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Monday 30 October 2006

Lundi 30 octobre 2006

Speaker
Honourable Michael A. Brown

Président
L'honorable Michael A. Brown

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Monday 30 October 2006

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Lundi 30 octobre 2006

The House met at 1845.

ORDERS OF THE DAY

MINISTRY OF GOVERNMENT SERVICES
CONSUMER PROTECTION AND
SERVICE MODERNIZATION ACT, 2006

LOI DE 2006 DU MINISTÈRE
DES SERVICES GOUVERNEMENTAUX
SUR LA MODERNISATION DES SERVICES
ET DE LA PROTECTION
DU CONSOMMATEUR

Resuming the debate adjourned on October 26, 2006, on the motion for second reading of Bill 152, An Act to modernize various Acts administered by or affecting the Ministry of Government Services / Projet de loi 152, Loi visant à moderniser diverses lois qui relèvent du ministère des Services gouvernementaux ou qui le touchent.

The Acting Speaker (Mr. Michael Prue): On the last occasion, the member for Niagara Centre had the floor. You may resume.

Mr. Peter Kormos (Niagara Centre): Thank you kindly, Speaker. It's so nice to see the government House leader, Jim Bradley, here, but then again, he really has no place else to go.

Mr. Dave Levac (Brant): Oh, come on. He's got a life.

Mr. Kormos: No, this is his life; this is his home; this is his avocation; this is his pastime; this is his free time. This chamber will be named after Jim Bradley at some point. It may well even be named after him before he dies. You've really made it when they name something after you before you die. That is, in and of itself, remarkable.

I haven't got a lot of time. We went through some of the parts of the bill last week and expressed the New Democratic Party's concern around basically the ineffectiveness in response to the date rape drug phenomenon in licensed establishments.

The perhaps irresponsible introduction of booze to bingo halls: It's just incredible that people are playing a game that has, in effect, an element of skill, where they have to pay attention. If you've watched seasoned bingo players, they are truly remarkable. I have great admiration for them, sitting there with—what?—10 cards, 15

cards, 20 cards. The dabber is just a-poppin'. It seems to me that adding booze to the equation is not going to enhance the performance of the game.

For the life of me, I am not aware of a single bingo player who—maybe a government member is going to stand up in the 10-minute responses and wave a letter, saying, "Here's a letter from a constituent, a bingo player, who says they want to get all snapped up while they're playing bingo."

Mrs. Maria Van Bommel (Lambton-Kent-Middlesex): "Snapped up"? We say "liquored up."

Mr. Kormos: Well, we say "liquored up," we say "snapped up" and we say a few other things too. I settled for "snapped up" just to keep it in the family-hour theme.

We just haven't got those requests. What the real issue is—look, what has happened is exactly what people like Jim Bradley, myself and other critics of casino gaming predicted back in the debate when the perhaps soon-to-be leader of the federal Liberal Party, Bob Rae, introduced casino gaming to the province of Ontario.

Hon. Jim Watson (Minister of Health Promotion): You voted for it.

Mr. Kormos: Oh, Mr. Watson, you'd better be careful. Mr. Watson, I suggest that you check the record and then you can stand up and apologize to me.

Hon. Mr. Watson: You voted for it. It was your government.

Mr. Kormos: No, no. Be careful, Mr. Watson.

Interjection.

Mr. Kormos: Mr. Bradley interjects.

You see, the critics of casino gaming said that, among other things, it was going to starve the small church bingos, the Lions Club with the television set—the 20-inch TV that you could raffle off. You couldn't raffle off a 20-inch TV now if your life depended on it. People just have incredibly high expectations, but service clubs all over Ontario, and especially in small-town Ontario, were providing a whole lot of good works with these raffles. The small-town bingos, as much entertainment and socializing as anything else, were raising a whole lot of money in a relatively inoffensive way before the advent of casino gaming.

The real issue is that bingo halls are suffering because of the casinos, and not just the casinos, because those are specific destinations—

Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader): Slots.

Mr. Kormos: —but the slots, the ubiquitous slots. While they might not be on every corner of every street in every city and town in the province of Ontario, they are pretty darned accessible. There isn't very much of Ontario where you can't, in relatively short order, get access to a slot machine, where, as you well know, there is no skill involved whatsoever, no mental exercise and no socializing.

1850

Mr. Bill Murdoch (Bruce-Grey-Owen Sound): You have to do that.

Mr. Kormos: You don't even have to pull a lever, Bill Murdoch. You just slide your credit card in there and the machine takes over.

New Democrats are far from convinced that booze in bingo halls is desirable or is being sought by Ontarians.

We have a strong interest in the new archives legislation and suggest that one of the most important commitments this government could make would be to ensure that the Ontario archives have a new home. There is a whole lot of great Ontario history at risk because of the inadequacy of the current accommodations for the Ontario archives. Of course, once that stuff is gone, it's gone forever. It's an incredibly valuable part of our legacy and incredibly important for people doing research down the road.

This bill is going to have to go to committee. I should mention our concern, as others have expressed already—whenever I see warrantless entries provided for in legislation, it causes me real concern. In the amendment to the Bailiffs Act: once again warrantless entries into premises, when there is absolutely no reason whatsoever to not require a peace officer or inspector acting as a peace officer to go before a justice of the peace, unless the government has no intention of appointing sufficient numbers of justices of the peace so that they're available to peace officers. The only reason I can think of for the government's effecting warrantless searches is either that it's forgotten about the Magna Carta or it recognizes and is acknowledging that there simply aren't going to be enough JPs in Ontario to ensure that there's access to them in the event that they need search warrants.

There is nothing in the Bailiffs Act that could be contemplated that constitutes such urgency that a warrantless entry should be provided for. I think it's very important that this Legislature, even at the provincial level, safeguard personal rights, individual rights. Unless there can be illustrated an obvious reason why you would want to deny the subject of a search judicial scrutiny of the process, I have no intention of supporting that.

Let's talk about the Land Titles Act amendments, because that is one of the areas which people are most interested in. In that respect, I think we should all be very grateful to Harold Levy, the Toronto Star journalist, for his excellent journal pieces on title theft, title fraud. There are no two ways about it; they provoked the government into moving on this, and that, in and of itself, is fine because it brought our attention to the issue. What

is remarkable, though, is that this has been lingering for a good chunk of time, and I'm going to talk to that.

