



No. 105B

Nº 105B

ISSN 1180-2987

Legislative Assembly  
of Ontario  
Second Session, 38<sup>th</sup> Parliament

Assemblée législative  
de l'Ontario  
Deuxième session, 38<sup>e</sup> législature

## **Official Report of Debates (Hansard)**

## **Journal des débats (Hansard)**

**Wednesday 11 October 2006**

**Mercredi 11 octobre 2006**

Speaker  
Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers

### **Hansard on the Internet**

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

### **Index inquiries**

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

### **Copies of Hansard**

Copies of Hansard can be purchased from Publications Ontario: 880 Bay Street, Toronto, Ontario, M7A 1N8.  
e-mail: [webpubont@gov.on.ca](mailto:webpubont@gov.on.ca)

### **Le Journal des débats sur Internet**

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

### **Renseignements sur l'index**

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

### **Exemplaires du Journal**

Des exemplaires du Journal sont en vente à Publications Ontario : 880, rue Bay Toronto (Ontario), M7A 1N8  
courriel : [webpubont@gov.on.ca](mailto:webpubont@gov.on.ca)

---

Hansard Reporting and Interpretation Services  
Room 500, West Wing, Legislative Building  
111 Wellesley Street West, Queen's Park  
Toronto ON M7A 1A2  
Telephone 416-325-7400; fax 416-325-7430  
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation  
Salle 500, aile ouest, Édifice du Parlement  
111, rue Wellesley ouest, Queen's Park  
Toronto ON M7A 1A2  
Téléphone, 416-325-7400; télécopieur, 416-325-7430  
Publié par l'Assemblée législative de l'Ontario

## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 11 October 2006

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 11 octobre 2006

*The House met at 1845.*

### ORDERS OF THE DAY

#### PLANNING AND CONSERVATION LAND STATUTE LAW AMENDMENT ACT, 2006

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

Resuming the debate adjourned on October 2, 2006, on the motion for third reading of Bill 51, An Act to amend the Planning Act and the Conservation Land Act and to make related amendments to other Acts / Projet de loi 51, Loi modifiant la Loi sur l'aménagement du territoire et la Loi sur les terres protégées et apportant des modifications connexes à d'autres lois.

**The Deputy Speaker (Mr. Bruce Crozier):** Further debate?

**Mr. Michael Prue (Beaches-East York):** As I indicated last time, I have this uncanny ability to find myself in bifurcated speeches: half one day and half the next. I'm looking to see exactly how much time I have, but it isn't up there. I think it's around—oh, there it is; 19 minutes and 10 second left.

On the last occasion, just to recapture a little bit of what I said, there were a couple of major points I made that I'd like to reinforce.

The first was that this bill, through one of its amendments—I believe it was amendment 91; I don't have it in front of me now, but it was an amendment put in at the very last second by the government members in committee—took away the rights of the city of Toronto that had been negotiated, that had been the subject of the City of Toronto Act and that had been agreed to by all parties, including the mayor and council of the city of Toronto only some six weeks before; that is, this Legislature passed the new Stronger City of Toronto for a Stronger Ontario Act in June, and then in August we found ourselves taking away some of the key components found in sections 113 and 114 of that act, which have now been rendered moot.

I had an opportunity, between the time when I spoke on the last occasion and today, to question the Minister of Municipal Affairs and Housing in estimates committee. I

asked him bluntly—I think I was as blunt as I could possibly be—why they had gone to all the bother and negotiated with the city of Toronto, why they keep reinforcing and saying that they treat the city of Toronto as a mature partner when the ink was hardly dry on the bill that was passed in June and here we were in August taking away the rights that the city of Toronto expected to have.

The minister said, and to his credit was equally blunt, that no, they did not consult; no, they did not tell the minister; and no, they had no intention—I guess—of doing so. He didn't say the "no intention," but they didn't consult. They didn't tell anybody. In my speech, I used a word—I'd like to thank Hansard, because I think they doubted it for a moment. I said that this government had literally absquatulated with the rights of the citizens of Ontario.

Just as an aside, Hansard came and said they couldn't find the word "absquatulated" in the dictionary. It's a wonderful word. I had to send them to an American dictionary. They had to go to Webster's, because it will not be found in any of the English or etymological dictionaries. It will only be found in Webster's. It's an American word. It means to make off in the night. So it can be like a thief, but I'm not suggesting that kind of motive. It says, "To make off into the night, to do under cover of darkness, to take away something that is not yours under cover of darkness."

This is what I think they did. I suggest that the only reason this government had to do this was because the city of Toronto was in the process of challenging, and was going to challenge, this government around the port lands energy project. They were going to use the powers this government had given them, much to the horror of this government. And when the action was taken in committee, next day the bulldozers quite literally arrived on the port lands area of the city of Toronto, that area which all of us, as citizens who live here—not mere tourists like some people who come to Toronto on business and go home, but those of us who live here—thought was going to be a clean and green space, the rejuvenation of the land along the waterfront, and that Toronto could join the great cities of the world that have reclaimed their waterfront. Unfortunately, we will have a blighted smokestack, some huge, whirring engines that make noise, and the pollution that comes out of it.

