was sent to my attention by Ms. Pavla Horsak. I appreciate her work in gathering names for this petition. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas 1,920 Ontarians are currently on a waiting list for an organ transplant; and

"Whereas the number of Ontarians waiting for an organ transplant has virtually doubled since 1994; and

"Whereas hundreds die every year waiting for an organ transplant; and

"Whereas greater public education and awareness will increase the number of people who sign their organ donor

cards and increase the availability of organ transplants for Ontarians; and

"Whereas the private member's bill proposed by Oak Ridges MPP Frank Klees will require every resident 16 years of age and older to complete an organ donation question when applying for or renewing a driver's licence or provincial health card, thereby increasing public awareness of the importance of organ donation while respecting the right of every person to make a personal decision regarding the important issue of organ donation;

"We, the undersigned, petition the Legislative Assembly of Ontario to pass Bill 67, the Organ and Tissue Donation Mandatory Declaration Act, 2006."

As the sponsor of this bill, I am happy to add my signature and pass it on to page Philippe to present to the table.

BORDER SECURITY

Mr. Tony Ruprecht (Davenport): I have a petition to the Legislative Assembly of Ontario and it reads as follows:

"Whereas the United States government, through the western hemisphere travel initiative, is proposing that American citizens require a passport or single-purpose travel card to travel back and forth across the Canadian border; and

"Whereas a passport or single-purpose travel card would be an added expense, and the inconvenience of having to apply for and carry a new document would be a barrier to many visitors; and

"Whereas this will mean the loss of up to 3.5 million US visitors in Ontario, losses of \$700 million, and the loss of 7,000 jobs in the Ontario tourism industry by the end of 2008; and

"Whereas many of the northern border states in the United States have expressed similar concerns regarding the substantial economic impact of the implementation of this plan; and

"Whereas the safe and efficient movement of people across the border is vital to the economies of both of our countries;

"Therefore be it resolved that we, the undersigned, respectfully petition the Legislative Assembly of Ontario to support the establishment of a bi-national group to consider alternatives to the proposed border requirements and inform Prime Minister Harper that his decision not to pursue this issue with the United States is ill-advised."

I'm very delighted to add my name to this petition.

Mr. Bob Delaney (Mississauga West): This is going to sound like déjà vu. I have a petition to the Ontario Legislative Assembly sent to me by a number of students who certainly share my feelings on the shameful neglect by the Harper government. It reads as follows—

The Speaker (Hon. Michael A. Brown): Order. Petitions are about reading petitions, not about editorializing on them, so let's just read the petition.

Mr. Delaney: The petition reads as follows:

“Whereas the United States government, through the western hemisphere travel initiative, is proposing that US citizens will require a passport or single-purpose travel card to cross the Canada-US border; and

“Whereas a passport or single-purpose travel card would be an added expense, and the inconvenience of having to apply for and carry a new document would be a barrier for many Canadian and US cross-border travellers; and

“Whereas the George Bush government proposal could mean a loss of as many as 3.5 million US visitors to Ontario, and place in peril as many as 7,000 jobs in the Ontario tourism industry by 2008, many of which are valuable entry-jobs for youth and new Canadians; and

“Whereas many of the US states bordering Canada have expressed similar concerns regarding the punitive economic impact of this plan, and both states and provinces along the US-Canada border recognize the importance of the safe and efficient movement of people across that border is vital to the economies of both countries;

“Be it therefore resolved that the Legislative Assembly of Ontario support the establishment of a bi-national group to establish an alternative to the proposed US border requirements, and inform Prime Minister Harper that his decision not to advocate on behalf of Ontarians is ill-advised and contrary to the responsibilities of elected representatives in Canada.”

I certainly agree with this petition. I'll affix my signature and ask page Vanessa to carry it for me.

GAMMA FOUNDRIES

Mr. Frank Klees (Oak Ridges): The following petition relates to Gamma Foundries in Richmond Hill.

“Whereas all residents in the town of Richmond Hill have the right to enjoy their homes, property, neighbourhood and to breathe clean air; and

“Whereas Gamma Foundries, a division of Victaulic Co. of Canada Ltd., is clearly the identifiable and documented source of noxious fumes and odours in the Newkirk Road area of Richmond Hill; and

“Whereas Gamma Foundries has persistently failed to respond to the legitimate concerns of the community regarding these odours and emissions; and

“Whereas Gamma Foundries previously refused to initiate engineering solutions to these issues as identified in a report by Earth Tech and as ordered by the Ministry of the Environment; and

“Whereas the Ministry of the Environment has specifically directed Gamma Foundries to initiate engineered controls to address the adverse effects of these pollutants;

“We, the undersigned, petition the Parliament of Ontario and the Minister of the Environment to take all measures possible to enforce the director's order and to ensure that residents are afforded the right to enjoy their property and neighbourhood, as is their right under law.”

I am pleased to affix my signature as the member for Oak Ridges, in which Richmond Hill resides, and I present it to page Conor.

GO TRANSIT TUNNEL

Mr. Tony Ruprecht (Davenport): I have a number of petitions which were given to me by the St. Clair West Revitalization Committee. The petition reads as follows:

“To the Parliament of Ontario, the minister of infrastructure services and the Minister of Transportation:

“Whereas GO Transit is presently planning to tunnel an area just south of St. Clair Avenue West and west of Old Weston Road, making it easier for GO trains to pass a major rail crossing;

“Whereas TTC is presently planning a TTC right-of-way along all of St. Clair Avenue West, including the bottleneck caused by the dilapidated St. Clair Avenue-Old Weston Road bridge;

“Whereas this bridge (underpass) will be: (1) too narrow for the planned TTC right-of-way, since it will leave only one lane for traffic; (2) it is not safe for pedestrians (it's about 50 metres long). It's dark and slopes on both east and west sides, creating high banks for 300 metres; and (3) it creates a divide, a no man's land, between Old Weston Road and Keele Street. (This was acceptable when the area consisted entirely of slaughterhouses, but now the area has 900 new homes);

“Therefore we, the undersigned, demand that GO Transit extend the tunnel beyond St. Clair Avenue West so that trains will pass under St. Clair Avenue West, thus eliminating this eyesore of a bridge with its high banks and blank walls. Instead it will create a dynamic, revitalized community enhanced by a beautiful continuous cityscape with easy traffic flow.”

Since I'm 100% for this petition, I'm very happy to sign this as well.

GAMMA FOUNDRIES

Mr. Frank Klees (Oak Ridges): I have another petition here. It shows how important this issue is relating to Gamma Foundries, and it reads as follows:

“Whereas all residents in the town of Richmond Hill have the right to enjoy their homes, property, neighbourhood and to breathe clean air; and

“Whereas Gamma Foundries, a division of Victaulic Co. of Canada Ltd., is clearly the identifiable and documented source of noxious fumes and odours in the Newkirk Road area of Richmond Hill; and

“Whereas Gamma Foundries has persistently failed to respond to the legitimate concerns of the community regarding these odours and emissions; and

“Whereas Gamma Foundries previously refused to initiate engineering solutions to these issues as identified in a report by Earth Tech and as ordered by the Ministry of the Environment; and

“Whereas the Ministry of the Environment has specifically directed Gamma Foundries to initiate engineered controls to address the adverse effects of these pollutants;

“We, the undersigned, petition the Parliament of Ontario and the Minister of the Environment to take all measures possible to enforce the director's order and to

ensure that residents are afforded the right to enjoy their property and neighbourhood, as is their right under law.”

I'm pleased to affix my signature and to ask page Zachery to deliver this to the table.

1530

IDENTITY THEFT

Mr. Tony Ruprecht (Davenport): Just an added note to this petition. This petition is very close to my heart because it speaks of identity theft. It reads as follows:

“To the Parliament of Ontario and the Minister of Government Services:

“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; and

“Whereas we, the undersigned, demand that Bill 38, which passed the second reading unanimously in the Ontario Legislature on December 8, 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 (masked-out) form, protecting our vital private information, such as SIN and credit card numbers.

“(2) Should a credit bureau discover that there has been a breach of consumer information, the agency should immediately inform the victimized consumer.

“(3) Credit bureaus should only report inquiries resulting out of actual applications for credit and for no other reason.

“(4) Credit bureaus should investigate any complaints within 30 days and correct or automatically delete any information found unconfirmed or inaccurate.”

I'm delighted that this petition has come to me. It was given to me by the Consumer Federation of Canada. I'm very happy to sign this petition.

NATIVE LAND DISPUTE

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

“Whereas the McGuinty government was notified of this land issue over a year ago; and

“Whereas the standoff has been ongoing since February 28, 2006; and

“Whereas there has been no leadership from senior levels of government;

“We, the undersigned, demand that the McGuinty Liberals start showing some real, consistent and timely leadership in dealing with the current standoff in Caledonia.”

I affix my signature in support of the petition.

LONG-TERM CARE

Mr. Frank Klees (Oak Ridges): This petition is to the Legislative Assembly of Ontario. It reads as follows:

“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'm pleased to affix my signature and ask page Alicia to present it to the table.

PROPERTY TAXATION

Mr. Tony Ruprecht (Davenport): I have a petition that was handed to me by the Garrison Creek River Association. It's against MPAC. It's addressed to the Parliament of Ontario and specifically to the Minister of Finance. It reads as follows:

“We, the undersigned property owners and tenants, strongly oppose the current value assessment. The 2003, 2004, 2005 CVA”—that's the current value assessment—“is too high, and we will show strong resistance. There may be a tax revolt.

“We believe the municipal tax system should reflect the following principles: (1) Ability to pay should be a consideration; (2) property taxes should be related to services 100%; (3) homeowners should not be penalized for improving their properties; (4) dependence on the residential property tax to raise provincial and municipal revenues should be reduced; (5) the assessment system should be stable over a long period of time”—that is, 10 years—“(6) assessments should be objective, accurate, consistent, correct, equitable and easily understood—house S.F./class/price; lot S.F./class/price, garage S.F./class/price; and (7) the owner should be authorized to approve the assessment.

“Most of our funding has come from ratepayers' groups and citizens from across the city of Toronto.”

I'm delighted to present this petition.

BUSINESS OF THE HOUSE

Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader):

On a point of order, Mr. Speaker: I want to rise pursuant to standing order 55 and give the Legislature the business of the House for next week.

On Monday, May 15, in the afternoon, second reading of Bill 43, the Clean Water Act; in the evening, second reading of Bill 109, the Residential Tenancies Act.

On Tuesday, May 16, in the afternoon, opposition day standing in the name of Mr. Runciman; in the evening, second reading of Bill 109, the Residential Tenancies Act.

On Wednesday, May 17, second reading of Bill 107, the Human Rights Code Amendment Act.

On Thursday, May 18, in the afternoon, second reading of Bill 52, the Education Statute Law Amendment Act (Learning to Age 18).

ORDERS OF THE DAY

RESIDENTIAL TENANCIES ACT, 2006

LOI DE 2006 SUR LA LOCATION
À USAGE D'HABITATION

Resuming the debate adjourned on May 9, 2006, on the motion for second reading of Bill 109, An Act to revise the law governing residential tenancies / Projet de loi 109, Loi révisant le droit régissant la location à usage d'habitation.

The Speaker (Hon. Michael A. Brown): Further debate?

Ms. Kathleen O. Wynne (Don Valley West): I'm very happy to rise to speak to Bill 109. It's one of the pieces of legislation that I have anticipated. It's something that I believe is very necessary for my riding in particular, Don Valley West, and I believe it's important for strong, healthy communities around this province.