I want especially to thank Bob Aaron, a lawyer who is also published on real estate matters in a Toronto paper, and Sidney Troister, a lawyer, an expert in property law, who were both helpful to me in terms of getting a handle on understanding the issues around the Land Titles Act, the problem and potential solutions. I also express gratitude to Alan Silverstein, who was of assistance to Mr. Tascona in the preparation by Mr. Tascona of his Bill 136 and who as well is a journalist and has written about these matters in the Toronto Sun. Not only have they raised the issues, but they also point out that there is, and ought to be, a debate around what the solution is to the problem. Bob Aaron specifically talks about the BC response as compared to the proposed Ontario response, which is also, by and large, the Tascona response. It's to nullify the impact of a forged or otherwise fraudulent document, not just in the first instance but in deferred instances as well. I know Mrs. Elliott, who understands this area of law far better than I do or ever will, could stand up and explain concepts like deferred indefeasibility versus immediate indefeasibility. When she speaks to this bill, I know that Ms. Elliott is going to present it to us in a way that everybody clearly and lucidly understands the distinction between those two concepts.

One of the interesting things is, when you look at the ruling—because everybody got their knickers in a knot when a Judge Herman released her ruling, and rightly so, on the Household Realty v. Chan decision. There was in fact a lot of public criticism of the judge for doing what she did. It was only after I read the ruling carefully, read the Land Titles Act carefully, read some of the judgments she referred to and relied upon and read and understood some of the commentaries by Bob Aaron and Alan Silverstein and commentary by Sidney Troister, that in my view the ruling, based on the law, while she certainly didn't have to necessarily rule this way, is a perfectly legitimate one. People shouldn't be mad at Judge Herman, by any stretch of the imagination.

What Judge Herman did was observe the conflict between two sections in the existing Land Titles Act. The current act provides that a fraudulent document is invalid “despite registration, fraudulent and void.” But the act also talks about the effect of registration, and in section 155 talks about the impact of a fraudulent document being preceded by “subject to the provisions of this act.” That's exactly what the judge did. She looked at the provisions of the act, specifically subsection 78(4), which says that once a document is registered, then it acquires full force and effect, if you will.

Judge Herman, I'm confident, didn't want to see any innocent victims lose title to their property, but felt that she had no choice because the Legislature, this body, drafted the act the way they drafted it. They included the phrase “subject to the provisions of this act” in section 155. It's my view that the amendment may have been as simple as eliminating or deleting that first part, “subject to the provisions of this act,” in section 155, so that then,

in my view, a fraudulent document would be precisely that, registered or not.

I was also assisted by a paper prepared by Nancy Shepherd, which she did in the diploma in investigative and forensic accounting program at the University of Toronto, presented on June 20, 2005, to Professor Leonard Brooks. I'm grateful to Nancy Shepherd because she writes about the history of litigation that addresses this very issue and talks about litigation that goes back well before the Chan case, but the courts were signalling problems with the language in the act in 2003, in the year 2000, and the 2000 judgment *Durrani v. Augier* resulted from an incident of a forged loan agreement that occurred in 1995.

So this issue of immediate or deferred indefeasibility was being discussed for a significant period of time and, regrettably, a succession of governments didn't respond, to the point where we've got these horrible scenarios—a senior citizen who thought he owned a rental property, and again it's just disappeared, and the fact is that once the bill becomes effective and amends the law, that case wouldn't be able to happen. But the bill is not going to restore title to victims who have been defrauded of title to their property. It also is not going to provide easier, speedier, more effective, more meaningful access to the land titles assurance fund.

1900

People have to rely upon the record in the land titles office. The whole beauty about land titles is that you aren't required to do the 40-year searches in the registry office system, the land titles system, and there has been an effort to convert the whole province, along with computerized land titles descriptions and resurveying of huge chunks of parcels of property. It's designed to clean up a registry system that suffered at times because of the quality of the input, the quality of the material that was being put into it. People have to be able to rely upon the land titles system. Regrettably, nothing in this bill is going to impact on the registration of forged and otherwise fraudulent documents in the land titles system—in land titles offices, in registry offices.

I suspect that one of the Achilles heels in the system is the electronic registration. Think about it: In earlier careers, you have had to do property searches, haven't you, Speaker? You've had to try to track some assets of people and identify who owns a particular piece of property, for any number of reasons. You go to the registry office, look up the title and use the assessment number from city hall. And if not you, then certainly others in this chamber have worked with real estate transactions. I remember that as an articling student you did it because it was the grunt work, and it was a good experience. I remember going to the registry office in Lincoln county, Welland county, St. Catharines and Welland, respectively. Do you remember Art Jolley, Mr. Bradley?

Hon. Mr. Bradley: Certainly do.

Mr. Kormos: He was the land registrar in Niagara South, in Welland county. Art Jolley was just a delightful

guy; he really was. He knew that registry office like the back of his hand. Even as a teenager, I had some interest in law and was searching titles—I was 17 or 18 years old—and he was just delightful. In the lower right-hand drawer of his desk, Mr. Bradley, Art Jolley kept two tumblers and a bottle of refreshment. Do you remember that? The lower right-hand drawer. Art Jolley is dead now. He was just incredibly kind to me as a young person, both as a kid with an interest in law and as a young lawyer—and incredibly helpful. Art Jolley was one of those old-timers. As a matter of fact, he had been a member of the assembly—hadn't he?—from Niagara Falls, for the Conservatives, which might have been helpful in those days getting a job as a land registrar. Far be it for me to pass judgment on that. It's a different world now, Lord knows. Look how many people come to your constituency offices wanting you to help them get jobs. Those days are long gone, with the days of Ellis Morningstar.

Interjection.

Mr. Kormos: In Ellis's basement. Not Alice's Restaurant; Ellis's basement. I'm going to make sure Hansard gets that right.

Interjection.

Mr. Kormos: Well, no, Frank Sorrentino—I've just got to digress. Frank Sorrentino was Ellis's lieutenant, his capo. Frank Sorrentino was to Ellis Morningstar what Steve Pengelly was to Ernie Eves. He was the gatekeeper. People would line up on Saturday mornings. There were no constituency offices. Ellis lived down on Alberta Street in Welland. He was iconic.

As a matter of fact, just the other night I was at a Hungarian-Canadian event that honoured John Yaremko for his participation in and encouragement of governments of the day in bringing—I was there with Mike Colle—Hungarians as refugees. John Yaremko, who was born in Welland, was there, and we talked about Ellis Morningstar, because Yaremko was a lawyer, again, very fortunate at his age, as a Ukrainian, a Canadian immigrant kid, to be able to become a lawyer. He recalls helping Ellis with his correspondence from time to time here in the Legislature. People would line up in Ellis's basement, and he always left a bottle or a campaign contribution. It was just the way it was done. Ellis set the standard down in Welland-Thorold, a standard now maintained, that I've certainly aspired to, as a standard of constituency service. It's true. Ellis maybe spoke three times in the decades that he was here in this Legislature, but he was one heck of a constituency guy, and he did work hard—

Interjection.

Mr. Kormos: And let me call you sweetheart.