### 1850

I suppose that is this Liberal government's dream—one that the citizens of the city of Toronto do not share

and that, through this bill, you have been able to ensure you get your way over the wishes of the mayor, members of council, the community, the neighbours who live in close proximity, the environmental groups, the energy groups, and Robert Fung, who has since been replaced as waterfront czar. Every single person has been opposed, but you have used this bill to squash any hope the city of Toronto had to be in opposition.

I also talked on the last occasion about the citizens' rights that you've taken away in this bill, and you didn't even attempt to hide it. What was accomplished here has to be a developer's dream: Citizens, who for the entire existence of the Ontario Municipal Board have been able to challenge a decision they do not like, who have been able to go to the Ontario Municipal Board to challenge a decision made by the municipality that they think is going to negatively affect them, cannot do so now unless, and save and except, they were present at the hearing and actually spoke to it. They can't find out after the fact. They can't have had the temerity, the unmitigated gall, of being away on vacation when the hearing was held. Even if they write a letter in opposition, they will not be informed of their right to appeal under the terms and conditions of this bill.

I asked that question of the members opposite on the committee, and when the lawyer who was present said, "Yes, they do not have to be informed if they signal their opposition in writing," they voted for it anyway. This is a taking away of the democratic rights of our citizens, and I spoke about that on the last occasion, obviously at some greater length.

There are also other problems in the bill that I want to deal with in the brief time that is left today. The first is that, against the wishes of every single mayor, councillor and municipal group that came forward, this government is bound and intent on having a five-year official plan installed, which has to be updated. I recognize, as a former mayor of the borough of East York, as it then was, that it is essential for a municipality to have an official plan. All of them should, but unfortunately not all of them do. This is mandating that an official plan has to be updated every five years, and within the body of the legislation, every five years the municipality has to incorporate into their official plan every single provincial plan or policy that may impact upon it.

That might not be too onerous, save and except when I put forward a motion—I thought it was a good one that was going to help the municipalities and that the government would surely agree to—that if and when the municipality abides by the provision you're putting in, they should not be subject to the arbitrary and sometimes capricious whim of the development industry that would then say, "I'm appealing your official plan to the Ontario Municipal Board." If all they have done is brought their plan into compliance with the provincial plan, we suggested there ought not to be an appeal to the Ontario Municipal Board. The municipality shouldn't be spending hundreds or thousands or tens of thousands of dollars hiring planners and lawyers to simply go and tell the

board, "What we did in our official plan was what we are required to do under Bill 51. We are required to update it, to have knowledge of and incorporate the provincial plans and policies." But now the developers are going to be able to take them to the board and to court.

I don't understand the government members and why it's still in this bill, but it is. It's still in the bill, and it's there to ensure that the developers have the final word, just as they have the final word under your bill on who can actually come and speak to the development plan, because now, if you weren't there and you didn't voice your opposition, or if you wrote and you weren't informed, you're shut out. Here, if the municipality tries to update its plan, and tries to do it in conformity with provincial law, they can take them to court too. It is just their dream of getting what they want and what they need.

I think the government members just laid down and died on this one, because everything the development industry asked for in that committee hearing was granted. There were 65 government motions, almost all of which were keyed to what the development industry wants—almost every single one—and they all passed. Of course they all passed. You have five members. There were three members of the opposition. The opposition made 28 motions and I think most of the motions—and I'm speaking on behalf of my colleagues from the Conservative Party, too—were pretty tame stuff. It wasn't doing away, it was solidifying the rights of individuals, solidifying the rights of municipalities, and they were all voted down because, of course, they ran contrary to the interests of your development friends.

There was another thing the municipalities asked for, and it seemed to me to be kind of logical, and that is, in your bill you say that they have to upgrade the zoning bylaws related to the official plan every three years. When I asked the members from the city of Toronto, which has now been amalgamated—forcefully amalgamated—for some eight years whether or not the zoning bylaws are extant from the former municipalities, the answer came back, "Yes, they're still extant." They have not had an opportunity in eight years to bring the zoning bylaws into conformity with the act, so you still have bylaws from the old East York, York, Scarborough, North York, Etobicoke and the old city of Toronto, and they sit side by side. They've never been brought into conformity.

If they haven't been able to do that, I don't know how this government expects that every three years a city like Toronto is going to have to upgrade and bring in its zoning bylaws in conformity. The city of Toronto said they couldn't do it. They said that if they had six years remaining, they may be able to do it. We moved the motion that said "six years," and of course, it was defeated, because who cares what the city of Toronto wants? You can negotiate the really good deal, but you take all the rights away. "You say you need more time? So what? You're not going to get it."

There was also a little tiny municipality that came forward and talked about the impossibility of this for

their municipality. This was from Loyalist township, Odessa, Ontario. I'm quoting from what they gave to the committee:

"Given all the recent planning initiatives like the new provincial policy statement, 2005, Places to Grow, Bill 51 and Bill 43, it is recognized that official plans will need to be updated. Once this one-time implementation occurs, mandated five-year update cycles, followed within three years by a zoning update is not necessary.

"Such constant updating will place undue financial and human resources strains on mid-sized and smaller municipalities, like Loyalist township. Without financial assistance from the provincial government, this update cycle will be very difficult to implement."

So there you have it. You've got cities and towns like Ottawa, Hamilton and Toronto—and dare I say the Minister of Citizenship and Immigration's favourite town, the city of Kawartha Mistakes—that have never been around, have never been able to get their official plans in order following forced amalgamation, that all ask for more time. Then you have little towns that say they may be able to do it once but they can't keep doing it, and you pass your bill without amendment when it comes to that, even though there were legitimate attempts to try to help those.