I think what this legislation demonstrates is our government's commitment to fairness and the reality that we're onside with people in Ontario who believe that all residents, whether they are tenants or whether they own their homes, have a right to adequately maintained, affordable housing. So I'm very happy that this legislation has come forward.

I want to give a little bit of background on Don Valley West and demonstrate why it's so important to me that this legislation come forward. Don Valley West is the home to roughly 45,000 households. About 50% of those are owned and the other 50% are rental units, so this is an incredibly significant area of policy for Don Valley West.

In addition to that, there are conflicting numbers, but between 1997 and 2002, rents in Toronto rose somewhere between 21% and 30%. If, as this legislation lays out, rent increases had been tied to the consumer price index, those guideline increases would have been in the

order of 14%. It's quite clear that a transparent, trackable and rational way of having a guideline around rent increases is very important and is going to help people, especially those who are in the lower socio-economic parts of our community.

The issue that we're confronting here is housing. We're confronting the issue of strong communities and how in a strong community we must have affordable housing; we must have adequately maintained housing. I'll come back to this at the end of my remarks if I have time, but the issue of affordable housing is one we have taken on quite separately from this. This legislation supports that, but we've made a number of advances on the affordable housing count, and I will come back to that.

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I want to speak right now from the tenants' perspective on Bill 109, although this legislation does put provisions in place that will protect landlords as well, so it's a very balanced piece of legislation. But in the few minutes that I have, I want to talk specifically about the legislation from the tenants' perspective.

In my constituency office, we get a lot of people calling and coming in and talking about tenancy issues. The top four issues my staff deal with are these:

The first one is that there is no reduction in rent when costs have been added on to the rental costs of tenants and those costs are no longer borne by the landlord. The landlord applies for an above-guideline increase, that above-guideline increase is put on the rent, and when the capital expenditure or the cost that has precipitated that increase is no longer borne, that cost does not come off the rent. "Costs no longer borne" is what the folks in the tenants advocacy area talk about. That's the first issue we deal with.

The second issue we deal with I characterize as maintenance costs that are really characterized as capital costs, as capital investment. There has been a history in some parts of the riding, and certainly in some parts of the city, where things have been called capital costs when in fact they're either cosmetic or should be routine maintenance.

The third issue tenants come to me to talk about is the issue of tenants being billed and rents being increased when work has not been completed or there's no sign it's going to be completed.

The fourth issue tenants come to us about is the unfair eviction process.

I want to speak parochially because this is such an important issue for Don Valley West. I want to say that Bill 109, if passed, will address each one of those issues, and those issues are top of mind for the tenants who come into my constituency office.

On costs no longer borne, the current system is that there's no provision to reverse ordered rent increases for increased utility costs, for example, if these costs later decrease. With Bill 109, if it's passed, landlords would be required to reduce the rent of sitting tenants accordingly when utility costs decrease. Also on costs no longer borne, there are currently no rent reductions when capital items are paid off. Under the new system, if Bill 109

passes, landlords would be required to remove increases from rents of sitting tenants after the expenditure items are paid for. In other words, tenants would not continue to pay for any items after they've been paid off. That's a huge change for tenants in the province.

On the issue of maintenance and capital, the second issue tenants bring to me, section 126(7) of the bill lays out the expenditures that will be eligible to be characterized as capital expenditures. It puts right in the legislation that there are certain costs that can be characterized as capital and others that can't be.

It says that "a capital expenditure is an eligible capital expenditure for the purposes of this section if ... it is necessary to protect or restore the physical integrity of the residential complex or part of it" or if it is necessary to comply with another section, and that other section lays out changes that have to do with garbage removal, snow removal and those kinds of things. It's a capital expenditure if "it is necessary to maintain the provision of a plumbing, heating, mechanical, electrical, ventilation or air conditioning system ... it provides access for persons with disabilities ... it promotes energy or water conservation ... it maintains or improves the security of the residential complex or part of it."

In other words, a capital expenditure is not going to be a paint job. It's not going to be a cosmetic fix that could in no way be characterized as a capital expenditure that has to do with the structure or safety of the building. That again is a very important definition that is going to help both landlords and tenants to clarify what is a maintenance expense and what is a capital expenditure. I think that's a really important section and it deals with that definition of maintenance and capital.

On the completion of work orders, what Bill 109 will allow, if it becomes law, is that tenants can apply to the Landlord and Tenant Board, which is currently called the Ontario Rental Housing Tribunal, to stop all rent increases if there are serious outstanding maintenance issues or work orders. When I talk about this legislation, I talk about it being balanced and I also talk about the fact that this legislation protects good landlords and it protects good tenants. So in a case like this where there are serious outstanding work orders, a tenant can go to the Landlord and Tenant Board and the rent increases will not be allowed if those work orders can be demonstrated not to have been completed. That's a protection for the tenant, and obviously a good landlord is not going to let work orders build up and is going to complete those work orders, so there's no threat to a good landlord in that.

On the unfair eviction process, currently tenants can be evicted by default if they do not dispute the eviction application in writing within five days and this follows a 14-day non-payment period. If this becomes law, the five-day default eviction process would be eliminated, so that tenants would no longer be automatically evicted without a hearing being held. A tenant would be allowed to pay rent in arrears and related costs to the Landlord and Tenant Board to avoid the eviction order any time up

until the sheriff enforces the eviction. A tenant would only be allowed to use this mechanism once in a tenancy, but it would allow for that automatic eviction not to happen and would give tenants time and an opportunity to the pay their rent.

So on the four issues that I hear the most about in my constituency office, Bill 109 is going to change the situation and is going to make the situation fairer for landlords and for tenants.

I want to acknowledge some of the people in Don Valley West who worked so hard with me before my election in 2003 to bring me up to speed on these issues and who have worked with me to get information to tenants in my riding. These people worked through the Harris and Eves years to oppose the unfair Tenant Protection Act, which of course was not a tenant protection act at all—it was an act that was not fair, especially for tenants—people like Bob Gottschalk, who unfortunately is no longer with us, but who worked very hard in the Carluke area of the riding, pulled people together, talked about tenant issues and informed local politicians about the issues that tenants were dealing with; Abdul Ingar, Abdul Madhani, Ali Baig, Pat Moore, Abbas Kolia, and all the folks at the Flemington Community Legal Services, especially Brook Physick. All of these people have worked for years to bring tenants together and help them understand the legalities and the problems with the legislation that's been in place up until now.

I'm going to go back to these folks. I'm going to be taking them Bill 109 now that it's before the Legislature and I'm going to be looking for feedback from them and from the tenants they represent and work with, and try to get the information from those tenants on how they feel about it. On the face of it, this legislation is about a relationship between landlords and tenants. It's about that mechanical relationship. But underlying those legalities, we're talking about issues of community. We're talking about ensuring that Ontarians have a decent place to live. We're talking about a responsibility that we take very seriously.

I want you to understand that this is something that not everyone who lives in a rental unit has the time to deal with. People who are struggling to make ends meet don't always have the time to be involved in ratepayers' groups or tenants' groups. They don't always have time to bring their concerns to their city councillors or to their members of provincial Parliament. So when I ran for office in 2003 and I knocked on 40,000 doors, about 20,000 of those doors were the doors of tenants. I'll be proud to go back to those doors. I'll be proud to tell them that we have brought forward legislation that's going to improve their relationship with their landlords, that's going to improve their ability to get the work done in their buildings that needs to be done and is basically going to make the landlord-tenant relationship a more judicious and fair one in this province. I'm very proud to be supporting Bill 109.

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The Acting Speaker (Mr. Ted Chudleigh): Questions and comments? The member from over there.

Mrs. Julia Munro (York North): York North. I'm pleased to add a couple of comments here. I think that while the member opposite has outlined the various aspects of the bill that she has chosen to do, one of the things she made reference to was the fact that it's for good tenants and good landlords. I think that it's an interesting comment to make, because the vast majority of people are either good tenants or good landlords. Quite frankly, the notion of legislation that's required is generally looking at the fact that there are always an unfortunate number of people who have great difficulty being good tenants or good landlords. The question, always, in trying to present any piece of legislation in this frankly very complex area is the question of always remembering that the vast majority of people are either good tenants or good landlords. They must be in a legislative framework that doesn't put undue burden on them and make it appear that they're all characterized as people who need some kind of draconian system to keep the system going. Of course, that begs the question of the fact that today's rental market is, frankly, the healthiest that we have seen in many decades. I would caution that the question of maintaining that balance and that health can't be jeopardized by this legislation.

Mr. Peter Tabuns (Toronto-Danforth): This bill has some elements in it that I think tenants will welcome—more protection around arbitrary eviction. But there are some other elements there that are profoundly problematic. The first, really, is the question of vacancy decontrol. The McGuinty Liberal government, during the last election, promised to end vacancy decontrol. This is the opportunity to do it. This is the time, with high vacancy rates, when the market's relatively flat, when there's an opportunity to legislate protection of tenants to give the population of this province the kind of protection that they will need over the long term, because I can say that when the vacancy rate tightens, when landlords start taking advantage of that opportunity to crank up the rents so they can crank up return on investment, the political difficulties of moving forward with the elimination of vacancy decontrol will be far more difficult to get through and highly problematic for tenants.

The retention of vacancy decontrol means that, every year, thousands of units leave the rent control system and that, over time, more and more of that housing that's crucial to a substantial portion of the population of this province becomes unaffordable to them. The median income of tenants in this province is approximately half that of those who are homeowners. They rely on housing that they can afford to keep a roof over their heads. This bill, essentially, is coasting on current low interest rates, the current booming condo market, to protect tenants. That is not adequate. That's not right. It has to be changed.

Mr. Brad Duguid (Scarborough Centre): I want to begin by thanking, on behalf of government members, I

think on behalf of every member of this Legislature and on behalf of tenants across Ontario, the member for Don Valley West, Kathleen Wynne. There has not been a more strenuous advocate for tenants, a more effective advocate for tenants that I can remember in this Legislature. This bill would not have taken the shape it has, had it not been for the hard work and interventions of the member for Don Valley West.

The first tenant meeting I had an opportunity to go to as PA for municipal affairs and housing was in her riding. She was the first member to pull together her tenants in anticipation that we were moving forward with these reforms to the Tenant Protection Act. There are many aspects of this bill that are here in large part due to the efforts of the member for Don Valley West. I think of the changes to the eviction process. I know for a fact that Kathleen Wynne advocated very hard for those changes. She felt that the five days the previous legislation provided for tenants to respond to eviction notices was completely unfair. Her advocacy brought us not only to the point of amending that particular process, but of rejecting that process altogether to bring in a fairer process where each and every tenant got a hearing. That came about as a result of the interventions of this particular member.

When I look at the issues we've dealt with in terms of trying to improve maintenance, making sure that landlords do not get increases in rent when buildings aren't properly maintained, that is there because of the interventions of this particular member; others as well, but she led the charge on those issues. I think this chamber and all tenants owe her a great debt because of that.

Mr. Jerry J. Ouellette (Oshawa): I'm going to follow up on my colleague "the member from over there," as mentioned, better known as the member for York North, regarding good tenants and bad tenants. When you bring forward pieces of legislation in this fashion, you try to bring forward a composite to deal with the good players in the system. The difficulty lies in the boundaries when individuals, both landlords and tenants—quite frankly, the ones we as MPPs usually hear about from tenants are problem landlords, and from landlords, problem tenants. How do you deal with and address that issue? I'm going to be speaking to the bill later on the municipalities' ability to deal with situations like that.

Right now, I'm working on a case in Oshawa. It's been listed as one of the crack houses, and they're having difficulty, both in the municipal and the policing sectors, trying to address this issue. The landlord is one of those who doesn't really care what goes on, so long as the rent comes in at the end of the month. How does a municipality address that whole issue and come forward? Hopefully, we'll be able to find some way that we can assist municipalities to deal with these issues.