Art Jolley and the registry office: Art Jolley as a one-time Tory MPP—again, a delightful guy at the registry office—knew that office. He knew the lawyers, the law clerks, the law students. He knew the signature of every lawyer in town. He knew the signatures of all the notary public signers, of all the commissioners. The registry office staff, in days gone by, would literally physically

screen documents to make sure they were properly completed, to make sure that everything was in order. They wouldn't speak to the quality of the metes and bounds description; that wasn't their job.

I'm grateful to the staff of the minister, because they of course made themselves available for a briefing. I wanted to know how electronic registration worked. What happens? Do people scan the documents? We used to call them mortgages and deeds; they're charges and transfers now. I'm curious. I really don't know. Are these documents scanned and then sent electronically to the land titles office, to the electronic register? Uh-uh. I almost swallowed my bubblegum. It's akin to—if you do electronic filing of income taxes—where your accountant simply inputs the data—doesn't scan and deliver to Revenue Canada any of the documents or copies of the documents; merely puts in the data. In electronic registration, I learned, as a result of the deputy ADM's response in a reply back to me, there's no scrutiny of the documents themselves. That's nuts. It's unacceptable. The land registry system, the land titles office, the integrity of that office, of its documents, is far too important to be treated in such a casual way.

I asked the ministry staff—they weren't able to tell me; I'm sure they weren't because there are too many to know—how many of the suspected frauds were performed as a result of electronic registration, because I'll bet you dollars on doughnuts right here and now that the vast majority, perhaps all of them, were dealt with through electronic registration.

Is a fraud artist, is a con man, a grifter, going to show up in full view so that somebody can testify against him later in terms of saying that he's the guy with his fingerprints literally all over the documents? Is any scam artist going to go to the—Mr. Bradley, are they going to go to the registry office and put the documents in front of the clerk at the registry office and say, "I want this registered against title to this property"? I don't think so.

This bill does nothing to address the problem of fraudulent and forged and otherwise illegal documents being filed with the registry office. After this bill passes, somebody may not lose title but there will still be mortgage frauds coming out of your ying-yang. Well, it's true. There will still be lenders lending money, and it's easy to say, "Oh, it's just the big banks." I don't like the big banks either, but from time to time it's going to be somebody's elderly mother here who lends somebody \$40,000 or \$50,000, a lifetime of savings, on what she believes to be the most secure investment you can make—a mortgage, where there's property, there's security. Nothing in this bill, Mr. Bradley, restores the integrity of the land title system. Madame Meilleur, nothing in this bill restores the integrity of the land title system. That's the problem here, and that's what hasn't been addressed by the government in its response to Judge Herman's decision in Chan. I believe we need a thorough—quite frankly, I believe we've got to suspend all electronic registrations of documents. We need a complete review of the electronic registration, and I for one,

Mr. Bradley, would be pleased to have seen Mr. Marin rise to the occasion. The Ombudsman has got a turnaround time of 90 days—he promised that—on his investigation into the potential lack of integrity in Ontario Lottery and Gaming. In 90 days' time, he'll be available. The public auditor could well serve that role too—a thorough analysis of the electronic registration.

1910

I appreciate what's been attempted in both Mr. Tascona's Bill 136 and in the government's bill about the prospect of better security for the people accessing the system in terms of barring people for abusing the electronic registration. That's inevitably going to be after the fact, isn't it? The problem is—again, this is where I'm grateful to Ms. Shepherd and the paper that she had done for Professor Brooks—that at the time of this paper, in 2005, the law society was conducting 72 investigations as to lawyers' conduct with respect to alleged mortgage fraud. Lawyers are participating either as dupes or as co-conspirators. That's the data. In 2005, 72 lawyers were being investigated by the Law Society of Upper Canada for alleged mortgage fraud. And you know how hard it is to get the law society to commence an investigation, don't you? Because you've tried to do it for constituents, haven't you? It's pretty darned frustrating. You've got to reach a pretty high standard before you get the law society moving. Perhaps rightly so, because you don't want to besmirch a professional's career unnecessarily. But sometimes it's a frustratingly high standard before we can get the law society moving.

There was a charge laid in Barrie. It's only a charge. I suppose I can't even refer to that, can I, Speaker? Because if the charge—well, the charge is before the courts. Be careful. What if some Liberal backbencher calls the Integrity Commissioner and says, "Oh, Kormos was talking about a case before the courts. Was he in breach of the Members' Integrity Act?" I don't know. In any event, it appears that lawyers have been involved. We know from news reports that lawyers have been involved in some of the current cases that are still outstanding in terms of restitution and compensation. So the concept of simply saying, "We're going to restrict who accesses the system or we're going to deny access to somebody who's defrauded the system"—well, of course you are. I say that part of the solution is to ensure that we have adequate staff persons in our registry offices, people who know the community, know the culture, know the players, understand their business. Those people were there before offices got consolidated, and there have been a few governments guilty of that process, haven't there? As a matter of fact, the federal Liberal leadership aspirant Bob Rae was one of the guys who shut down some registry offices. Do you remember that? And it was those local registry offices that could best deal with potential fraud in their midst. They knew the players. That part isn't—

Interjection.

Mr. Kormos: Madame Meilleur, you can't afford to maintain the integrity of the land titles system? We have

no choice but to maintain the integrity of the land titles system. People are losing—old immigrants working hard all their lives are having their property stolen from them. Don't tell me we can't afford to. We've got to. It's fundamental. It's so basic.

I think it's imperative that the public have access to land titles offices. These are public documents. Not only should the public be entitled to access a land titles office for the purpose of acquiring information for whatever reason they want, but people, of course, have to be entitled to do their own document filing, should they wish to do it, without the help of a lawyer, shouldn't they?

Interjection.

Mr. Kormos: Mr. Tascona questions, if we're going to allow people to get all drunked up while they're playing bingo, why don't we serve beer in the registry offices and lands titles offices? We can let title searchers and land conveyancers get all drunked up while they're doing property deals. Mr. Tascona here is an enlightened observer. I can't suggest that he's anything but forward-thinking.

Nothing in the bill protects us against forged or otherwise fraudulent documents being registered. That's my concern, and that's what the committee has to talk about. The failure of the government—I understand the government with its section because, of course, they're dealing with the Ramsay decision; am I correct, Madame Meilleur, in terms of subrogated rights? Although in that case, the court ruled that there had been, in effect, negligence on the part of the person who suffered the loss in terms of not performing an adequate search even at the land titles level. The Court of Appeal found that there were no funds to be paid out of the assurance fund, but also found that, had there been a payment due, the title insurer would have been entitled to that money by virtue of subrogated rights. This bill very specifically says there will be no subrogated rights. So property title insurers are first in line, and they have to pay out and they can't go back to the system, nor should they, because they're charging a premium.