Then you've got some of the other stuff that went on in there: the conservation land trusts. There were people who came and talked about the difficulty in amassing lands for conservation land trusts and they asked for some very simple amendments that would make it easier for them to persuade primarily farmers, but anyone who owned a tract of land that could be saved, serviced and made whole again in its natural state for the benefit of future generations in Ontario. They were asking for a little tax room. They were asking for some changes to the Ontario Municipal Board, what could be appealed and what could not be appealed. But every single amendment that was there to help them to amass that land for future generations was shot down. There was nothing that was added by the government.

This is not a bill of which I think this government can be very proud. You have taken away the rights of ordinary citizens, rights that they have literally had for the entire century that has passed, ever since the institution of the Ontario Municipal Board. You have taken away the rights of municipalities like Toronto and like every other one to fight energy projects and to have some say on energy projects that are located within their municipalities. They have had that in place literally for a century. For a century, every municipality in Ontario has been able to help determine—save and except those OPG projects which were done by the province of Ontario, but literally every private energy project has been subject to the scrutiny of local municipalities. That is gone, too.

#### 1900

The citizens have been hurt. The municipalities have been hurt. The people who do the conservation land trusts have been hurt. The only people who seem to be so very happy with what you're doing here today and what

you're going to pass here into law today are your development friends. They all came to the committee. They all made statements about how they need to build, how they need to make more money, how they need to do whatever the development industry does, and literally every member laid down in front of them with obeisance. That's what happened.

I think it's a very sad day for Ontario, for democracy, for citizens, for municipalities. It's a very good day for development friends. That's what this bill is all about, and it's why—even though there are a couple of good things in the bill, and there always are, there is so much wrong with this bill—I am encouraging Liberal members opposite to break with their government, to stand up for the people who elected them and to not pass this bill and to make sure that it never becomes law.

**The Deputy Speaker:** Questions and comments?

**Mr. Mario Sergio (York West):** Just a few comments on the presentation by the member from Beaches-East York. I was sitting on the same committee with the member from Beaches-East York and we heard the same people and the same comments. I have to say that I have a different take on a lot of what the member has said, because we heard from individual groups, we heard from ratepayers' organizations, from councillors, from mayors, from different industry representatives, and especially from AMO, the Association of Municipalities of Ontario. I have a different feeling, having sat during the various public hearings.

But there is one thing that so far has not come out during the various presentations in the House. This is the first time that the Municipal Act and the Planning Act have been changed in such a revolutionary way. It has been a heck of a long time in coming, and it's something that is good. It's something that industries, municipalities, individual citizens and local municipalities have been calling for. And what is that? It is that well ahead, well in advance, everyone is going to know what a major rezoning application entails. So everybody will know from day one. There will be no more, if I may say—I don't want to use any heavier a word. There is a lot of hanky-panky going on sometimes with respect to applications, rezoning and stuff like that, but with this bill, when it's approved, that will be done. So I hope this will be approved soon.

**Mr. Tim Hudak (Erie-Lincoln):** I always enjoy the comments by the member for Beaches-East York, who made a very strong presentation that this would not help local groups who may be opposed to particular projects in their municipalities. He also makes the point that it may actually be harmful to municipal leaders in the decision-making process. And he makes the point that it's good for developers.

I think some of the developers will argue additionally that they're not completely satisfied. The UDI, the Urban Development Institute, I think has also criticized this bill in many areas, so I would be curious as to who the ardent supporters are of Bill 51. I know my colleague from Parry Sound-Muskoka is going to speak at somewhat

more length on the drawbacks of this particular piece of legislation.

I do note for the record that while ostensibly Bill 51 purports to give local councils a greater authority on decision-making through the Planning Act, the province has actually dealt itself a pretty fixed hand, so to speak, by allowing it additional authority. There are major projects of provincial interest that are exempted through this piece of legislation.

Secondly, the province has extraordinary powers to change rules in the decision-making process, I believe, up to the day the decision is made. So that's hardly transparent. That does not, frankly, surprise me, because when you read the names of these bills or you listen to what the minister has to say, often when you actually see the contents of the bill, they tell a different story, and I look forward to the comments of my colleagues to expand on that fact.

**Mr. Peter Kormos (Niagara Centre):** First, let's understand that Michael Prue, the member for Beaches-East York, the NDP critic in this matter, has a great deal of expertise, many years of municipal service, an intense understanding of the planning process and, most importantly, an understanding of how important it is that citizenry, people, just plain folks, have an opportunity to be a part of the process when something is being proposed that has significant impact on their community, and that means upon their community's future, and that means upon their children and grandchildren. What my colleague from Beaches-East York explains oh so clearly is that this government, with this bill, denies the citizenry the opportunity to do those very things. This is not progress—far from it. This is a betrayal of activists, of people in neighbourhoods, of people in communities who care about their cities, their towns, their villages, who want to see them as healthy, good places for their own families and their children and grandchildren to live in and grow up in.

I also find it remarkable—I went through the bill and I said to Mr. Prue, the first time I saw the third reading of the bill, "My goodness, the bill barely exists in its original form. It's been all but deleted and rewritten." And don't tell me it's because you listened to the people; it's because you screwed it up in the first place—typical of this government. More incompetent bungling, and the taxpayers have to foot the bill. Shame on you.