As well, the member from Toronto-Danforth spoke about vacancy decontrol. My understanding is that the key reason—I believe the member mentioned four reasons, but I think the number one reason was vacancy decontrol, whereby, when a location becomes available,

the landlord has the ability to increase the rent. I thought the intention would have been to maintain current rents in those areas.

I certainly hope we'll be able to get some questions as we bring forward and debate this issue a little bit later.

The Acting Speaker: The member for Don Valley West has two minutes to respond.

Ms. Wynne: Thank you for the comments from my colleague members. Just in response to the member for Oshawa, vacancy decontrol is not one of the top issues that tenants come in to talk to me about, interestingly. What we've done is leave the opportunity for landlords to negotiate rents with new tenants.

The member for Scarborough Centre is way too kind when he talks about my role in this. This has been a team effort. I have to say that the members of our government who have been city councillors have a deep understanding of these issues. The member for Scarborough Centre took the lead on that, as someone who has been on city council and really understands how this relationship between landlords and tenants works. They have been of great help, along with the Minister of Municipal Affairs and Housing, in bringing this legislation forward, and we're very grateful for that in Don Valley West.

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One of the issues we're dealing with, and I spoke to it at the beginning of my remarks, is the need for affordable housing, and I just want to talk about the progress we've made so far.

We've put in place funding for 94 housing projects, 5,000 units, including 4,300 rental units; some 1,500 units are occupied, 1,900 are under construction and 900 units are in advanced planning approval. So we're well on the way to having more units of affordable housing up and running in the province and having people live in them. That is the issue confronting us around affordable housing: We don't have enough units. The waiting lists for Toronto community housing are huge and affordable units in rental buildings are not available. So that's a big issue that we're confronting in other ways.

The Acting Speaker: Further debate?

Mr. Ouellette: I appreciate the opportunity to stand and address Bill 109, An Act to revise the law governing residential tenancies.

There are a number of issues that I want to bring forward and address on this. I briefly mentioned one that I'll probably get into a little bit later on.

The previous member was speaking about affordable housing. We see the stats coming in and I think the stats show that there was an average decrease in rent overall, province-wide, by 0.7% in 2005. So if rents are going down, why is it necessary to find these cases of affordable housing; not only that, when you have the vacancy rate that's currently stated at 3.7%? As I recall, probably going back to 1995, it was 1.9% at that time, Mr. Speaker, when—

Interjection.

Mr. Ouellette: It was less than that? It very well could have been, but I remember it as about 1.9%. I'll

take your lead on it, Mr. Speaker; possibly as low as 1.4%. How's that? But you've virtually doubled the vacancy rate within the province of Ontario. Obviously, those who are tenants or landlords would know what we're referring to, but for those who are watching, it's the number of vacant or available spaces related to the number of units available throughout the province of Ontario, and we're seeing an increase in that. That's gone up to 3.7%, which means a number of things. Individuals are purchasing houses and making more vacancies available and/or landlords are putting up new facilities to make places available for individuals to reside in. Either side, the case is that the increase in vacancies would indicate that there are more people who have choice out there to determine where they want to live.

Now, some of the sections on the bill—for example, part III dealing with sections 26 and 27, where the member opposite spoke about the 24-hour notice, says that notification has to go out for inspection purposes and those aspects. What happens is, you can provide 24-hour notice to a tenant to go in and upgrade a facility or inspect a facility and things along those lines it. But there is no specific breakdown—possibly it's done in regulations and possibly the parliamentary assistant to the minister could clarify—as to how you verify that the notification has gone through. Does it have to go through a sheriff? Is it a simple letter? In certain situations and cases, what do you do when individuals are not able to be available, if they're, like everybody else—well, a lot of people have the ability to go on holidays and things like that. Certainly some of those notifications and what a verification of notification is would be a good sense in dealing with an issue like this.

Also, part VIII, sections 120 to 123, deals with the rent increase guidelines. In the past, I've had a number of landlords into the office who complained about the inability to raise their rents when the property values, as is the case in Oshawa, have gone up quite considerably in previous years, as have their tax rates for those areas, and they don't necessarily reflect the increase being allowed on the actual units. I have always asked those individuals, "Have you been taking those allowable rent increases," which could have been 1.7%, 1.3%, 1.2%, "over the past 10 years?" Their response to me typically when they come in is they don't understand the full act and gaining knowledge of what their rights are as landlords. "Well, did you increase them?" Every one of them that has come in has said, "No. Why would I increase 1.2%, to go through the hassle?" I've said, "Do you know you're allowed to compile those?" So over the years, that 1.7%, 1.3%, 1.2% in a 10-year period could add up. In this particular case that comes to mind, it was about a 15% increase in the rent. They were quite surprised that you could do that.

From what I'm seeing in the legislation, I'm not sure that the consumer price index that's being allowed as the rent guideline for increase is going to be allowed to compile over the years if the individuals do not increase their rents on a yearly basis. If you don't increase it, does

that mean that that year's increase is gone, or is it going to be the same fashion as in the past, where you're allowed to increase the amount based on the CPI that is going to be used as an indicator for allowable rental increases? That would be a question that I hope the minister or the PA would bring forward and answer.

Some of the other areas are, for example, when a renovation takes place. The previous government member spoke about the fact that the capital allowance was allowed to be increased on the rent. So if, for example, a landlord comes in and puts a \$100,000 investment in capital expansion, once that initial \$100,000 has been paid off, that portion of the rent is then removed, and I don't think anybody has a problem with that. The difficulty—and I don't see any provision in there—would be that the value of the property would then go up and the assessed value of the property would then go up respectively, potentially by some considerable amounts in some cases. Then the tax increase in those areas could potentially go up as well. How is it that the appraised value of the location would be allowed to increase to represent the increase in potential taxes in that area? How do you come forward and deal with that? There's a 3% maximum allowance, and once it's paid off—hopefully they can address some of those issues as well.

Some of the other areas: They talk about the distribution of an information pamphlet, and I'll just read some of the comments passed on to us by our people: "Distributing an information pamphlet: A pamphlet with information on the responsibilities of landlords and tenants, the role of the board and contact details would be given to all tenants by landlords when they move in." So long as it's used correctly—I think if they take it to the point—although there are probably costs incurred by landlords in distribution, within the individuals to produce it, if it's specifically identified. For example, if an individual moves into a facility and it's expected—I mean the legislation states that no increases in rent are allowed for the year, which is fine. But within a five-year period, if there's going to be a considerable capital expansion, if it needs a new roof, new parking facilities, or whatever the case may be, that's allowed within the legislation, should the pamphlet include some of the detailed information so that the individual moving into that rental situation would be able to identify the future projected potential increased costs that could be expected if a new roof is expected? Would that mean the landlord would have to give details, or should the pamphlet include details of "Recently we've got a new roof, we've got new air conditioning," whatever the case may be in that particular facility, to ensure that the individual realizes that there shouldn't be a capital expansion cost within the next five years or a period of time?

Some of it would be, how do you compensate the landlord for providing that information, for determining an expected plan? Are you expected to put forward a plan, and should that information be included in that pamphlet? I'm not sure what the full intention of the pamphlet and distribution of the information would be.

Who prepares it? Is it the ministry, is it the landlord, and what is the total content going to be?

Some of the other areas: excessive and wilful damage. I'm hearing different things about this. As the member mentioned, it removes the five-day period for some of the process for eviction, not necessarily with the excessive and wilful damage. However, when an individual doesn't appear at a hearing, then the process really begins again and we start back at the start. I think the member mentioned that it can take place once. Doesn't that actually increase the amount of time the eviction process can take when dealing with these issues, because for non-compliance of showing—as I said, we're not dealing with the good tenants and the bad tenants. It's the individuals who are on the fringe who cause all the problems, the ones we hear about in our office, whether it's a tenant or a landlord. Believe me, we've had a number of cases whereby we've had tenants and a landlord, and we've gone in and had to deal with them in a heavy-handed fashion because of what was taking place.

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Certainly we comply with all the guidelines and laws that are out there, but sometimes, as reported to me by individuals, you have to go to the police or to the city to try to resolve it. In this particular case, a crack house situation, the local residents don't know what to do. They're concerned with their safety and their family's safety and how they deal with this particular case.

Where I was, there was one facility that had a multi-unit residential site. They didn't care who they rented to. As to some of the problems that were there, quite frankly, they didn't care. The landlord never showed up. He never did anything about it. This was before becoming elected. I found out through my sources who the landlord was at that time. I called the landlord and I specifically laid out that, "Every time these individuals wake me up at 3 o'clock in the morning"—excessive noise and things like that are listed in the legislation—"I'm going to be calling your house and you better answer your phone." I left a message because the individual refused to answer the phone. I said, "If you don't answer your phone, I'm going to come"—I gave the address of the landlord to him—"and I'm going to knock on your door until you get out of bed, in the same fashion I have to get out of bed." These are the problem individuals, tenants or landlords, that you try to address with some of this legislation.

The concern there was the eviction process. We're hearing different things, that it could potentially be extended as opposed to cut in half, as listed in the legislation.

Earlier, this morning, we had a private member's bill that tried to address criminal activity in a house. That bill in itself, dealing with renters and providing information for future individuals—it was brought up that something regarding this piece of legislation should be introduced and included in this, although I think that if it were to be introduced as an amendment to the bill, it would be perceived to be beyond the scope of the bill. The member's intention was that if it was, for example, a

grow-op house, and the people after it were moving in, there could be some concern about the chemicals and all the other things being done in there.

If there is some form of not only the municipality or the police—the problem with the private member's bill this morning was that I didn't see a reporting agency or who was responsible for monitoring and keeping the information and passing it on. In the same fashion, how do we move forward in protecting future individuals who are good tenants? There is a great number of them out there in all our ridings, and great landlords out there. But it's with those individuals who cause the problems, whether it's crack houses and these sorts of things, that you address those issues in ensuring that future individuals are aware of what is going on there.

I think the government member's bill had a good intent, and that was trying to identify problem locations. It could be the crack houses or grow-op situations that he was trying to identify there. Hopefully, the government will take a look at that and try to address some of those things in this legislation so that it can be brought forward and dealt with, so that our municipality or police force, which I've been in contact with about a number of houses, can address those issues, can look at that and try to find some way to resolve it.

Another area I wanted to talk about was the last month's rent. That was another aspect that was brought to my attention. As an elected official, you're expected to know all the details about every piece of legislation, and sometimes it's difficult. It happened to be a tenant who brought it to my attention, and I realized that landlords had to return the interest on the last month's rent that was going to be paid. This legislation clarifies that issue in that the landlord can keep the interest on it. But that causes problems as well: Is it just new tenants, or is it the current ones on holding last month's rents? Hopefully, they'll be able to answer that question for somebody who has been expecting or anticipating for 10 or 20 years, whatever the case may be. I know individuals who have been saving up for their house. Granted, the interest on that can compound and go forward, but is that interest now still applicable and going to come back to them or is it just on new positions or new rental units proceeding with the legislation? Not only that, but there's keeping the interest on the deposit.

Everybody pays a first and a last month's rent. Typically, what takes place is the last month's rent is designed to go into an account and stay there so that at the end, normally what's supposed to happen is the interest on that last month's rent reverts back to the original tenant at the end of the time, when they're finished their period in the location. The difficulty now is what happens when the rent goes up over those years? Is that still going to apply or not? I'm not sure how it's going to work out in that area.