One of my problems, though, is that the land title insurance companies aren't searching titles either. They don't deserve any sympathy. They're simply playing the odds. They're rolling the dice. They're charging back, like most insurance companies do—instead of doing cost containment and cost management and loss control, they're simply charging enough for the insurance; it's the Ford Pinto syndrome.

I really think that we've got to get these people actively involved in the committee process so there can be some serious questions asked. Why should we have a private, for-profit land titles insurance system if we have a land titles assurance fund that's funded by the taxpayer? I say, one or the other. We don't need a land titles assurance fund; just make it the law that everybody has to have private land titles insurance, just like everybody who drives a car has to have private insurance, or—do you one better—tell the private insurers to go pound salt

and let the land titles assurance fund charge an adequate fee on each transaction so that it can be the sole insurer.

I know Bob Rae rejects propositions like that, but then he's a Liberal. Bob was establishing his Liberal credentials many, many years ago. He displayed his Liberal credentials from the minute I first met him. But I say, why are we having the private sector in there at all? I know this will draw some interest from them and they'll be out at the committee hearings in response to this. Why not simply beef up the assurance fund, use that as the sole insurer and have total control over the process?

The Acting Speaker: Questions and comments?

Mr. Khalil Ramal (London–Fanshawe): As always, I like to listen to the member for Niagara Centre because he gives the debate some kinds of life examples and tries to engage many different people in this place. But I have a problem with the member: I don't agree with him most of the time because his view, for some reason, doesn't match my view. But in the end, I listen to him carefully, and I think he brings a different atmosphere to the House and to the people of Ontario. But listening to the member for Niagara Centre over the last three years, I think today he likes the bill in general. He doesn't agree with some technicalities, and hopefully that's why we have the committee.

When the bill goes to committee, we'll listen to many stakeholders, as we do in a regular time. I think the member will listen, like us, to many people who present to the committee. That's what we do in this House, that's what we do on this side of the House, because we believe in the democratic process. So hopefully, one will listen to many people, listen to their views, because, due to the democratic process, we can adjust some of the bill in order to suit the people of Ontario. Hopefully the member for Niagara Centre will agree with us in the end, which is unlikely, but demand we listen to the people of Ontario, and hopefully we can have a great bill to serve the people of this great province.

1920

Mr. John O'Toole (Durham): I always like to respond to the member for Niagara Centre because he brings a sense of insight as well as humour to the bill. This is a big bill, sort of an omnibus bill. It's hard, in the limited time I have—there are 53 statutes and, as such, it's a very complex and technical bill, dealing mostly with legal issues. I'm pleased to say that our member for Barrie–Simcoe–Bradford, in his opening remarks, did address some of the issues substantively, but I look forward, more importantly, to the member for Whitby–Ajax, who is also—I don't think she's still a practising lawyer; I think she's got it right by now. She is a lawyer, though, and knows of what she speaks.

There are two particular instances in the bill: the real estate fraud or the mortgage fraud. I think the member for Barrie–Simcoe–Bradford's bill is a bit more appropriate—and even the media has reported it's a more appropriate bill—to respond to this identity theft issue, as has been outlined by the member for Niagara Centre.

More importantly, it's just as simple a thing as a gift card. It's almost motherhood. I think everyone in the House would agree with not allowing expiry dates on gift cards. So this particular thing here—I wouldn't like to use a prop because the member for Barrie–Simcoe–Bradford—you get a free gift card at Shoppers Drug Mart—

Mr. Joseph N. Tascona (Barrie–Simcoe–Bradford): Ten bucks.

Mr. O'Toole: —as long as it doesn't expire, that it isn't time-dated.

Mr. Tascona: It does expire: December 31.

Mr. O'Toole: It expires December 31, but it's free. I always remind myself by saying that, really, nothing in life is free.

But if you look at the issue of the real estate fraud and then look at the integrity of the land registry system, the member for Niagara Centre is right: The integrity of that has been somewhat usurped by this title insurance issue, and I think, importantly, how do these things get registered on title without the human interaction component? I think there is due diligence required here, and I think public hearings will attempt to solve some of the technical issues that I can't agree with in such an omnibus bill before the House tonight.

Ms. Andrea Horwath (Hamilton East): I am pleased to have a few comments on the remarks by my colleague and friend from Niagara Centre, who is extremely diligent when he looks at the legislation the government brings forward and spends a great deal of time analyzing the implications of these kinds of bills, particularly these bills that are quite lengthy. It's a significantly lengthy bill, and I believe the member for Niagara Centre has highlighted a number of areas in which we as New Democrats have concern, not only in terms of the most recent remarks that he's made this evening around identity theft and mortgage fraud, because, of course, that's something that people don't even know is coming down the pike at them. The next thing they find out is that someone has literally stolen their property from underneath them simply because the system that exists does not protect people from that kind of fraudulent behaviour. So certainly this bill purports to address that, but I think the remarks from the member for Niagara Centre indicate quite clearly that it doesn't do enough to ensure that people do not still remain vulnerable to that kind of a situation, notwithstanding this bill that amends so many different statutes, including the ones around land registry and land titles.

However, there are also a number of other pieces to this bill. I'm looking forward to speaking to some of them this evening as well. We've heard about the issue of the expiry dates on gift cards. We've heard about issues of changes to the Liquor Licence Act that allow people to take drinks into different parts of their bars when they're having an evening out. We've heard about the issue around the extent to which this particular clause is supposed to be dealing with women's vulnerability, but in fact, women's vulnerability can much more effectively

be dealt with by education programs for men, particularly. I have many more issues to talk about a little later on.

The Acting Speaker: Before I recognize the member for Peterborough, it's a little noisy in the corner. I wonder if we could keep it down just a tad. Thank you.

Mr. Jeff Leal (Peterborough): Indeed, the member for Niagara Centre did a very insightful and interesting analysis of Bill 152, and I did appreciate the history he provided us about politics in the Welland–Thorold area. That was of some interest.

It's interesting: With regard to one section of the bill dealing with illegal Internet gaming, there was an article in the Saturday Toronto Star that the government of Great Britain and the individual cabinet minister who's responsible for gaming in Great Britain is proposing an international conference of some of the major Western democracies to bring seven countries together to look at the issue in a very serious fashion. The article did note what we are proposing here in Ontario. It looked at what Great Britain is doing in this area and also looked at the recent changes that have made by legislation in the United States Congress and Senate on this particular issue.

But I have heard a lot in my constituency office—it's interesting—on the issue of gift cards. A number of people have come in and talked about how they have acquired gift cards for family members during various celebrations in the calendar year and then found out that they've expired. They've paid \$50, \$75, \$100 for these cards, given them to a family member or friend and then found out that they have expired after a certain period of time, and don't have an unlimited shelf life. Many of those individuals are quite supportive of this part of the legislation.