**The Deputy Speaker:** Questions and comments? The member for Beaches-East York, you have two minutes to respond.

**Mr. Prue:** I thank my colleagues from York West, Erie-Lincoln, and Niagara Centre for their comments.

The bill was a difficult bill, and just on the last point made by the member from Niagara Centre, yes, there were 65 government amendments brought forward. I remember one of the members on the committee congratulating himself and his five colleagues for making the 65 amendments and pointing out that they must have listened, but not one of the amendments that were made was put forward by the municipalities. Not one of the 65

amendments was put forward by the environmental groups that came before us. Not one of the 65 amendments had anything to do with the conservation groups that were trying to save the land. Not one of the amendments had anything to do with citizens' rights and the citizenry that came forward to ask the government to protect their right to be heard before the Ontario Municipal Board.

All of the amendments that were put forward by this government, all of the 65 major changes to the act, the underwriting, all of it, had to do with them trying to make the act less consumer-friendly, to make sure that the citizens could not exercise their rights to appeal, save and except in circumstances where they had actually appeared before the municipality and made a submission. It took away the rights of municipalities that had heretofore existed for a long time—and in the case of the city of Toronto, only some six weeks—to have a say on whether there is a nuclear plant built in their municipality or an energy-from-waste facility or even something that we thought was kind of benign, like having windmills, because we had lots of deputants saying they wanted the municipality to have a say in where those windmills were sited. All of the amendments had to do with taking away those rights. It was a very sad day for democracy.

## 1910

**The Deputy Speaker:** Further debate? The member for Parry Sound-Muskoka.

*Applause.*

**Mr. Norm Miller (Parry Sound-Muskoka):** There's an enthusiastic crowd in here this evening.

It's my pleasure to add to the debate on Bill 51, which is An Act to amend the Planning Act and the Conservation Land Act and to make related amendments to other Acts. Specifically, I wanted to get on the record concerns and recommendations from municipalities in the riding of Parry Sound-Muskoka, from the District Municipality of Muskoka, which has made some recommendations and raised concerns, and also the municipality of Carling township and the Georgian Bay Association, and also to raise some other energy concerns, specifically as they relate to section 23 of the bill.

The District Municipality of Muskoka has done a thorough review and they've made the following recommendations—five, in particular—and I'll read those into the record.

"(1) In order to ensure that Muskoka and other less urbanized municipalities can continue to protect their employment lands, Muskoka district strongly recommends that the definition of 'areas of employment' be amended in order to recognize the importance of other types of employment lands in small or rural municipalities and to ensure the continued ability to apply the employment-related policies of the provincial policy statement to these situations."

By that recommendation, I think they're concerned that Muskoka—and that would apply to Parry Sound as well—has very little manufacturing but lots of tourism

activity, so they'd want that definition of employment lands to also include areas that would be tourism areas.

"(2) That the proposed reference in section 8(15) to 'all supporting information' be replaced with 'pertinent information' and that information to be provided up front to an approval authority include copies of technical reports, reports to council and minutes of public meetings and open houses, and a list of other information that could be provided upon request."

That is just concerned with the practicality and the sheer volume that would be required if that minor change was not made.

"(3) That section 41 be further amended to specifically enable a municipality to require vegetation preservation through a site plan agreement; as is described in the background papers released by the Ministry of Municipal Affairs and Housing. In addition, section 41 should be expanded to allow for agreements with upper-tier municipalities related to the provision of sewer and water services."

In Muskoka, we do have six lower-tier municipalities and the upper-tier district of Muskoka, and of course, being a beautiful, natural area with lots of waterfront and cottage-type situations, maintaining vegetation is a very important aspect of planning for the whole area, really, for economic activities and for aesthetics, which are so important to the Muskoka area.

"(4) Muskoka district supports the use of the development permit system throughout Ontario and continues to recommend that clarifications to the regulation be made, as outlined in Muskoka district council resolution no. 10/2004, and in the regional planning commissioners' submission dated December 18, 2003. In addition, Muskoka district recommends that prior to any amendments to the regulation, Muskoka and the township of Lake of Bays be consulted respecting other implementation issues that have arisen as a result of being the first municipality in the province to implement a development permit bylaw."

I know that the township of Lake of Bays is involved with a pilot program on the development permit program.

"(5) That the province continue to consult with municipalities as regulations are drafted to implement the proposed changes to the Planning Act in order to ensure that the needs of all Ontario municipalities are met and that the language is clear to all."

I say that's very important, because often the detail is where problems arise. So I think it's very important that the province consult. In many cases they have not consulted sufficiently, and that's where you run into problems.

Those are some of Muskoka's recommendations and concerns.

Now, the next issue I would like to get on the record: I have received correspondence from people concerned with section 23 of the bill and how it removes the power of municipalities to make known their local concerns to do with energy projects.

I received a letter from Seniority Investments Ltd., Mr. I. R. Wookey, addressed to the energy minister:

"Dear Ms. Cansfield:

"Your section 23 in Bill 51 is unacceptable. It is meant to eliminate local concerns to wind power. I note that on Remy Bay Road a proposal was made to install windmills. This proposal did not meet with township approvals nor with the approval of local residents, of which I am one. If this section in the bill is approved it will be a free-for-all without any local input.