Tenant definition: I know there were some areas in there that spoke about how in the event that a spouse passes on, it reverts to the spouse in the location. How does that work if somebody doesn't actually reside in that

location? If there is a tenant who passes on and their spouse or whatever the case may be is not currently residing at that location, do they have to reside there in order for it to revert to the spouse? In some cases, individuals go through difficult times. I know certain situations where, for this particular piece of legislation, individuals like Ron would have been very concerned about how it would unfold, as it would revert to his wife. In this particular case, they were not together at that particular time. Does it clearly lay out the grounds on which you have to reside in the facility in order for it to revert to the spouse or not? That would be one of the questions I hope they would be able to answer.

One of the other areas that I'm going to briefly touch on is the smart metering aspect, which is listed in the legislation. I'm questioning why they would bring smart metering right into legislation. Is this going to imply that every time something happens with smart meters, it's going to be brought forward? It's listed in here how it's going to play out—the notification of smart meters and all those aspects. Hopefully, we'll be able to get some details, possibly through the committee process, on how that's going to unfold.

I noticed that they also speak in a number of specific sites through the legislation about energy-efficient appliances. It certainly implies, or there's something unwritten in there and through the regulations, that where the layperson's terms come forward in understanding the legislation—what that's going to mean regarding energy-efficient appliances, although it is specifically listed in certain areas.

As I mentioned before, the member from Don Valley West brought forward comments about affordable housing. Currently, we're seeing a vacancy rate of about 3.7%, which is a good rate for those who don't understand the process. I should add that it's projected to remain in that area until about 2009. As well, in 2005, we saw a decrease of about 0.7% on average, which indicates that the rental rates are going down, which is a good sign for individuals who are looking for a new places. When you're talking about affordable ones, this certainly addresses the issue of decreasing rates for 2005 on average.

I believe that rent increases for the capital expansion, once paid off, would be a good thing, but how does it all play out in the grand picture?

There are certainly some strong concerns that through the eviction process, although it specifically states that it cuts those time frames in half, when you actually read it, potentially, by not showing up at board hearings, the process reunites. Granted, you can only do it once, but that still extends the length of time that can take place.

My understanding was that one of the original intentions was to address the issue of vacancy decontrol. As it stands, rent increases are wide open, and that was the main control and one of the key reasons. Quite frankly, we don't see happening in this legislation, nor does it address that issue.

I think those cover the key points that I wanted to address. And no, I'm not going to ramble on. I addressed what I wanted to address and I'm not necessarily just filling the 20-minute time slot as allocated to me. I do appreciate the opportunity to speak on Bill 109, An Act to revise the law governing residential tenancies.

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The Acting Speaker: Questions and comments?

Mr. Rosario Marchese (Trinity–Spadina): I just want to say to the member from Oshawa that we disagree with him and his party profoundly on these matters having to do with the Tenant Protection Act. In fact, when the Liberals were in opposition, they used to attack you too. If you recall, Monsieur Leach—mon ami Monsieur Leach—who said, “When we get rid of rent control, we are going to build—not we; the private sector will build affordable housing, and we will have 10,000 units per year in Toronto alone, if only and when we get rid of rent controls.” The Liberals with us laughed at you, and quite appropriately so, because not one affordable unit was built. We were on the same team then.

Ms. Wynne: That's changed now.

Mr. Marchese: Now it's changed, of course. They're over there. We're still here. We had rent control. The Liberals didn't like it when we were there; the Tories didn't like it; they changed it. The Liberals then said, “No; if we get in, we're going to change it back and we're going to have real rent control, and by the way, vacancy decontrol will be gone. Just elect us,” meaning the Liberals. And you know something? You haven't built more than 63 units of affordable housing by the statistics that you have made available to us because, after 2004, we haven't seen any of the affordable units you've built. You don't make it available. We have no clue. We have no way of knowing except my good friend Monsieur Caplan, who says, “Oh, no; we built thousands of affordable units.” Show us the figures. Put them out, like you used to. That's what we say. You guys have something in common now, with all due respect.

I will be able to speak in approximately 10 minutes or so, and I'll be able to expound on this and go after my Liberal friends as best as I can.

The Acting Speaker: We look forward to that. Further questions and comments?

Mr. Khalil Ramal (London–Fanshawe): I want to agree first with the member from Trinity–Spadina on the first part, on which we don't agree with the member from Oshawa about his proposal for the changes. I want to also tell the member from Trinity–Spadina, we believe in fairness. Fairness is our policy in this place. We also want to control the tenant, we want to protect the tenant and, at the same time, in the same fashion, we also have to give the landlord some kind of opportunity to keep their investment and to protect their investment.

I have a life example from London. One of my constituents called me a couple of weeks ago. She was complaining because her landlord refused to fix her carpet. She might listen to me today. When she asked to fix the carpet, which was very old carpet—the carpet

became home for many insects and many parasites etc.—she asked for a change because it's her right. The landlord said, “You have to leave tomorrow.”

I believe strongly that this new act will protect both sides by creating a Landlord and Tenant Board, which creates some kind of fairness. Both sides can come to the table, listen to each other and, in a friendly way, solve all their problems. We don't want to hurt the landlords, because who will invest more money by building more homes and housing and affordable housing? At the same time, we cannot evict a person for an illegitimate reason, because people also look for stability. When I go rent a place, I won't rent it for a month or two; I want to rent it for a longer time. I want some kind of protection and safety. I don't want to be, like, tomorrow I'll put my clothes on and just be out the door without any reason. This applies in fairness. Also, I'm looking forward to supporting this bill because it's a good bill to support.

Mrs. Munro: I'm pleased to comment on those remarks made by the member from Oshawa. As I think he ably demonstrated, the issue is creating legislation that provides a balance and is also looking at the fact that the vast majority of people who are tenants and the vast majority of people who are landlords are in fact law-abiding. The tenants pay their rent on time and the landlords then also meet their obligations.

So when we look at legislation initiatives such as this, we have to look at them from the perspective of the importance of maintaining that balance and pay particular attention to the fact that any kind of restriction or imbalance then creates, frankly, situations where landlords are not going to invest in their properties and tenants are encumbered with a huge amount of red tape. What we have to look at are the details of this bill to ensure that balance is maintained.

Ms. Wynne: I'm really glad that the member for Oshawa raised the issue of smart metering, because it's not something I talked about in my remarks. I would like to make it clear—and I know there will be more discussion of this during committee, but it's a very delicate issue for people living in multi-residential units. I have had many people talk to me, especially older people who don't mind wearing a sweater in winter, concerned about the overuse of heat and the fact that they are having to pay for energy that they wouldn't necessarily use if left to their own devices. So the protections that have been put in this legislation are very timely, because we're moving towards smart metering.

Tenants would not be required to start paying electricity bills until smart meters had been in place for at least one year and the costs for electricity were accurately determined by real cost data. Rents would be reduced accordingly to remove the cost of electricity and tenants with smart meters would be permitted to apply to the Landlord and Tenant Board—the board that would be set up if this legislation is passed—if their rental units or appliances were not energy-efficient. Furthermore, landlords would be required to inform prospective tenants of a rental unit's usual electricity costs and would

have to demonstrate that capital expenditures for smart metering supported energy conservation, or their above-guideline increase would not be approved by the board.

So I think it's really very timely and relevant that these protections around smart meters are in this piece of legislation, because there are many, many buildings across the province where it is going to make sense for smart meters to be put in place, and it is in fact going to protect tenants who are interested in conservation. They will then know what their usage is. They'll be able to modify their usage according to the costs that they are incurring. That's going to help them because the landlords will be required to reduce their rents by that amount, and it will help landlords because—

The Acting Speaker: Thank you very much. The member has two minutes to respond.

Mr. Ouellette: I appreciate the comments of the members from Trinity–Spadina, London–Fanshawe, York North and Don Valley West.

In the comments regarding smart metering, it's good to hear some more details. As mentioned, we expect to get more understanding of that through the committee process. But she also mentioned the energy-efficient appliances that the tenant can make application to the board about. Will the board have the authority to order the landlord to order new energy-efficient appliances? Is that what is taking place there?

Mr. Marchese: I don't see it.

Mr. Ouellette: Well, we'll find out. That could be one of the end results—it could be the end of a work order that's been put out by the board. Certainly there are the details within the bill and how it comes out through the future process, as mentioned by the member from York North.

The member from London–Fanshawe spoke about a particular case, but as we all know in this House, there are always three sides to the story. You've got the two, and that is why there is a Speaker or a judge, or we try to find out where the middle ground is. That's the biggest difficulty we have. I know in our case we have had landlords in—quite frankly, I've had landlords and tenants in, the same individuals on both sides. I would not necessarily classify some of them—I won't say which aspect—as being the good side of the equation. Anyway, I can remember saying that's right, we're going to crack down and the first thing we're going to do is do full inspections of every unit, and once they get fully inspected and meet up to code and standard, we can move forward in addressing those issues. Quite frankly, we never saw that landlord again dealing with those issues because he realized that it wasn't necessarily going to fall—the equation—his way.

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We appreciate that the member from Trinity–Spadina was concerned about our issues. The end result is that you have a vacancy rate that virtually doubled and decreased rents and that kind of speaks for itself. We'll find out how the current bill addresses the issue.

The Acting Speaker: Further debate?

Mr. Marchese: It's a pleasure to have this opportunity as housing critic. Once again, I want to welcome the citizens to this parliamentary channel. It's 4:30 on May 11, and we're on live. So for those of you who are tenants, and there are over three million tenants in this province, you've got a lot to think about, review and study, based on what we did when we were in government with our Rent Control Act, based on what the Tories did when Monsieur Leach was there and based on what the Liberals are now doing that, oh, they're so proud of, Bill 109. I'm going to beat them up for a whole hour, based on promises they made that they obviously could not keep, would not keep, never meant to keep. Let me do a brief review.

You will recall Monsieur Leach when he was here as Minister of Housing, a former bureaucrat with the city of Toronto, said—

Hon. Mike Colle (Minister of Citizenship and Immigration): No, he was TTC bureaucrat.

Mr. Marchese: A TTC bureaucrat. But you would know him, Mike, because you were close to him in one way or another.

He became Minister of Housing and he said, “When we get rid of rent control, the private sector, not governments, will build affordable housing and the private sector will be there, ready to build 10,000 new units, affordable housing, every year in Ontario.”

Of course it didn't surprise New Democrats that that wouldn't happen because we knew the private sector would not get into the business of affordable housing because it is not a business for them. They don't make money building affordable housing. We knew that when Monsieur Leach made his promise, but he claimed that the private sector would build affordable housing. There wasn't one unit of affordable housing that was built by the private sector because they simply do not make any money doing that.

They have been building condominiums ever since the Tories took power in 1995, and they're still building a whole lot of condominiums under the Liberals and very few, although some, are rental units. The condominiums we're building, very few of them allow for rentals and most of them are privately owned.

Interjection.

Mr. Marchese: Very few. So we are building condominiums indeed, but we're not building affordable housing.

The Liberals are not building affordable housing. In spite of the claim made by so many Liberals, including the honourable member from Don Valley East who provides no figures because as of 2003-04 when we had available figures, which showed that only 65 affordable units had been built—when the government realized that it's not a proud record to show, they stopped publishing the numbers. So the member for Don Valley East can stand up here and say, “No, we built thousands of units.” The point is, they're not affordable. Only 63 units that have been built are affordable. I challenge the member from Don Valley East to present the facts as we used to

get them even under the Tories, when they were made available to us.

It ought to surprise you, Ontarian citizens watching, that we can't have those figures. It surprises me. When I think about it, it doesn't surprise me too much, because if they provide the figures they'll be embarrassed, so it appears obvious that they would conceal them from your eyes and mine.