The vice-president of education for the Ryerson Students' Union is certainly pleased with regard to the prospective provisions in this bill dealing with—

The Acting Speaker: Member for Peterborough, your time is long expired, okay?

The member for Niagara Centre has two minutes to respond.

Mr. Kormos: I got a letter in September of this year from a very dear, long-time friend of mine, a very senior lawyer in Ontario who has done some remarkable work: John Stephens. He wrote me:

“Dear Peter:

“A very long time ago when electronic registration was being instituted, we discussed the topic and I mentioned that some day someone would sell the First Canadian Place in New York by simply pushing a few buttons.

“It has become apparent that scam artists have fallen into new ways of abusing the system”—

Interjection.

Mr. Kormos: He did say that—hyperbolic at the time, but then, as not too many years passed, far truer than any of us wished.

I am saying that the government has serious problems with the land titles system. One of the big weaknesses,

one of the big flaws, one of the real weak links may well be, and probably is, the electronic registration. The real defence against fraud is to have real, live, trained, professional staff in our registry offices who handle the documents that are put before them, who look in the eye the people who are presenting the documents, who determine the accuracy of people's identities, using drivers' licences, passports and so on. This is common sense in the year 2006. That's how you protect homeowners, seniors, from becoming victims of grifters, of fraud artists. You don't do it by raising the penalty.

Why do crooks rob banks? Because that's where the money is. I mean, come on. No crooks intend, especially fraud artists, to get caught. It's fraud. They're sneaky. They conceal their identities. They pretend they're someone they are not. And with the electronic system, as I say, they don't leave behind any eyewitnesses; they don't leave behind any fingerprints.

I say that part of the solution—an important and essential part of the solution—is restaffing land titles registry offices and dealing promptly with the electronic registry system.

1930

The Acting Speaker: Further debate?

Mr. Ramal: As always, I have pleasure in standing up to speak on different issues. Today, I am honoured and privileged to speak in support of Bill 152, the consumer protection act, second reading.

I have been listening to many speakers in this House, and I was listening to the member for Niagara Centre for a while, as I mentioned earlier. He was just speaking about one element of the bill. Well, the bill contains many different elements to protect the consumers in the province of Ontario.

So many things happen on a daily basis. We, as a government, are elected to be entrusted to protect the people of this province. That's why we have to bring forward bills and regulations and rules to protect the people of this province. As my colleague Mr. O'Toole was saying a few minutes ago, I'm not a lawyer either. I don't understand the details of the law, because for some reason—

Mr. Tascona: You're a lawyer.

Mr. Ramal: I'm not a lawyer. I don't want to be a lawyer. I respect all the lawyers around this place.

For some reason, the law is written in a different language. It has special people to understand it and to deal with it: the lawyers. That's why we have specialties in our lives. That's why we have to, as a government, bring bills to make things simple for the consumers in the province of Ontario, to make it simple for the people who want to buy a house and also to make sure that when they buy their house, they'll be protected and not lose it for some reason, like because they didn't understand some element of the contract or because someone can forge their signature and take the house or the land from them. That's why this bill is coming: to make sure the property owner is protected from any fraud happening to them accident-

ally or because of an unsound law. That's why I wish the member from—

Mr. Murdoch: Somewhere.

Mr. Ramal: —from somewhere in northern Ontario will listen and, when he gets the chance, debate us and show us his opinions and ideas and come with us on the government side here and support the bill, because if he wants to support his constituents, he has to support this bill because this bill is important not just for the people of London but for every person who lives in the province of Ontario. That's why I'm speaking in support of this bill. There are so many elements to it. As a person who has lived in the province for quite some time—

Interjections.

Mr. Ramal: It's very important to us to protect the consumers. When you go buy a piece of equipment from an electronics shop, you want to make sure that piece of equipment is safe; not take it to your home and have it burn your house; not take it to your home and hurt you; not take it to your home and kill you. It's important to make sure everything's safe and that the consumers who live in the province of Ontario are protected.

Hopefully, all of the members of this House will understand the complexity of the issue and support the government, because it is a very important bill before us here.

It's also very important to talk about how, now, around the holiday season, many people like to buy gift cards for loved ones. They want to make sure that card has a long life and won't expire in a month or two or three, because they paid money for it and they expect that the store that sells them that card will honour the card for a long time, not being expired. Our job, as a government, is to make sure the consumer is being protected and is not being used or being taken advantage of. It's a very important element, too, to protect the people who want to buy something for someone but don't know their size or don't know what they want. They want to buy them a gift card and give them the chance and the liberty and the freedom to buy whatever they want. Some companies are using this need for their own advantage, which means they put an expiry date on the cards, which is not fair. They go to buy five or six months later and they discover the card has expired, which is not fair because the card equals money. That's why—

Interjections.

The Acting Speaker: Order, please.

Mr. Ramal: I believe the Conservatives don't like the bill because they know it's a very important bill for the people of Ontario—not all of them, of course. Some people just like to make noise because they don't like us to be on the right track. I think the people of this province like this bill, and that's why the Conservatives are trying to put some obstacles in our wheels to stop that bill.

I want to tell you that the people of Ontario are going to come out and support this bill, and when people come to the committee, they're going to come forward and support it, and also that the majority of this House, hopefully, will support it, and this bill will pass. Then we'll

see great results from that bill when it's passed, because the people will realize we're here, we're elected to represent them, we're elected to protect them.

I want to go back again to my main topic. When you lose your credit card, you don't want somebody to forge your name, use your card and lose your money. That's why we are here to protect them.

Another thing is gaming control. So many people use the Internet illegally to play games.

Mr. Murdoch: More gaming.

Mr. Ramal: The member opposite believes strongly that we shouldn't protect the people. We should leave it open, without any rules or regulations. That's why we are here: to protect the people of Ontario. That's why we're bringing in such an important bill to protect the people from many different fraud possibilities in the province of Ontario. That's why myself and my colleagues in this place understand the fundamental issue of protection. We understand that it's our duty as elected officials to protect the people of this province.

Interjections.

The Acting Speaker: Order, please.

Mr. Ramal: We see that—

The Acting Speaker: The member from Bruce-Grey-Owen Sound may be humorous, but I think he's carrying it a little bit too far. If you would allow the member to speak, I'm sure you'd appreciate what he has to say.

Member from London-Fanshawe.

Mr. Ramal: Thank you, Mr. Speaker. I guess the opposition doesn't want to listen because they don't care about the province of Ontario. They don't care about the people of Ontario. If they cared, they'd stand up in their place and support the bill.