"I strongly suggest that you take section 23 out of the bill."

I've received other similar concerns from the township of Carling, which is in the Parry Sound side of the riding, just north of Parry Sound. It's a letter from the mayor, Mike Konoval, that he cc'd to me, to Ken Petersen, the manager of provincial planning and environmental services branch, and he notes:

"Dear Mr. Peterson:

"This is to advise you that Carling township council has enacted the attached resolution with respect to Bill 51. As alluded to in the resolution, council feels it very important that municipalities have the ability to use the legislative framework established by the Planning Act for review of matters which have significant local land use planning implications."

Their resolution is this: "Whereas the township of Carling considers the establishment of new renewable and non-renewable energy projects to have significant local land use planning implications;

"And whereas section 23 of Bill 51 proposes to exempt all energy projects in Ontario from the Planning Act if they are an undertaking or class of undertakings within the meaning of the Environmental Assessment Act;

"And whereas it is the opinion of this council that the Environmental Assessment Act and the associated proponent-driven screening process does not adequately address matters of municipal interest;

"And whereas sections 17 (official plans), 34 (zoning bylaws) and 41 (site plan control) of the Planning Act provide local municipalities with the necessary authority to establish policy and regulations for new energy projects;

"Therefore be it resolved that the council for the township of Carling does not support the position of section 23 of Bill 51 for the aforementioned reasons and that the position of the council be submitted to the Environmental Bill of Rights registry ... and forwarded to John Gerretsen, Ministry of Municipal Affairs and Housing; Donna Cansfield, Minister of Energy; David Ramsay, Minister of Natural Resources; Norm Miller, Muskoka-Parry Sound MPP; and the Association of Municipalities of Ontario."

So the township of Carling was quite concerned last year when some projects were being developed in the Carling area along the shore of Georgian Bay, a natural, beautiful area where they and many people in the area were quite concerned about whether wind generation

would be suitable in that area. I think municipalities want to have some say on these matters.

As I mentioned earlier today on the energy topic, energy supply is critical to northern Ontario. This government has failed northerners where energy is concerned. The Minister of Energy's insensitive comments in Sudbury reflect his inability to relate to the reality of a growing number of families who struggle to pay their hydro bills. I hear every week from constituents in my riding who can't afford the cost of hydro. The delivery charges and rising costs have taken their toll on working families, who are further and further behind.

My own riding isn't unique. Many of my colleagues receive the same calls. When I travel the north, I hear from businesses and homeowners alike about the cost of energy, particularly the delivery charges. The worst part is that hydroelectricity, which most of us take for granted, isn't reliable in northern Ontario. Hydro One Networks has neglected to stay abreast of line improvements and forestry management. Consequently, outages are increasing in frequency and duration. This is in a region where the population is aging.

Today, a fellow came into my Bracebridge constituency office. He lives in Dwight. He's a retired school superintendent. He struggles with mobility, requiring two canes to walk. He described his wife as fragile. He told me that days after his neighbours had power, he was still without it.

#### 1920

He finally managed to have a Hydro One supervisor come to his house. He said that the manager was very nice but basically told him that no one could help him. The manager suggested that he contact his MPP, and that's just what he did.

I have a copy of his letter, which I would like to read into the record:

"October 10, 2006

"Dear Mr. Miller,

"This week I turn 80 years of age and feel I must turn to you for help with an increasingly perilous and untenable situation related to power provision to my home.

"I am a retired school superintendent and senior educational administrative officer and live with my wife on Haystack Bay, Lake of Bays, some 20 kilometres outside of Huntsville in your riding. We are permanent year-round residents who have lived here since 1980 and enjoy our independence and quality of life greatly. My wife and I were both born in the area and truly appreciate our good fortune in living here. I have physical mobility challenges and have been designated disabled for tax and medical purposes. I also have a disabled designation for my vehicle as well. Despite my wife's increasingly fragile health, we've been successful in maintaining our residence quite well for many years and it is our intention to do so as long as possible.

"A recent development has come upon us related to electrical power that truly threatens our enjoyment of years to come and the possibility of remaining here. As I am sure you are very well aware, power outages in our

area have become far more frequent and often further extended than they ever were. And, due to our age and physical challenges, we rely on our power in a much greater way than ever before for our health, security and comfort. We have accepted this up until now with relative grace and with the purchase of a gas generator at a cost of hundreds of dollars to continue to have power when the provincial electrical utility has not been able to provide it to us.

"While that has been a satisfactory short-term or occasional solution, we cannot manage for longer terms and more frequent occurrences. Several weeks ago, this was brought home to us very clearly by the lengthy power outage generated by the most recent extreme windstorm. Due to the power line and switch configuration in our residence, we were without power for days more than our immediate neighbours and, with our age and physical challenges, we are only able to refill and restart our existing gas generator with great difficulty.

"Therefore, we now find ourselves having the necessity of purchasing an automatic propane generator at a cost of some \$10,000 if we want to stay in our home! That is a major unplanned expenditure that is a real challenge for anyone on a limited fixed income to bear. Thus we are writing to you in the hope that something can be done to help us on a number of levels:

"—Despite the fact that we are located right on the main district road 22, we are apparently connected to a spur line, with seasonal residents, that is particularly susceptible to wind and weather damage, and are not a priority for return of power. Can this not be corrected? Indeed, as a designated disabled senior citizen, could maintaining and returning our electrical power not be designated as some kind of priority?