When Liberals were in opposition with New Democrats and the Tories introduced the so-called Tenant Protection Act, which was never designed to support tenants and was about landlords and should have been named the landlord protection act because of its deception—the Liberals should have kept the promise around vacancy decontrol. When they were in opposition, they, like New Democrats, said vacancy decontrol would hurt tenants. What does it mean, for those of you who are watching who might be tenants, or who might not be tenants? What does vacancy decontrol mean? It means that when someone leaves a unit and it becomes available to somebody else, rent controls do not apply. It meant and still means that when somebody leaves a unit, the landlord can charge anything he or she wants, and they have done so liberally since 1997 or since—I forget when the Tenant Protection Act was passed. Landlords have been passing on, liberally, increases to tenants ever since they introduced their so-called tenant protection laws. When you have no rent control it means the landlord can charge whatever he or she believes the market can bear. I will show you in a little while that rents have increased, in spite of the claim the Tories made and in spite of the claim the member from Don Valley West has made that when vacancy rates are high, rents stay low. It's not true. I will show you the figures to prove that that's not true.

Mr. Duguid: What are you talking about? Where are you getting those numbers?

Mr. Marchese: Mon ami from Scarborough Centre is waiting for the facts. Not a problemo.

Mr. Duguid: I'm not going to get them now.

Mr. Marchese: But you will. We've got time. Just stick around; don't go away. The member from Scarborough Centre is doubtful as to the veracity of the numbers that I will be quoting very, very shortly. Don't go away.

With vacancy decontrol, while I was still a critic in 2002 or 2003 or so, rents had gone up on average by at least 2,000 bucks, and it's still going on.

Mr. Duguid: Rents have gone up by 2,000 bucks? Where do you get that?

Mr. Marchese: On average, I said. It's more per year; paying an average of \$2,000 more a year.

That's only a minor, minor figure. This is while the Tories were in power. I have a figure that goes up to 2005 to show that while the Liberals are in power, the vacancy decontrol—

Mr. Duguid: Is this since Confederation that they've gone up \$2,000?

Mr. Marchese: No, no, somebody else. Stick around; don't go away.

So we were very happy, of course, to hear the Liberals—not that I believed them, but I was happy to at least hear them make yet another promise that said, “In our first year of government, we will repeal the misnamed Tenant Protection Act and replace it with an effective tenant protection law. Ontario Liberals will restore real rent control and provide a variety of measures to protect them.”

Mr. Duguid: Done.

Mr. Marchese: Yeah, done.

Where are the other quotes? “We are committed to introducing legislation to repeal the act and replace it with an effective rent regulatory law within our first year in government.”

Mr. Duguid: Done.

Mr. Marchese: Let me find a few other quotes about the vacancy decontrol. “We will get rid of vacancy decontrol, which allows unlimited rent increases on a unit when a tenant leaves.” It will be gone, the Liberals said. I don't hear the member from Scarborough Centre saying, “Done.”

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Mr. Duguid: Tenants didn't want us to do it.

Mr. Marchese: The member from Scarborough Centre said that the tenants didn't want them to do it. “The tenants wouldn't let me do that one, so we didn't keep that promise.”

“We will get rid of vacancy decontrol, which allows unlimited rent increases on a unit when a tenant leaves. It will be gone,” was the Liberal promise. “The tenants didn't make us do it.”

I want to take the same approach as the member from Don Valley West, and that is to provide a perspective of a tenant and tenants, because there are over three million tenants in this province, and I tell you that they don't like vacancy decontrol. They didn't like it under the Tories, they don't like it under you, and they won't like this Bill 109, which still keeps vacancy decontrol in spite of the promise you made to get rid of it. But I suppose it doesn't matter what promises you've made. You've made many—over 200—and for those who keep a tally of those, you have broken so many it's hard to keep count. But it doesn't matter when Liberals break their promises because it's just the way it is with Liberals.

New Democrats can make promises and, boy, do people beat us up. Tories can make promises and, man, can they beat people up. When Liberals make promises, it doesn't matter. People just keep on saying, “It's just the way it is. You know how politicians are.” That's the beauty of politics. Liberals can say anything, and they will get away with everything. Vacancy decontrol is still with us, and it was the way to end rent control without saying, “We've ended rent control.” It was their way of doing it, and it is the same way that the Liberals are keeping rent vacancy decontrol as a way of saying to the landlord, “We haven't reintroduced rent control, and that's what you really wanted, wasn't it?”

The landlords are as happy to have Liberals in power as they were happy to have Tories in power. They will

give the Liberals \$600; they might give the Tories \$700. It's the same politics. It doesn't matter; it doesn't change much. A couple of things will change here and there, but not much more will change.

Yes, it is true that the Liberals have eliminated the "costs no longer borne." The member from Don Valley West spoke about that. She didn't say, "By the way, that was in the rent control bill, the act that was introduced by New Democrats." She wouldn't say that, and she didn't say that. That was a measure we had introduced in our rent control bill. We're happy to see you restore it. Member from Scarborough Centre, we're happy to see you have restored it.

What does "costs no longer borne" mean? It means that when a landlord buys something for tenants—let's take fridges as an example. In the past, under the "costs no longer borne," as we had in our Rent Control Act, once those fridges were paid for, they would not stay on the rent forever. When the Tories got elected, that section was eliminated, and it meant that every time the landlord bought something, that cost stayed on the books and on the backs of tenants forever. So the Liberals are introducing a positive measure, introduced by the NDP when we were in power. I appreciate they wouldn't say that, but it's a good measure.

The Rent Control Act under the NDP provided for orders prohibiting a rent increase on units with outstanding work orders. The Liberals wouldn't say this, but they have restored that element, which is a big issue with tenants because, as many Liberals know, in those places where they have a whole lot of units, there are so many outstanding work orders in so many buildings, yet the rents keep on piling up everywhere in Ontario. So the Liberals have reintroduced a measure that the NDP had in its Rent Control Act, and I appreciate that they wouldn't give us credit for it. But at least they took some of the measures that we had in our Rent Control Act to give greater protection to the tenants. So that is good.

But the most fundamental of problems about this Bill 109, An Act to revise the law governing residential tenancies, is the fact that vacancy decontrol is still on the books. The Liberals made a promise to get rid of it, and it's still with us. It is the most important promise to have kept, and not to have kept that promise means that tenants do not have the real protection they deserve.

So when the member for Don Valley West says, "I'm going to speak on behalf of tenants," she omitted mentioning this simple thing that I call vacancy decontrol, that I have explained that she did not speak to. Hopefully the member for Scarborough Centre, who is here, who wants to speak to this bill, will say why it is that they didn't touch it. Maybe he will repeat for the record and for the citizens that they didn't do it because tenants told him and the Liberals not to do it because they didn't want it. Let him stand up and defend such an argument. I cannot find one tenant who will say, "I am happy to be whacked by a landlord when I move from one unit and go to another so that he or she can raise rents as much as he or she wants." Never have I met such a tenant. Maybe

the member for Scarborough Centre has different kinds of tenants, and maybe the member for Don Valley West has different kinds of tenants; I don't.

I look forward to Liberals speaking up and taking their time to talk about this, because I've got to tell you, a report done by the Tories when they were in power, a document which I kept—it was called the Challenge of Encouraging Investment in New Rental Housing in Ontario, by Greg Lampert, much of which I disagree with. But he does point out one interesting fact, and that is, 75% of all tenants move within a five-year period—75%. That's an incredibly high rate of tenant mobility. What does it mean? It means tenants have no protection when they move, because as they move to another unit, they're going to get whacked with increases. It has happened under the Tories, it's happening under the Liberals and it will continue to happen because Bill 109 doesn't deal with it. It keeps vacancy decontrol.

Tenants move on a regular basis for a variety of reasons and most cannot move to buy houses because they can't afford it, and I will speak to those statistics very shortly. So the people you're whacking—both you, Tories and Liberals, Tories in the past, you Liberals now—are a whole lot of people whose incomes are low and getting lower by the year.

Let me get into some of the statistics around tenant households. In 2001, 32% of all households in Ontario were renters. That is 1,351,365 tenant households out of 4,219,410 total households. Two thirds of all low-income people in Ontario lived in tenant households in 1996. That is 1,200,000 persons in tenant households with low income out of a total of 1,834,000 low-income persons. Of Ontario's 1.2 million low-income tenants in 1996, 36% were children, 27% were parents, 30% were non-family persons and 7% were spouses or common-law partners with never-married children at home. Some 96% of Ontario Works beneficiaries are tenants, but only 17% of these Ontario Works beneficiaries who rent live in subsidized housing. The vast majority live in the private rental market. So 96% of Ontario Works beneficiaries are tenants, but the vast majority of them live in the private rental market. Some 75% of Ontario disability support program beneficiaries are tenants, but only 22% of these ODSP beneficiaries who rent live in subsidized housing; the majority of them live in rental places that have no subsidies connected to them.

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On the issue of rents, the average rent of all of Ontario's rental units surveyed annually by CMHC increased by 26% from 1995 to 2003, outpacing the 18% percentage change in Ontario CPI. That's one of the facts I wanted to share with the member from Scarborough Centre, and I will share with him other figures from another source in a few moments.

Kathy Laird, the director of legal services at the Advocacy Centre for Tenants Ontario, said the following: "Rent increases will continue to be unregulated when a tenant moves, creating an incentive for landlords to evict and raise the rents. We have an affordability crisis in this

province with rising rents and fewer units.” In fact, there were just 1,575 vacant three-bedroom units in multi-residential buildings in October 2005, according to the most recent rental market survey of the Canada Mortgage and Housing Corp. Most of these units were clearly beyond the reach of low-income families. There were 124,785 low-income households across Ontario on the active waiting lists for social housing at year-end 2004.

I want to share some facts with the member from Scarborough Centre because he asked me where I get some of the facts. I will share that source with you in a short, little while.

In Toronto—the Ontario stats to follow below—where 45% of Ontario’s tenants live, between 1996 and 2005, the average rent for a two-bedroom apartment in Toronto increased by 30%, while the average rent for a one-bedroom apartment increased by 32%. The overall rate of inflation for that same period was 21%.

I mention this because the member from Don Valley West mentioned figures that went from 1997 to 2002, and I cite this figure that goes to 2005. So I’m waiting for some of the Liberals who have been city councillors in the past to tell me how these stats are different.

The number of lower-rent units in Toronto continues to decrease. Between 1997 and 2003, the number of one-bedroom units with rents below \$700 per month shrank by 85%, and the number of two-bedroom units with rents below \$800 per month shrank by 89%. These are figures that ought to worry a lot of the Liberals who claim to speak on behalf of tenants and who have a lot of tenants in their ridings.

The Advocacy Centre for Tenants Ontario provides the following, and I raise this because “Why rent control?” is the question. Does the market ensure that if there are more vacant units, rents will go down? We say no. The theory is that with an increased supply of units, the market will drive rents down. That’s the logic of Liberals and Tories. The reality is that rents have been increasing across Ontario whether the vacancy rate is high or low.

Let’s take a look at London rates. This might interest my friend from London–Fanshawe. The London rates and vacancy rates: two-bedroom apartments from the year 2000 and 2005. The member from Scarborough Centre is not interested in the facts at the moment. But he was wondering where some of these stats come from, and here it is.