Interjections.

Mr. Ramal: They would support the bill because it's important to them, like it's important to us. It's the same thing. But it seems they don't care. That's why they're making fun and they're laughing. They don't know the important elements of the bill, if this bill passes.

As I mentioned, I'm not a lawyer like my friend opposite, but the issue is not about understanding the details of the law; the issue is how to utilize the law to protect people around you. It's important to us to continue bringing forward many different bills to make sure protection is in place, to make sure all the elements which we are missing in the province are being looked after.

I listened carefully to the member from Niagara Centre when he was speaking. I was enjoying his speech, but I don't agree with him because he didn't tackle the issue all the way because he always brings negativities to his opinions and he thinks that whatever we do is not correct and that whatever he does is correct. It's the same thing with the other side, because the other side, especially the Conservative side, thinks that whatever we do is irrelevant and whatever we do is not important for the people of this province. We were governed by them for eight years and we know what happened in education, health care and the infrastructure. It's our turn to govern

and to show the people of this province how many positive results we can implement. The election is not far away from us: almost less than one year. Then the people are going to come out and support us or not support us. We'll see. We'll leave it to the democratic process—

Interjection.

Mr. Ramal: That's why we believe in the democratic process. That's why we ask the people. That's why this bill, when it goes to committee—they're going to give us their advice. That's what we do on a regular basis. We don't bring in a bill and just shovel it on the people of Ontario, which is exactly what the—

Interjections.

Mr. Ramal: —without any debate, without going to committee. They forced it. We don't force anything. We ask the people. We consult the people. That's why we are here on this side and they are on the other side.

Interjections.

The Acting Speaker: Order, please. Member from Niagara Centre, order, please.

Interjection.

The Acting Speaker: The member from Renfrew-Nipissing-Pembroke, order, please.

Mr. Ramal: We should, because when they have no leader, I guess they are not in order, not in control.

Anyway, thank you for allowing me to speak in support of this bill. I'm here just to listen to other people. Hopefully they'll bring something insightful and interesting—not to me but to all the people in the province of Ontario.

1940

The Acting Speaker: Questions and comments?

Mrs. Christine Elliott (Whitby-Ajax): Thank you for the opportunity to join the debate on Bill 152, An Act to modernize various Acts administered by or affecting the Ministry of Government Services. I think there are a lot of things that are covered by this bill. It's an omnibus bill. It's something that we've recently gone through with respect to Bill 14, the so-called access to justice bill, which, as the member from Niagara Centre will probably agree, was a very complex piece of legislation and dealt with some very serious issues, but it was intermixed with some other matters. I don't think a fair hearing was necessarily given to all the issues addressed by Bill 14, nor do I think that the issues are going to be addressed with respect to Bill 152, encompassing as it does some 53 different statutes.

This was before my time, but I know that the members on the other side used to rail against the previous Conservative government, saying that there were too many things that were covered in an omnibus bill. It didn't give adequate time to address clearly all of the issues that were contained in the legislation. So I would certainly urge government members to not deal with things in an omnibus form in this fashion, especially a matter as important as identity theft, title theft and mortgage fraud, because this is a very serious issue affecting the people of Ontario. It affects the most significant asset that most

people in this province will ever own. It is an issue of concern and it needs to be given serious consideration.

Ms. Horwath: I want to, first of all, congratulate the member from London–Fanshawe for the valiant way he got through his speech, notwithstanding the participatory manner in which the other members listened to what he had to say. Notwithstanding the fact that it's the member's job to promote and speak well and highly of government bills, I think that people who are watching tonight will hear from opposition members that there are some concerns and some issues that this bill raises that need due consideration. That due consideration, of course, comes in this format, with members debating second reading of the bill, but also comes in a more concentrated, a more specific format in the committee process. I'm hearing from both my critic, the member from Niagara Centre, as well as critics from the Conservative caucus that in fact this bill needs to go through that process.

As others have said, it is a significant bill in terms of the number of statutes that it amends. Although there might not be a problem with every single clause in the bill, neither is it fair to say that this entire bill, some 180 or 190 pages or so, is without flaw.

I look forward to the opportunity to raise a few specific issues that I discovered when reading through the bill. Like any other bill, oftentimes you read through the explanatory notes to see what areas are of specific interest to you. We certainly have briefing notes that come as well. But as you read the clauses that relate to the issues raised in explanatory notes, you find really interesting little things. From my perspective, I have some that I need to raise because they're significantly important, even though they look minor in the explanatory notes.

Mr. Tony Ruprecht (Davenport): This bill, the proposed consumer protection and service modernization act, is good legislation, and obviously we will do whatever we can to make sure it passes.

Let me simply say this. I was sitting in my office the other day, and in comes a person whose parents are Italian. He says to me, "Mr. Ruprecht, did you know that our house was sold twice in the last 18 months?" Twice. This is in the city of Toronto. It's amazing that identity theft in terms of mortgage fraud—you can actually lose your property by someone falsifying a name and giving a false affidavit.

Of course, I congratulate you that you have indicated that it's very important and are taking very seriously that this matter comes not only to light but that there's something to be done about it almost immediately.

But let me simply say this. When I wrote to the RCMP and I asked the RCMP—yes, it's true that there were 2,100 files stolen from Equifax two years ago. I said to the RCMP, "What is the issue here in terms of a follow-up?" They had indicated to me, two years later, "We're overwhelmed by identity theft because it is the biggest and a growing crime. It's a cybercrime, and we are overwhelmed and simply can't handle it." That's the answer:

The RCMP is simply overwhelmed. Identity theft is really a crime that affects each one of us. It costs us billions of dollars in terms of our economy every year. The Minister of Government Services is here today, and I'm glad that he is. He knows that unless we act immediately, as we are, we're leaving thousands of consumers without any protection.

Mr. Tascona: I certainly appreciate the comments from the member from London–Fanshawe and especially the remarks from the member from Davenport, who's always well spoken on these particular matters. But it is important that the Minister of Government Services take a much more thorough approach with respect to real estate fraud, because his bill, Bill 152, does not deal with the issues that need to be dealt with. I think that was pointed out very candidly this weekend by Bob Aaron in his article in the Toronto Star. Harold Levy reported another unbelievable fraud case in the Toronto Star. Alan Silverstein, who was very helpful to me in drafting the Restore the Deed Act under Bill 136, provided a very candid and pointed comparison. Quite frankly, Bill 152, with respect to real estate fraud, just doesn't stand up to the test of protecting people. I think the member from Davenport knows that. I would hope, being a senior member of the Liberal caucus, that he would be urging the Minister of Government Services to bring in amendments to make the bill more relevant to people who are affected by mortgage fraud and identity theft, because this certainly isn't happening.