"—Since dependable electrical power is vital to our health, well-being and remaining in our home and since the provision of dependable power by the provincial utility that we should be able to rely on has become so questionable, we find ourselves needing to invest thousands of our own limited dollars in a more reliable source. Is there a provincial department program to assist us financially...."

He goes on and is obviously very concerned about the lack of reliable power. Certainly, I have heard from many other constituents. In fact, I presented a petition from Parry Sound–Muskoka in the Legislature today.

Getting back to Bill 51, more specifically, I also note that the Georgian Bay Association, which represents thousands of cottagers up and down the Georgian Bay coast, is also concerned with the lack of local control as it relates to energy projects. I have received information from John Birnbaum, the executive director of the Georgian Bay Association. In it he says, "The proposed bill would remove the opportunity for local township planning to apply to private sector industrial energy projects in our communities. GBA believes that local municipalities should have the authority to plan for appropriate sites for such facilities."

The Georgian Bay Association is an association of many different cottage groups up the Georgian Bay coast. I note their concern, in that they say—it's written to Minister Gerretsen:

“Dear Sirs.

“The Georgian Bay Association is a volunteer umbrella group established in 1916 that now represents 22 resident associations and more than 17,000 residents along the littoral of the eastern and northern shores of Georgian Bay and adjacent waterways. Our mission statement is ‘to work with our water-based communities and other stakeholders to ensure the careful stewardship of the greater Georgian Bay environment and to promote the quiet enjoyment of its diverse and finite spaces.’

“The GBA has recently formed a renewable energy committee to help educate our members on issues relating to renewable energy, Ontario’s energy development needs and energy conservation, and have launched an ambitious energy conservation drive for our members (see eight-page feature in our spring 2006 GBA UPDATE newsletter ...). We propose to work with municipalities, ministries, and potential proponents to identify renewable energy opportunities in our six local municipalities.

“Though the committee’s work, we have learned that the Ministry of Municipal Affairs and Housing recently introduced Bill 51 to amend the Planning Act. Included in this bill is clause 23, which is to add a sub-paragraph to section 62 of the Planning Act. This addition could exempt private sector energy development projects in excess of two megawatts from the requirements of the Planning Act. Instead projects would be subject to an environmental screening process, driven by the project developer, which even the Ministry of the Environment has recognized is in need of reform.

“This would eliminate local municipal control of all decisions related to large-scale energy projects, including transmission line construction and ancillary structures.

“The Georgian Bay Association strongly opposes section 23 of Bill 51. The planning, siting and permitting of private sector power generation facilities should remain subject to local control. Land use planning issues are best dealt with at the local municipal level. The proponent-driven nature of the environmental screening process provides little to no assurance that credible and legitimate local land use planning issues (e.g., density, setbacks, maximum height, cumulative effects of multiple projects, etc.) would be adequately addressed.

“The Georgian Bay Association requests that the offending clause number 62.0.1 of section 23 be removed from Bill 51 prior to second reading.”

But we’ve had second reading, and that section of the bill was just modified very slightly so that it actually now includes the city of Toronto. It was modified. So now it says—and there were many amendments at second reading—“62.0.1(1) An undertaking or class of undertakings within the meaning of the Environmental Assessment Act that relates to energy is not subject to this act or to section 113 or 114 of the City of Toronto Act, 2006....” So it now also includes the city of Toronto.

The energy concerns are probably the most significant concerns with Bill 51, section 23, where local control is removed, and the other concerns raised by the district of Muskoka that I now have on the record as well.

We will, I’m sure, be voting against this bill because of the concerns with section 23 of this bill.

**The Deputy Speaker:** Questions and comments? Further debate? Does any other member wish to speak?

If not, Mr. Gerretsen has moved third reading of Bill 51, An Act to amend the Planning Act and the Conservation Land Act and to make related amendments to other Acts.

Is it the pleasure of the House that the motion carry?

All those in favour, say “aye.”

All those opposed, say “nay.”

In my opinion, the ayes have it.

Call in the members. This will be a 30-minute bell.

“Pursuant to standing order 28(h), I request that the vote on the motion by Minister Gerretsen for third reading of Bill 51, An Act to amend the Planning Act and the Conservation Land Act and to make related amendments to other Acts, be deferred until deferred votes on October 12, 2006.”

It has been signed by the chief government whip. That vote, then, is deferred.

**Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader):** Speaker, I move adjournment of the House.

**The Deputy Speaker:** The Deputy Government House Leader has moved adjournment of the House. Is it the pleasure of the House that the motion carry?

All those in favour say “aye.”

All those opposed say “nay.”

In my opinion, the ayes have it.

This House is adjourned until 10 of the clock, Thursday, October 12.