In the year 1998, the rent was \$637 and the vacancy rate was 4.8%. In 1999, the rent was \$639, and the vacancy rate was 4%. In the year 2000, the rent was \$657 and the vacancy rate was 2.4%. In the year 2001, the rent was \$683 and the vacancy rate was 1.8%. In the year 2002, the rent was \$705 and the vacancy rate was 2.4%. In 2003, the rent was \$736 and the vacancy rate was 1.9%. In 2004, the rent was \$758, and the vacancy rate jumped right up to 4.7% again. In 2005—the member from London–Fanshawe, I’m still talking to your tenants—the rent went up to \$775, and the vacancy rate was 5.2%. I share this with my Liberal members who are close to me—the rump folk—as a way of showing that

the rent has gone up since 1998 from \$637 dollars to \$775.

You will note that the rent has continued to go up. You will note as well, as part of what I showed you, that the vacancy rate in 1998 was 4.8%, and the lowest vacancy rate was in 2001, 1.8%. Now it’s at 5.2%, as of 2005. It doesn’t matter whether the vacancy rates were low or high; rents have continued to go up.

Mr. Duguid: They have not.

Mr. Marchese: The member from Scarborough Centre continues to surprise me. There’s never an end to his surprises.

Mr. Duguid: Well below the rate of inflation.

Mr. Marchese: The vacancy rate for two-bedroom apartments in London fluctuated between 1998 and 2005, yet rents for two bedrooms increased by 21.6%. Rents for two-bedroom apartments in Kitchener increased by 26.5% between 1998 and 2005, while the vacancy rate mostly increased. In that same period, rents for two-bedroom apartments in Kingston increased by 23.6%, and the vacancy rate fluctuated. In Sarnia, two bedrooms increased by 20.4%, and the vacancy rate fluctuated.

I think that should be sufficient for the Liberal members to get a flavour of the fact that it doesn’t matter whether vacancy rates are low or high, they continue to go up, and it’s higher in the period that I mentioned from 1997 to 2005, higher than the inflationary increase.

The Liberals will stand up—show us the proof and put it down on the record. I will be very happy to see it. I will be happy to see contrary evidence being shown to me by the Liberals, because that’s what we want to hear. That’s what close to three million tenants want to hear. I certainly want to be proven wrong. I’m waiting for the various members who want to speak to this to show that, indeed, we are wrong. The member from Scarborough Centre is in a hurry to get there. I’m just waiting to hear.

We are going to be very happy to get out in committees and speak to legal groups, tenant groups, tenants, and we invite them all to come and be deputants. The former Toronto city councillors can be there and listen and defend you as you come there to listen to the merits of Bill 109.

They have something called submeters that are going to be part of this bill, to move to another issue to see how this is going to help tenants. We know that the installation of electrical submeters in existing multi-residential buildings is going to be a boom for electricians. They just can’t wait to get into those apartments, into those individual units, and start doing the work. This is going to be good for electricians. There’s no doubt about that, although I don’t hear that from the Liberals. But this is what it’s about.

Submetering, combined with time-of-use rates, is likely to have a negative effect on tenants who are at home during the day and have no choice but to consume energy during peak hours. Seniors have no choice but to be there during peak hours. People who are unemployed have no choice but to be in their homes most of the time. Families with children, people with disabilities, have no choice but

to be there in their apartments during peak times. They have no choice but to use electricity during the day.

1700

I want to raise something very interesting. What we know is that in non-electrically heated apartments, which, for the benefit of many Liberals, make up about 70% of the stock, the cost of installing and operating the meter outweighs in the view of many the possible savings. Seventy per cent of the stock is not run by electrical heating methods but they will have submeters in their units. Does it make any sense to those units and those apartment dwellers to have a meter installed in their unit, where the benefit is hardly measurable, where the cost will be more to the tenant than any possible, conceivable saving? Why would you install submeters in those units when we know that in non-electrically heated apartments, which make up about 70% of the stock, the cost of operating the meter and installing it is going to cost more? Why would the Liberals do this? I'm waiting for the Liberals to explain that.

Is it good for energy conservation? Submetering takes the price signal away from the landlord, who has greater control over those items and measures that most affect energy consumption. We know, as an example—just one example—that inefficient fridges consume 1,400 kilowatts per year of energy. We know that energy-efficient fridges consume 430 to 450 kilowatts of energy per year.

Mr. Ramal: We fixed that.

Mr. Marchese: You understand, member from London—Fanshawe, that the tenant has no control over issues such as a fridge, and if the landlord continues to have an inefficient fridge—and I suspect they will continue to do so for a long time—they will consume a whole lot of energy that the tenant has no control over. She or he, that family, disabled or otherwise, unemployed or otherwise, senior or otherwise, family and children or otherwise, has no control over that inefficient fridge. That's just to mention one of many issues around which the tenant has no control. It's the landlord who controls that. Does the bill fix that? No way, Jose. Is this fair for tenants?

Approximately 37% of tenant households live at or below the poverty line. While the majority have low to moderate incomes, tenants as a group do not have the resources or authority to invest in energy efficiency. They do not. The bill says that they can recover some of their costs or all of their costs. They can go to the new tribunal called the Landlord and Tenant Board, but it puzzles me how we're going to be able to get all of the tenants to go to this new board and make an appeal if the landlord doesn't pass on the savings—assuming there are savings.

Imagine what it takes for tenants to get themselves organized when 75% of tenants move on a regular basis within a five-year period. How do you organize tenants? How do you educate tenants? Does the government educate them in terms of what the responsibilities of a landlord are and what their rights as tenants are? Does it send out a notice to tenants on a regular basis to tell them what their rights and responsibilities are, or at least their

rights? They don't do that. It says that tenants can go to this new tribunal—renamed, but more or less doing the same thing—and appeal to them if the landlord doesn't pass on the savings, but how are we going to get these tenants to organize themselves to do that?

By the way, I don't know how much the savings are going to be. I just don't see it. There is no obligation in law to force the landlords to be energy-efficient. There's nothing in the bill that says they will have to do certain things, or they will have to get energy-efficient devices in their buildings or units. There's nothing that compels them to do any of that.

So tenants are going to get submetering. The member from Don Valley West spoke about how this is great because people can now wear sweaters and they'll be able to conserve energy. God bless. Okay. She'll have an opportunity, as well as the member from Scarborough Centre and other members from Scarborough, to come to committee and defend their tenants and defend their bill. No problem. I'll be happy to see them there.

Mr. Lorenzo Berardinetti (Scarborough Southwest): Stand up for Scarborough.

Mr. Marchese: You go get 'em. You tell the tenants how close you are to them, that you are a team.

The inability to pay utilities is among the leading economic causes of homelessness. According to Statistics Canada data, 14.4% of Ontario's population—that is 1,611,000 persons—are living at or below the poverty line. The majority of these persons live in tenant households. For low-income households in Ontario, it is a daily struggle to pay for the basic necessities of life. They are particularly vulnerable to increases in shelter and utility costs. Low-income households in Ontario are likely using more energy and paying more per unit of energy, since they are more dependent on electricity as their fuel source and have older, less efficient heating equipment. We're not helping them.

Mr. Berardinetti: What have you got against conservation?

Mr. Marchese: We are not—conservation? It will be a pleasure to be in this committee and meet and talk to my Liberal colleagues who will be there on the government side. It will be a beautiful thing to see them defend their bill. They will defend those low-income tenants who are struggling to stay in their units. God bless you.

Then we've got the whole issue of exemptions for units constructed after 1991.

Mr. Duguid: You don't support that?

Mr. Marchese: The question is why. The member from Scarborough Centre continues to surprise me. He's here right beside me and, God bless him, I love him. He's right here, right next to me. He continues to feed me things that otherwise I wouldn't have. Units constructed after 1991 have been exempted, and he says to me, "You don't support that?" He's happy to support it. We're talking about units constructed in 1991. They are not subject to any rent control or vacancy decontrol, neither of the two.

Mr. Duguid: Nor should they be.

Mr. Marchese: Nor should they be, says the member from Scarborough Centre. He will defend this in committee and he'll defend this here, because he's got 20 minutes. He's got so much time to speak, he'll defend it here in this Legislature. Landlords who built units after 1991 don't have to worry about rent control, don't have to worry about vacancy decontrol. They can increase rents to their heart's desire, because the member from Scarborough Centre says it's okay. It's okay because he thinks his tenants will support it, and it's okay because he's going to defend it no matter what.

Why would we exempt those landlords who built housing in 1991 from this new Bill 109, introduced in 2006? Why would we do that? What's the logic for doing that? I want to get some Liberals to stand up today in their two minutes, 10 minutes, five minutes, 20 minutes, and defend that. I was looking desperately to find out how many units were constructed since 1991. We're not talking about public housing here. We're talking about private rental units where few of them have subsidies in them. We're talking about those rental units. I don't know. I wouldn't exempt them. The NDP wouldn't exempt them. We think they should be subject to at least vacancy decontrol. We think they should be subject to rent control, but in the absence of that, vacancy decontrol would be just fine. Why wouldn't you do that? I think the Liberals are going to have to present their opinions on this in this Legislature and/or in committee when we get to it.

1710

Some facts about affordability: 42% of Ontario tenant households—that is, 564,000 out of 1,338,000—pay 30% or more of their household income on shelter costs; 20% of Ontario tenant households, or 265,995 out of 1,338,000, pay 50% and over of their household income on shelter costs. That's 265,000 paying 50% and over of their household income on shelter costs. That's a lot of people in danger of becoming homeless. These are the people who are very working poor, paying more than 50% of their income. These are the people who have very little left over at the end of paying their rent for other things they need to survive, to live, and that number is increasing by the day. The risk for homelessness increases where rental costs consume more than 50% of pre-tax household income for a tenant household.

This is not good news. This should worry all MPPs in this Legislature, not just New Democrats. It should worry Liberals, who often claim to have a heart, who often claim to represent those who are very rich and those who are very poor.

I want to give you some figures on the loss of existing rental housing supply. There were 44,780 fewer private rental units reported in the 2001 census than in the 1996 census. Between 1991 and 2001, Ontario lost 24,298 existing private rental units to demolitions and conversions to ownership, while only 16,885 new private rental units were built, resulting in a net loss of 7,413 units. Over this 1991-2001 period, CMHC estimates rental demand by tenant households for additional units grew steadily, from

an annual rate of 7,000 to 16,000 annually from 1996 to 2001.

New rental housing: Ontario averaged 2,462 rental starts annually over the years 1995 to 2003. By contrast, from 1988 to 1992, rental starts averaged 16,000 units annually.

Ontario is facing an affordable housing deficit of almost 80,000 units. We've got a serious housing problem in our province. We need to build more affordable housing, and we need to do it fast, because those who are at risk are making less and less money than ever before.

The supply of primary rental housing has been decreasing in the city of Toronto. In 1996, there were 350,861 primary rental units. In 2005, there were 348,148 rental units, a decline of 2,713 rental units in nine years, even after taking into account the number of new rental units built during that same period of time.

The decrease in the supply of primary rental housing is due to a variety of factors, including the conversion of high-end rental housing to condominiums. The decrease in primary rental housing is not being offset by new condominium units being offered for rent. Even though there have been record numbers of new condominiums built in Toronto over the last 10 years, the number of condominium units offered for rent has decreased. In 2005, there were 1,968 fewer condominium rental units than in 1996. Rental supply continued to decrease, with a decline of almost 1,500 rental units during 2005, following a decline of about 2,000 units in 2004. The very low levels of new rental production have not kept up with the reductions in the number of existing rental units, a condition that has persisted since 1996.

The source for the information I just provided comes from the city of Toronto, the shelter, support and housing administration, *Rental Housing in Toronto: Facts and Figures*, March 2006.

Just for people to know, the median income of Ontario's renter households is less than half of homeowner households; that is, \$62,382 versus \$32,194. We know statistically that those who own homes earn literally double what most renters do. Those who rent are getting poorer and poorer and cannot afford the rental increases we have seen over the last 10 years. Unless we stop that, we're going to see a human tragedy in the next 10 years.