Also, I want to comment on different aspects of the bill. The liquor licensing provisions that have been brought in with respect to dealing with date rape drugs make it optional for bar owners to do these things. The Liberals came out and basically said, "We're going to deal with date rape drugs, and we're going to make it more safe for women in bars." Then you get the bill, and it says it's optional. Smoking is mandatory; they can't do that in the bars. Why wouldn't they make this mandatory in terms of dealing with what the Minister of Government Services spoke about the other day? He said it was a significant problem. If it's so significant, why is it optional?

The Acting Speaker: The member from London–Fanshawe.

Mr. Ramal: I want to thank the member from Whitby–Ajax, the member from Hamilton East, the member from Davenport and the member from Barrie–Simcoe–Bradford for speaking and commenting on my speech. I know I didn't get the chance with a quiet environment, but anyway, I said what I was supposed to say.

I want to tell all the members who spoke and responded to my speech that that's why we do business in this place by bringing bills forward and then bringing the bill to committee and listening to stakeholders, listening to the opposition. Then we take the stakeholders' opinions into consideration and make an amendment to the bill. We never said this bill is complete and perfect. That's why we are debating this bill in this place; we're giving people a chance to speak, for and against, and we're

listening. I hope—and I have great confidence in our government, our minister and our caucus—we'll make the amendments needed to make this bill a great bill to serve many people and make sure this bill speaks to all the elements which we are looking forward to protecting in the province of Ontario.

As I mentioned, this is a great bill, and hopefully this bill will see the light and pass and the people of Ontario will benefit from it. As I mentioned, I'm not a lawyer. I have great confidence in the many lawyers in this province to bring whatever is necessary to make sure that people in this province are protected and make the language very simple and very accessible, very readable to many people who do not understand the law.

In the end, I hope all the members of the House will support the bill and the bill will see the light, and then the people of Ontario will see the benefit of this bill.

1950

The Acting Speaker: Further debate?

Mrs. Elliott: I am pleased to join this debate on Bill 152, but, as I noted a few minutes earlier, this is an omnibus bill that deals with 53 existing pieces of legislation. It is very difficult, not so much for those of us in the House to deal with, but difficult for members of the public who are trying to understand exactly what it means, because it is dealing with many disparate types of legislation. It's hard, I think, in some cases, for members of the public to see what the focus is actually on.

In fact, this is certainly something that the government members criticized the previous government for with respect to dealing with so many issues in an omnibus bill. The Premier said in this Legislature on December 20, 1999, with respect to the Fewer Municipal Politicians Act:

"I can tell you that even before the bill was introduced we asked the government not to introduce a bill in an omnibus form. We said that if there were ... four separate sets of recommendations affecting four separate and distinct communities, then surely, logically and in fairness there ought to be four separate pieces of legislation."

Similarly, the Minister of Government Services said in this Legislature on November 7, 2002, with respect to the Keeping the Promise for a Strong Economy Act (Budget Measures):

"As previous members have said, this is an extremely complex bill. It amends 27 different acts and creates two new acts. We're truly dealing with an omnibus bill. I happen to think it's inappropriate to do this, but the government can do whatever it wants, and I think that's unfortunate."

I would agree that it is unfortunate that we are having to deal with such disparate legislation in this House, but there we have it. We have what we have, and I would propose to deal with several of what I would see as the more important aspects of this legislation. I won't deal with all 52 amendments because we'd be here all night and I only have 20 minutes. In any event, there are several major areas that I would like to address.

First of all, the amendment that deals with the date rape drug and the concerns that many young women have about leaving their drinks unattended while they go to the washroom while they're in a bar or club: The amendment will allow a woman to take her drink into the washroom with her. I'm certainly long past going to clubs myself, so I don't have any direct personal experience, but I have spoken to several young women about exactly how this would work and whether they see it as being a very good idea or not. They've told me they do in fact have a significant concern about their drinks being spiked while they're in the washroom and that there should be a protected area where their drinks can be placed.

In response to this significant concern, what has the government done? It has made it optional for bar owners to decide whether they want to designate the washroom areas as areas that can be licensed. I would submit that that's not any kind of solution to the problem, and it seems to be somewhat of a half-hearted effort to deal with it. The question is whether the government is interested in protecting women's rights or not. If they really want to protect women, they should change this legislation to require bar owners to comply, and not just simply make it optional.

Secondly, the amendments that will allow liquor in bingo halls: You have to wonder why. Maybe some of the members on the other side have heard, but I certainly haven't heard any great hue and cry from people who attend bingo halls frequently that they want to drink alcohol while they're playing bingo. We've certainly heard a lot in the past from people about smoking and the fact they are not allowed to smoke anymore, but that's another piece of legislation, and that's done. But why introduce alcohol? It's been suggested that this is a money- or revenue-driven idea, that somehow if you allow liquor to be served in the bingo halls you'll attract a different audience, maybe an audience that you would have lost because of not being allowed to smoke. But it doesn't really make any sense to me. I can't really suppose why this has been introduced, other than to say that I rather suspect that this is going to create a lot more problems than it's going to solve and not really be worth the effort at the end of the day.

The amendments to the Consumer Protection Act that prohibit anyone from advertising an Internet site that operates an Internet gambling business contrary to the Criminal Code: We've been told that this measure has been introduced and that the goal of these amendments is to prevent youth from gambling online, but the statistics show another story. A study that was done at the government's request in March 2005 revealed that fewer than 1% of gamblers refer to Internet gambling and wagering as the major source of their gambling problems. Secondly, as with many issues involving the Internet, how do you enforce this type of legislation? There's no point in bringing it forward if there's no reasonable way in which to enforce it. So, is all of this just a waste of time, a sort of pro forma exercise? I'm not the one to answer that question, but I hope the government mem-

bers are going to be able to answer it. I think it's incumbent on them to explain to the taxpayers of Ontario how they're going to be able to enforce this and exactly why they're bringing this measure forward.

Finally, I would like to spend a little bit of time speaking about the amendments to the Land Registration Reform Act and the Land Titles Act to deal with issues of title theft and mortgage fraud. This is an issue that I am relatively familiar with, having been, in a former life, prior to coming to this Legislature, a lawyer who dealt with real estate in my practice. I can certainly tell you that the practice of real estate law in this province has changed tremendously in the last five years or so as we've moved from a paper-based registration system to the electronic document registration system.

It used to be, as the member from Niagara Centre indicated, when we were younger and working as junior lawyers in law firms, that one of the jobs we had to do, particularly at the end of the month when most of the real estate transactions were closing, was to attend at the registry office and stand in line with the documents, the signed deed, the signed mortgage and whatever other documents we had to register and tender them at the registration desk, and it was then that, whether you were registering under the land title system, which guaranteed or certified your title or you registered under the registry system where it was just the integrity of the documents themselves that people relied upon—whatever it was, there was a scrutiny both by the lawyer who was preparing the documents, as well as the staff behind the counter, to make sure the documents were accurate and properly signed.