*The House adjourned at 1931.*

**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

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

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	<b>Brown, Hon. / L'hon. Michael A.</b> (L) Speaker / Président McMeekin, Ted (L)	Guelph–Wellington	Sandals, Liz (L)
Ancaster–Dundas–Flamborough–Aldershot		Haldimand–Norfolk–Brant	Barrett, Toby (PC)
Barrie–Simcoe–Bradford		Haliburton–Victoria–Brock	Scott, Laurie (PC)
		Halton	Chudleigh, Ted (PC)
Beaches–East York / Beaches–York-Est	Tascona, Joseph N. (PC) Second Deputy Chair of the Committee of the Whole House / Deuxième Vice-Président du Comité plénier de l'Assemblée législative Prue, Michael (ND)	Hamilton East / Hamilton-Est	Horwath, Andrea (ND)
Bramalea–Gore–Malton–Springdale	Kular, Kuldip (L)	Hamilton Mountain	
Brampton Centre / Brampton-Centre	Jeffrey, Linda (L)	Hamilton West / Hamilton-Ouest	<b>Bountrogianni, Hon. / L'hon. Marie</b> (L) Minister of Intergovernmental Affairs, minister responsible for democratic renewal / ministre des Affaires intergouvernementales, ministre responsable du Renouveau démocratique Marsales, Judy (L)
Brampton West–Mississauga / Brampton-Ouest–Mississauga	Dhillon, Vic (L)	Hastings–Frontenac–Lennox and Addington	<b>Dombrowsky, Hon. / L'hon. Leona</b> (L) Minister of Agriculture, Food and Rural Affairs / ministre de l'Agriculture, de l'Alimentation et des Affaires rurales
Brant	Levac, Dave (L)	Huron–Bruce	Mitchell, Carol (L)
Bruce–Grey–Owen Sound	Murdoch, Bill (PC)	Kenora–Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Cambridge	Martiniuk, Gerry (PC)		<b>Gerretsen, Hon. / L'hon. John</b> (L) Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement
Chatham–Kent Essex	Hoy, Pat (L)	Kingston and the Islands / Kingston et les îles	Milloy, John (L)
Davenport	Ruprecht, Tony (L)	Kitchener Centre / Kitchener-Centre	
Don Valley East / Don Valley-Est	<b>Caplan, Hon. / L'hon. David</b> (L) Minister of Public Infrastructure Renewal, deputy government House leader / ministre du Renouvellement de l'infrastructure publique, leader parlementaire adjoint du gouvernement	Kitchener–Waterloo	Witmer, Elizabeth (PC)
Don Valley West / Don Valley-Ouest	<b>Wynne, Hon. / L'hon. Kathleen O.</b> (L) Minister of Education / ministre de l'Éducation	Lambton–Kent–Middlesex	Van Bommel, Maria (L)
Dufferin–Peel–Wellington–Grey	Tory, John (PC) Leader of the Opposition / chef de l'opposition	Lanark–Carleton	Sterling, Norman W. (PC)
Durham	O'Toole, John (PC)	Leeds–Grenville	Runciman, Robert W. (PC)
Eglinton–Lawrence	<b>Colle, Hon. / L'hon. Mike</b> (L) Minister of Citizenship and Immigration / ministre des Affaires civiques et de l'Immigration	London North Centre / London-Centre-Nord	Matthews, Deborah (L)
Elgin–Middlesex–London	<b>Peters, Hon. / L'hon. Steve</b> (L) Minister of Labour / ministre du Travail	London West / London-Ouest	
Erie–Lincoln	Hudak, Tim (PC)	London–Fanshawe	<b>Bentley, Hon. / L'hon. Christopher</b> (L) Minister of Training, Colleges and Universities / ministre de la Formation et des Collèges et Universités
Essex	<b>Crozier, Bruce</b> (L) Deputy Speaker, Chair of the Committee of the Whole House / Vice-Président, Président du Comité plénier de l'Assemblée législative	Mississauga Centre / Mississauga-Centre	Ramal, Khalil (L)
Etobicoke Centre / Etobicoke-Centre	<b>Cansfield, Hon. / L'hon. Donna H.</b> (L) Minister of Transportation / ministre des Transports	Mississauga East / Mississauga-Est	<b>Takhar, Hon. / L'hon. Harinder S.</b> (L) Minister of Small Business and Entrepreneurship / ministre des Petites Entreprises et de l'Entrepreneuriat
Etobicoke North / Etobicoke-Nord	Qaadri, Shafiq (L)	Mississauga South / Mississauga-Sud	Fonseca, Peter (L)
Etobicoke Lakeshore		Mississauga West / Mississauga-Ouest	Peterson, Tim (L)
Glengarry–Prescott–Russell	<b>Breten, Hon. / L'hon. Laurel C.</b> (L) Minister of the Environment / ministre de l'Environnement	Nepean–Carleton	Delaney, Bob (L)
	Lalonde, Jean-Marc (L)	Niagara Centre / Niagara-Centre	MacLeod, Lisa (PC)
			Kormos, Peter (ND)