It's hard for people to see this. It's hard for people to picture that because they say, "Oh no, things could never be so bad." I'm well off. As a member of provincial Parliament, I'm making \$88,000. If I'm a cabinet minister, I make a whole lot more than that. If I've got another position as a parliamentary assistant, I make another \$10,000, \$11,000, give or take a couple of pennies, maybe \$12,000. I'm okay, and isn't it beautiful for those who are well paid to say, "No, things are not as bad as you make them out." They are, and it's getting worse.

We have over three million tenants, most of whom are getting poorer every year, and Liberals should worry about how we deal with that. Liberals, particularly David Caplan, the minister of infrastructure, should worry about that. He should be the one out there making sure that the

shovel is in the ground, building affordable housing. All we have seen are 66 affordable units. He should be the one standing up in this House and saying, "We are moving on this. I want to give the facts and figures to Marchese and I'm going to send him the facts," not just throw a number out here that says, "We built 2,300 affordable housing units." They are not affordable housing units, otherwise they would have put out these facts and they would have published them in a way that I could see them, in a way that opposition parties could see them, in a way that everybody could see them.

We are going to be engaged aggressively to denounce the fact that this government has not kept its promise to end vacancy decontrol. We will denounce them as regularly as we possibly can. We will denounce the change they have made. We know that some social housing residents are excluded from the appeal process dealing with subsidy changes. We know that many of the people who have gone to the former tribunal come from public housing, and they went there to defend themselves against changes that were made as a result of factors that affect them.

Maybe some of these tenants might have gotten a job for a short period of time. As a result of that, their subsidy changes, but they might not have been able to afford the kind of increase they were subjected to. As a result of that, they faced economic difficulties and went to the tribunal to defend themselves. What we now have is a government that says they won't be able to appeal that. It will be beyond their reach and beyond their jurisdiction. Poor people, mostly poor people, in some cases poor working people whose circumstances they cannot control, who for a variety of reasons might have their income fluctuate from time to time beyond their control, the government says, as a result of this new thick bill, won't be able to appeal their changed circumstances to the new Landlord and Tenant Board.

Interjection.

Mr. Marchese: Member from London–Fanshawe, you don't know. If you haven't read it, you don't know, and if you did read it, you're wrong, because that's what you have done by this. What you are doing by this is affecting people who have so little control over their lives, who in spite of their socio-economic circumstances struggle to make ends meet. And instead of allowing them the right to appeal their circumstances as it relates to the subsidy that they're able to get, you've deprived them of one small measure of being able to defend themselves and defend their economic conditions. It makes it so difficult for them.

1720

We will attack you as regularly as we can on vacancy decontrol, because in my view this is the most important thing that you as a government should have done, the most important promise you made before 2003 that you should have kept and that you did not keep. You won't get me to defend this bill unless you make that change. If you bring back rent controls, you will have New Democrats supporting you, but if you do not end vacancy

decontrol and bring back real rent control, as you promised and as we had it from 1993 to 1995, then all you will have is opposition from New Democrats.

The measures, some of which you have introduced, that I have spoken to and that I support, such as the costs no longer borne, so that tenants are not subject to paying increases for things that the landlords have done—that is a good thing. Another measure, the orders prohibiting a rent increase that we had when we were in power and that you have reintroduced, is a good thing, because it says a landlord will not be able to get their increase in rents unless they fix the places where they live. Many landlords are negligent and simply do not take care of their apartments, and those bad landlords ought not to be beneficiaries of rent increases when they do not fix their rental units. That's a good measure. We defend that.

There are many other issues, some of which are neutral, some of which are bad and some of which are good, that we will have an opportunity to discuss as we do our hearings here in Toronto and hopefully across Ontario, so that we will give people an opportunity to express their pleasure or displeasure with this government, so they can say yea or nay to the measures introduced by this government, so they can say yea or nay to the government's desire to break their promise on rent control. I'm convinced that the close to three million people who live in rental units are not going to be satisfied with your having kept vacancy decontrol. I am convinced that they will support New Democrats in our desire to get rid of it and bring back rent control. The test of that will be our hearings. The test for you Liberals to defend it and for me to oppose it will be measured by how many people will come to those hearings to say, "Yes, we support your change of heart on vacancy decontrol, your not keeping that promise," or, "We needed you to keep that promise."

I know tenants will be there from my riding, tenants will be there from Scarborough and from Don Valley West. The member from Don Valley East as well has lots and lots of tenants who will be there to remind him that they wanted him to keep that promise. I wait to see whether or not the Liberals are going to hear them, listen to them and, based on that, change the law to make that happen and to keep the most important promise: to end vacancy decontrol.

The Acting Speaker (Mr. Joseph N. Tascona): It's time for questions and comments. The Chair recognizes the member from Scarborough Centre.

Mr. Duguid: I really enjoyed listening to the comments made by the member from Trinity–Spadina. I noted that in his comments he said that he loved me. I want to tell you that I was touched. I'd like to reciprocate. I like him very much, but "love" is a very strong word, and I'm not sure I could go so far as to reciprocate entirely on that.

I think his heart is in the right place on many of these issues. The problem is, his facts are all over the place. When he talked about the rent increases going up—I think he said \$2,000, but he really didn't tell us where that was coming from. He talked about rent increases

from 1996 to 2005, and he said that the vacancy rate has nothing to do with rent increases. Let's face it: In the last couple of years, which is when the vacancy rate has gone up, the rents have either been static or, if they've risen, they've risen very slightly, I think by 0.7% in the last year that's on record, probably 2005-06—or maybe 2004-05, the last year on record. So rents are not going up any substantial amount; they're going up less than the rate of inflation. So let's keep that in perspective.

But that doesn't mean that we don't need to protect tenants. We've brought in real rent controls with this bill, when we look at the above-guideline increases and the caps on the above-guideline increases; the number of years that they can apply; the fact that capital expenditures do not just run on and on and on and on, that when the costs are paid for, the tenants' rents will come down. We've made some very, very important contributions.

He asked for numbers of affordable housing that has been built. Right now we've got 5,450 rental and supportive units that have been built through the Canada-Ontario affordable housing program. So when he talked about 65 units, that's another fact or figure that's totally out of whack. We've built 938 home ownership units that are affordable, 200 units under the northern housing component.

We've made significant progress. We admit, though, we have a long way to go still in succeeding in building out some of this affordable housing.

Mr. Ted Chudleigh (Halton): The NDP member from Trinity–Spadina is, of course, always interesting and always passionate. The member from Scarborough, I wouldn't get too excited; the NDP love everybody, so I don't think he meant anything by that in particular.

The member talked about building affordable housing. He made quite a point about building affordable housing, how none had been built and how the Liberals had built 61 units. I would remind the public and I would remind the House that when the NDP were in government, they did build affordable housing. It was supposedly affordable for the people who moved into it. It certainly wasn't very affordable when it was built, because that government spent at least twice what it cost to build any other house at the time.

You might say the affordable housing that they built that was so very, very expensive was nicely appointed; it was well-built. Well, that was not my experience. The affordable housing that was built in Halton, Milton, Georgetown, in the areas that I represent, in Oakville and Burlington, was not well-built. These houses were—I don't know if you'd apply the term “shoddy,” but there were all kinds of problems with them. They were not well-built. There were all kinds of repairs that were needed on them. There were leaks in the basements. There was a constant need to fix them. Yet, under government control, these houses cost twice, on a square-footage basis—if the cost of building a house then was \$100 a square foot, they were paying \$200 a square foot to build these less-than-adequate, low-income housing units.

Listening to the member speak and how he uses statistics to his advantage, I would remind the member that these houses—affordable housing—were somewhat less than successful at the time.

1730

Mr. Ramal: I've been listening to the member from Trinity–Spadina for almost an hour. All of his speech was built on a negative approach. I hope not many people out there were listening to you—

Mr. Marchese: What kind of approach?

Mr. Ramal: Negative. I hope not many people were listening because they would be afraid. They would think this world is coming to an end by passing this bill. As a matter of fact, we have a lot of initiative, a positive approach.

Also, he mentioned numbers: only 65 units being built. He forgot that more than 5,000 units are being supported; supported units for affordable housing across the province. In my riding of London–Fanshawe alone, in a joint venture between the federal government and the provincial government, 115 units are being built. There are so many different statistics. I don't know who gave the member the statistics. I hope his research department does a better job the next time he stands up to speak on this specific issue.

We have a positive approach. We have to create a balance between the landlord and the tenant. We don't want to abuse the landlord because otherwise who would invest? Nobody would invest. Who is going to invest? We have to create or keep investment going in Ontario. At the same time, we have to protect tenants from being evicted automatically without a hearing. That's why we created a board, to create fairness, to bring the two sides back to the table to determine who is right and who is wrong.

I think it's a fair approach. I think Bill 109 is a great bill. The member thinks that in 10 years' time, a disaster is going to happen in Ontario. I want to tell the member that rent is going to be controlled. It's going to be tied to the consumer index with respect to inflation.

Mrs. Munro: I'm pleased to add a few comments based on the presentation we've had. One of the things the member has perhaps overlooked in the comments is the fact that it's very clear Ontario has a high vacancy rate. The kinds of renovations and expansions that have been going on in the rental market—even if you look just in Toronto and not in other parts of the province, there are many high-rise rental units being built. That only happens when there is confidence in the opportunity those investments represent. But it also means there is choice for the individuals, for those 1.35 million households that are renters in the province.

I think it's very important to make sure that there is a continued balance, that on the one side you have people making those investments. One of the things that happens as a result of new units being available is, of course, pressure on the older units to upgrade to become more desirable and to maintain them. Around the city, you can certainly see those kinds of redevelopments that are taking

place. This provides a very healthy atmosphere for those people who are seeking rental accommodation. It means they have to be competitive, so they're going to keep their rates at a point where their units are full.

The Acting Speaker: It's time for a response. The Chair recognizes the member from Trinity–Spadina.

Mr. Marchese: Thank you, members, for having spoken. The time is 1:25; it should be two minutes, right?

The Acting Speaker: Can we correct the clock for the member?

Mr. Marchese: I thank the members for their reaction. It's good to have the member from Scarborough Centre as a friend. I'm glad he paid attention, because he didn't like the facts. He said, "The facts are all over the place," which is fascinating. I'm looking forward to seeing him in committee to present his facts. I talked about the fact that under the Tory vacancy decontrol, rents went up an average of \$2,000 or so a year, which he disputed and I'm not sure why. I pointed out that high vacancy rates are no protection to keeping rents low. He disputed that. I'm not quite sure what he was saying, although that doesn't surprise me. I pointed out that in the city of Toronto, between 1996 and 2005, the average rent for a two-bedroom apartment increased by 30% while the average rent for a one-bedroom apartment increased by 32% and the overall rate of inflation for that same period was 21%. So rents are going up, vacancy rates are high, and all I'd point out to him—he finds it difficult to grasp the facts—is that even though vacancy rates are high, it does not at all mean, as the market defenders say, that it will keep rents low. It doesn't do that.

Mr. Duguid: I'll explain it to you at committee.

Mr. Marchese: Oh, don't worry, my friend. We'll be there, you and I together. We'll be so close, you and I.

It doesn't do it. I'm looking forward to those who rent coming to committee so you can see the close relationship the member for Scarborough Centre and I have, to see how his facts square with mine. I want you to come to committee and defend the member from Scarborough Centre, because he said that you said you wanted vacancy control to stay in place. Please come to committee and defend him, because he's defending you. Please, I'm looking forward to seeing you in committee.