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Niagara Falls	Craitor, Kim (L)	Stormont–Dundas– Charlottenburgh	Brownell, Jim (L)
Nickel Belt	Martel, Shelley (ND)	Sudbury	<b>Bartolucci, Hon. / L'hon. Rick</b> (L) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Nipissing	Smith, Monique M. (L)		
Northumberland	Rinaldi, Lou (L)	Thornhill	Racco, Mario G. (L)
Oak Ridges	Klees, Frank (PC)	Thunder Bay–Atikokan	Mauro, Bill (L)
Oakville	Flynn, Kevin Daniel (L)	Thunder Bay–Superior	Gravelle, Michael (L)
Oshawa	Ouellette, Jerry J. (PC)	North / Thunder Bay–Superior-Nord	
Ottawa Centre / Ottawa-Centre	Patten, Richard (L)	Timiskaming–Cochrane	
Ottawa South / Ottawa-Sud	<b>McGuinty, Hon. / L'hon. Dalton</b> (L) Premier and President of the Council, Minister of Research and Innovation / premier ministre et président du Conseil, ministre de la Recherche et de l'Innovation		<b>Ramsay, Hon. / L'hon. David</b> (L) Minister of Natural Resources, minister responsible for Aboriginal Affairs / ministre des Richesses naturelles, ministre délégué aux Affaires autochtones
Ottawa West–Nepean / Ottawa-Ouest–Nepean	<b>Watson, Hon. / L'hon. Jim</b> (L) Minister of Health Promotion / ministre de la Promotion de la santé	Timmins–James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Ottawa–Orléans	McNeely, Phil (L)	Toronto Centre–Rosedale / Toronto-Centre–Rosedale	<b>Smitherman, Hon. / L'hon. George</b> (L) Deputy Premier, Minister of Health and Long-Term Care / vice-premier ministre, ministre de la Santé et des Soins de longue durée
Ottawa–Vanier	<b>Meilleur, Hon. / L'hon. Madeleine</b> (L) Minister of Community and Social Services, minister responsible for francophone affairs / ministre des Services sociaux et communautaires, ministre déléguée aux Affaires francophones	Toronto–Danforth	Tabuns, Peter (ND)
Oxford	Hardeman, Ernie (PC)	Trinity–Spadina	Marchese, Rosario (ND)
Parkdale–High Park	DiNovo, Cheri (ND)	Vaughan–King–Aurora	<b>Sorbara, Hon. / L'hon. Greg</b> (L) Minister of Finance, Chair of the Management Board of Cabinet / ministre des Finances, président du Conseil de gestion du gouvernement
Parry Sound–Muskoka	Miller, Norm (PC)	Waterloo–Wellington	<b>Arnott, Ted</b> (PC) First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative
Perth–Middlesex	Wilkinson, John (L)	Whitby–Ajax	Elliott, Christine (PC)
Peterborough	Leal, Jeff (L)	Willowdale	Zimmer, David (L)
Pickering–Ajax–Uxbridge	Arthurs, Wayne (L)	Windsor West / Windsor-Ouest	<b>Pupatello, Hon. / L'hon. Sandra</b> (L) Minister of Economic Development and Trade, minister responsible for women's issues / ministre du Développement économique et du Commerce, ministre déléguée à la Condition féminine
Prince Edward–Hastings	Parsons, Ernie (L)	Windsor–St. Clair	<b>Duncan, Hon. / L'hon. Dwight</b> (L) Minister of Energy / ministre de l'Énergie
Renfrew–Nipissing–Pembroke	Yakabuski, John (PC)	York Centre / York-Centre	<b>Kwinter, Hon. / L'hon. Monte</b> (L) Minister of Community Safety and Correctional Services / ministre de la Sécurité communautaire et des Services correctionnels
Sarnia–Lambton	<b>Di Cocco, Hon. / L'hon. Caroline</b> (L) Minister of Culture / ministre de la Culture	York North / York-Nord	Munro, Julia (PC)
Sault Ste. Marie	Orazietti, David (L)	York West / York-Ouest	Sergio, Mario (L)
Scarborough Centre / Scarborough-Centre	Duguid, Brad (L)	Burlington	Vacant
Scarborough East / Scarborough-Est	<b>Chambers, Hon. / L'hon. Mary Anne V.</b> (L) Minister of Children and Youth Services / ministre des Services à l'enfance et à la jeunesse	Markham	Vacant
Scarborough Southwest / Scarborough-Sud-Ouest	Berardinetti, Lorenzo (L)	York South–Weston / York-Sud–Weston	Vacant
Scarborough–Agincourt	<b>Phillips, Hon. / L'hon. Gerry</b> (L) Minister of Government Services / ministre des Services gouvernementaux		
Scarborough–Rouge River	Balkissoon, Bas (L)		
Simcoe North / Simcoe-Nord	Dunlop, Garfield (PC)		
Simcoe–Grey	Wilson, Jim (PC)		
St. Catharines	<b>Bradley, Hon. / L'hon. James J.</b> (L) Minister of Tourism, minister responsible for seniors, government House leader / ministre du Tourisme, ministre délégué aux Affaires des personnes âgées, leader parlementaire du gouvernement		
St. Paul's	<b>Bryant, Hon. / L'hon. Michael</b> (L) Attorney General / procureur général		
Stoney Creek	Mossop, Jennifer F. (L)		

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

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

## CONTENTS

**Wednesday 11 October 2006**

### THIRD READINGS

<b>Planning and Conservation Land Statute Law Amendment Act, 2006, Bill 51, <i>Mr. Gerretsen</i></b>	
Mr. Prue .....	5399, 5402
Mr. Sergio .....	5401
Mr. Hudak .....	5401
Mr. Kormos .....	5402
Mr. Miller.....	5402
Vote deferred.....	5405

### TABLE DES MATIÈRES

**Mercredi 11 octobre 2006**

### TROISIÈME LECTURE

<b>Loi de 2006 modifiant des lois en ce qui a trait à l'aménagement du territoire et aux terres protégées, projet de loi 51, <i>M. Gerretsen</i></b>	
Vote différé .....	5405