The Acting Speaker: It's time for further debate.

Mr. Berardinetti: I want to thank Monika, the page, for bringing me some fresh water before I started speaking.

I want to start by saying that this bill in front of us today—and I have a copy of it here—Bill 109, An Act to revise the law governing residential tenancies, is a good thing for the people of Ontario. This bill provides safe, secure and affordable places for all Ontarians to live. The reforms in here are balanced and fair. They give tenants, who are often our most vulnerable, more protection while keeping rental housing markets strong.

This new act, the Residential Tenancies Act, 2006, implements a fair rental system that benefits good tenants and good landlords. You're going to get some bad tenants and you're going to get some bad landlords. You

can't solve every problem in the world. However, this act addresses the concerns that affect virtually 99% of all tenants and 99% of all landlords. The ones who make the news are the slum landlords, or once in a while you hear about a tenant who maybe doesn't want to leave a property or who enters a property and leaves it in very bad condition or destroys it. We can't solve every little problem and go into every little apartment building and try to solve those problems, but this act in front of us today addresses a large number of issues that people, especially tenants, in Ontario have been concerned with for a while.

I'm proud to stand today to support this government initiative that has been brought forward by the ministry and that was, I think, one of our commitments that we made when we ran for office.

Some will argue and say, "This bill doesn't provide for rent control." However, I would disagree with that. If you look under part VII of this bill, general rules regarding rent, it's quite clear that rent is controlled. Section 110 of the act says, "No landlord shall increase the rent charged to a tenant for a rental unit, except in accordance with this part." The section goes on to list various conditions that need to be met in order for a landlord to increase the rent. It tightens up the restrictions that were in place before and replaces, I guess, in a sense, what was in place before under the so-called Tenant Protection Act.

The act in front of us today has many components to it. Not only does it provide for protection, for rent control, but it also eliminates unfair evictions. I've heard, and I'm sure many others around here have heard, about people who have been unfairly evicted from their rental units. This act brings in an eviction process which allows the tenant to have a proper hearing or mediation, a cooling-off period before any eviction takes place. It also provides understandable guidelines. The annual rent increase guideline is going to be based on real cost indicators, such as the consumer price index.

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The tribunal that will be established, the Landlord and Tenant Board, will provide a mandate of fairness and accessibility for both tenants and landlords. This board, when possible, will send information about eviction hearing processes to a tenant upon filing the eviction application. Landlords would still be responsible for filing a notice of hearing. Also, the forms that are going to be used for the whole eviction process or the whole process of having a hearing are going to be user-friendly. I've had people speak to me in the past, tenants as well as landlords, who have said, "I can't fill out these forms. I don't understand how they work." We're bringing forward user-friendly forms which will help in making this whole process of appearing before this new tribunal much easier and friendlier to those who are involved.

The key to this act is that there is protection from excessive above-guideline increases. You always hear horror stories where some tenant comes to you and says, "You know what? My rent this past year was increased by 14%" or 18% or 16%. The new Tenant Protection Act provides increases that are capped and protected. There

are rules in place that don't allow landlords to gouge: The act makes it clear. I'm not going to go into detail today, I only have a limited amount of time to speak to this bill, but those things are in place.

Another thing that tenants have complained to me about in the past is the issue of when there is a capital item. For example, if a landlord decides, "I'm going to fix my apartment building, put on a new roof or add some new things to the rental units I own, and then pass that cost on to the tenants," this new bill provides for a test to determine whether those capital expenditures were necessary. Was the new improvement necessary, and would it be required as part of a landlord's application to increase the rent above the guidelines provided?

This is very important. I know that some landlords in the past have tried to increase their rent and said, "I had to fix the roof. I had to put in a new playground. I had to re-sod the lawn. I had to repave the driveway or rebuild the garage," and they pass that cost on to the tenant. Here, there's a test put into place that says, "Are these things necessary, and how much of it should be borne by the tenant and how much by the landlord?" I think this is fair. It's balanced and it's something that's appropriate.

I also wanted to mention that in the past, especially in my time when I was on city council back in Scarborough and in the city of Toronto, we had very few applications that came forward from developers who were interested in building rental units. If you talked to developers, they said, "You know what? I'd rather just build a condominium; just put up a large condominium, sell off the units and not be bothered with building a rental building." In fact, a lot of people who live in rental units live in very old rental units, because not a lot them have been built. The reason for that is that developers and builders don't see any incentive to doing that. I think we need to provide that incentive in a way that is fair to builders so that they will come forward and say, "You know what? I will build a rental unit."

I can't recall in my days on Scarborough council very many applications, or almost any at all, coming forward, where a developer or builder wanted to put in rental units. Instead, they would put in a condominium or something that they could sell off and not have to worry about later because of the hassles involved with having rental units and tenants. They considered it non-productive, non-profitable or a headache in general. This bill will serve as an incentive, where it's fair to the tenants but also fair to the landlords, so that they will see that perhaps it is profitable for them, or at least it is not a deterrent for them, to go out and build rental units.

We're not against rental units. We want people who want to live in affordable units to have that opportunity, but there are so many complex issues involved in this. You need to be able to get developers to do it. Government can't go out and build buildings and administrate them. We have Ontario Housing; we have all sorts of subsidized housing that's existed in the past. We don't want to go down that route. The best rental units, in my view—and I think the government is trying to put this

forward—are those built by the private sector and those that are in harmony with the economy and with the economic situation that exists in Ontario.

Everyone knows that in the past three or four years we have had a tremendous amount of vacancies in Ontario. People have left apartment buildings and are moving into townhouses or moving into houses because, number one, interest rates are low and, number two, the deposit required by banks to go into a house, or a down payment as well as a deposit, is very, very low. So, low interest rates—I think 5% is the amount for first-time home-buyers; in some cases it's even lower than that—to buy a home is a high incentive. Instead of paying \$1,000 rent a month, you can put that money towards a mortgage and own your own property.

I can drive down streets of my riding of Scarborough Southwest and see apartment buildings. We have a lot of them. About 40% of my riding is made up of tenants. A large number of these buildings now have signs outside that say, "Vacancies available": one-bedroom, two-bedroom, three-bedroom vacancies. People are moving out and moving into homes or townhouses or units they can own because they need a small deposit and they can get a mortgage for a very low interest rate.

We want to encourage the landlords to treat their tenants well and to keep tenants in their building, so we have to offer something to them as well. We don't want to see all these apartment buildings becoming vacant or half empty as people migrate into townhouses and into other affordable units. So this bill addresses that. It allows an opportunity for landlords to fix their buildings and to keep tenants in their buildings and to keep them happy.

No piece of legislation is ever going to be perfect. This particular piece of legislation, Bill 109, I think goes a long way in bringing forward an affordable and effective rental system which is balanced. That's the key word to all of this: balanced because it's good for landlords and balanced because it's good for tenants. It's not about good guys and bad guys; it's about helping all those we can and stimulating rental units in the Toronto area and in the province of Ontario, while at the same time protecting and strengthening the rights of tenants.

In summary, I'm glad to stand here today to speak to this bill and to support this bill. I think it's a very important act for Ontarians, for those who live in rental units as well as for those who are landlords and who put the buildings up and are willing to put their neck out to build a building for rental purposes.

One other thing I wanted to mention is the rent bank. In this legislation, along with our investments in the Canada-Ontario affordable housing program, the strong communities rent supplement program and Ontario's rent bank, we've created an integrated housing strategy with all these elements coming together to assist vulnerable tenants by improving the availability, the affordability and the quality of housing in Ontario.

I'm happy to stand today to support this bill and see it go into committee for further discussion and come back,

hopefully, for final approval and become the law of this province.

The Acting Speaker: Time for questions and comments.

Mrs. Munro: Just a couple of comments. I found it interesting, listening to the member, looking at the question of the statistics and the value of vacancy rates and their connection to a healthy rental market. It's very interesting when you look at the history of this particular kind of initiative we are currently debating. It has a fairly long history, going back to 1975, when the then Premier, Bill Davis, introduced rent controls, and the kind of circumstances at that particular time, where you had a very, very small rental market, a huge growth in population as well as extreme inflationary numbers. So it certainly seemed like the right thing to do.

1750

But what's very interesting is the history of people saying no to rent controls. By 1978, there was a green paper which said that rent controls might not be the best option, but they continued on. In 1979, there was new rent control legislation.

We turn the clock up to 1988, the last time the Liberals were in office in this province, and they had a royal commission that recommended scrapping residential rent controls. So I think people might want to see the current discussion and the current legislation in the context of the fact that, over these years, there has been a great deal of debate and legislative time used in trying to find the right balance.

Mr. Marchese: I just want to know from the member from Scarborough Southwest how he intends to control rents as they relate to vacancy decontrol. I understand the capping, but I want him to explain: Does vacancy decontrol actually protect tenants in some way or other? Does he make the argument that because vacancy rates are high, it's not a problem; that rents, in fact, have been going down, perhaps, because vacancy rates are high? Is that an argument he's making? Because I don't see that. Statistically, by the facts that I have presented that were disputed by the member from Scarborough Centre, it doesn't show that. Vacancy rates are high, but rents have still gone up in Toronto, Kitchener and other places.

So it doesn't control rents in and of itself. What controls rents is rent control; we don't have that. This bill does not bring back rent control. It keeps vacancy decontrol, which means that when you leave a unit, the landlord jacks up the rent. They still do. In those areas where rents have been kept low because a tenant hasn't moved but has since died, God bless, now that rent on that unit can just jump right up. Vacancy decontrol allows that. There is no control on those units. I wonder

whether the member from Scarborough Southwest can help his tenants—explain that particular fact. It would help me; I'm sure it would help his tenants too.

Mr. Bas Balkissoon (Scarborough–Rouge River): I rise in the House to say that I'm very proud to support this bill from the government. Let me tell you that when there was real rent control, as the member from Trinity–Spadina puts it, my experience in all the years I spent on city council was that there were very few rental units being built anywhere in the city of Toronto because landlords ran away when they realized they could not make a profit on their investment. This is when the condo market took off.

I'll tell you that this bill gives tenants, who are often vulnerable, more protection, while keeping our rental housing market very strong. My barber is a small landlord, and that he tells me continuously that he'd rather not raise the rent to keep his good tenants. But what he would like the government to do for him is that when he has a bad tenant, he can evict that tenant quickly and get someone in who is willing to pay rent and look after his property. This bill does that. I can tell you that the next time I sit in his chair, he'll be a happy person while he's cutting my hair, because that's a good thing. He's going to credit this government because we listened to him. I can tell you that his father would be a very proud person too, because his father is also a landlord of a couple of small housing units throughout Scarborough.

If you look at this bill, the government is actually saying that rents will go up in the future based on CPI, not some other imaginary number that has been used in the past, which is better than rent control. So I think the government has listened and responded to both landlords and tenants. I think we're doing the right thing for the public, we're listening to them, and I'm proud to support this bill.

The Acting Speaker: The Chair recognizes the member from Scarborough Southwest in response.

Mr. Berardinetti: I want to thank the members for their comments. Simply in summation, very quickly, this is a balanced bill. It's balanced because, as my colleague from Scarborough–Rouge River just said, this bill looks after landlords as well as tenants, so tenants get protection they previously didn't have, and landlords also get protection if they get a bad tenant. So we're balancing and protecting the rights of both. It's a good bill, it's supportable and I stand here today saying that this is something that is good for all people in Ontario.

The Acting Speaker: It being approximately 6 p.m. of the clock, this House stands adjourned until 1:30 p.m., Monday, May 15, 2006.

The House adjourned at 1756.

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