Now the situation has changed completely with the introduction of electronic document registration. For any people who have been to land registration offices recently, what you will find is a huge change. What formerly occupied most of the ground level of the building in my riding of Whitby–Ajax has been reduced to a couple of small rooms. The reason for that is that the paper is no longer filed. None of the documents ever arrive at the registry office. It's up to the lawyer who is acting on the transaction to have the actual documents signed in their office, and then they keep the paper record of the transaction, the electronic information is simply transmitted, and that's what's recorded.

So, if you were to attend at the land registry office, you would be able to electronically view the documents for a fee, but you wouldn't be able to see the actual deed that was signed or the mortgage that was signed, because it simply isn't there anymore. All of the big, 20-pound abstracts of title that we used to see when registering documents at the land registry office are no longer there. To me, that's a big change since I started practising many years ago now. There certainly used to be a comfort level in knowing that you could go to the registry office and actually see the document that was being registered.

Now what we have is an onus that's been shifted onto the lawyers in the transaction, frankly, to verify identity. If someone is placing mortgage on title to a property,

they come to see the lawyer to sign the documents and bring in their money for a transaction, what happens is that the lawyer is still required, even if you've known the person for 25 years, to get several pieces of identification from them, including photo ID and then to take photocopies of that and send it to the mortgage company. The documents are then signed, and you electronically register the documents on their behalf.

A lot has been said about lawyers and lawyers not checking things properly and lawyers being complicit in some cases with the registration of fraudulent documents. That may well be the case for a very small percentage of lawyers, but I can tell you that what happens is, with the increasing sophistication in fake ID that's being presented now, lawyers are not trained to be specialists in the veracity of identity presented to them. If someone comes to you and they have photo ID, a driver's licence and valid credit cards and you don't have any other suspicions about it, then in all fairness, I think lawyers are entitled to rely on that and proceed with the transaction.

2000

The law society has been very proactive, and I and my staff have attended numerous seminars on how to detect identity theft and how to deal with it. There are certain red flags that come up when you're dealing with certain transactions that you may have some suspicion about: things like if the people want to have the transaction done within a week; they're not placing a mortgage on the title but then later on they go and arrange a mortgage somewhere else, a fraudulent mortgage. There are certain warning signs that present themselves that you do really need to be aware of. I think the law society is doing quite a good job in terms of trying to educate lawyers and, more particularly, their staff about how to detect the warning signs. The staff, after all, are the ones who are on the front line. They're the ones who are dealing with the clients every day and they're the ones who, at the first instance, have the opportunity to notice something amiss and raise it with the lawyer to be followed up.

We certainly have had a few instances of that, even in my riding of Whitby–Ajax. A lot of people tend to think that this type of activity is taking place only in Toronto, in the larger centres, but in actual fact it is happening in my riding and I hear anecdotal evidence from others that it's happening in all parts of the province. So it is something that I'm glad is being brought forward and that there is an attempt to deal with it, but I would submit that there are other issues that need to be addressed with respect to the whole issue around identity theft and mortgage fraud that Bill 152 does not speak to.

I would like to refer to Bill 136, which is the private member's bill that was brought forward by my colleague the member from Barrie–Simcoe–Bradford, who introduced Bill 136 as a private member's bill in this Legislature on September 25, 2006. This bill, which is known as the Restore the Deed Act, was brought forward by my colleague in response to the need that he saw out there that wasn't being addressed, in his view, quickly enough

by the government. It has received both first and second reading, as the members of this House would know, and has been referred to the standing committee on general government.

I'd like to speak to just a few aspects of Bill 136 and compare it to Bill 152 to demonstrate, in my view, how comprehensive Bill 136 is in its scope. I would certainly urge the government members to consider that as we move forward with this legislation.

Bill 136 limits access of the users of the electronic registration system and essentially limits it to real estate professionals: lawyers, real estate agents and other people who work in the business. Bill 152 doesn't address that issue, doesn't limit the categories of people who are allowed access to the electronic registration system. It does have some penalties for those who have been perhaps using the system improperly, but that only happens after the fact, after a fraud has been perpetrated or there's a suspicion that a fraud has been perpetrated.

I would submit that it would be better to be proactive and to limit the registrations in the first place so that we don't have these categories of scam artists who aren't needing to withstand the scrutiny of the real estate professionals in the land registration systems in order to register documents. I think this would go a long way to reducing some of the frauds that we're seeing out there.

Secondly, Bill 136 requires the land registrar to send a notice to the former owner when a new deed is registered or to the current owner when a new mortgage is being registered. This sending of a notice to the current or former owners is optional under this bill, and I would certainly urge the minister to consider making it mandatory because it allows notice to be given very quickly to those people who may be affected by a fraud and certainly stops that line. If you have one fraudulent transaction, then other transactions that happen thereafter—this at least will stop it quickly so that the existing owner can raise the warning flags. After all, in many instances, if a fraud has been perpetrated on an owner of a property, if a mortgage has been registered on the title, unless the mortgage goes—well, it will necessarily go into default, and they'll hear from the bank that they're going to sell the property under power-of-sale provisions. Often, that's the first warning that the registered owner has of an issue at all with respect to their property. In my view, the notice would be a very helpful provision to have.

In addition, Bill 136 provides absolutely that any fraudulent instrument is null and void, so that if there are any instruments that are registered subsequently, they will equally be null and void. This stands on the principle that the first registered owner will ultimately retain their title no matter what happens subsequently. It's a policy choice of sorts in the sense that the first person is always protected. The original owner is always going to be able to retain their title. That doesn't mean, however, that if an innocent purchaser buys a property from someone as a result of a fraud—if someone impersonates, using false identification, who the real owner is—it doesn't mean that the innocent party is left without any recourse. Under

Bill 136, they would then be able to apply under the land titles assurance fund in order to be compensated for loss. They wouldn't be able to keep the title to the property, but at least there would be some financial compensation to them to allow them to cover their loss, and they wouldn't be forced to resort to the courts in order to do that.

Some people have asked how the land titles assurance fund could possibly withstand that kind of scrutiny and the numbers of people who might want to apply to it, given that, in many instances, the loss that some of these innocent purchasers have sustained goes into the hundreds of thousands of dollars. The answer to that is that if all of the safety mechanisms in Bill 136 are built into the system, then there should be very limited circumstances under which this should happen, so that the number of claims that are made to the assurance fund would be minimal.

In contrast to this, however, Bill 152 takes a different position: It doesn't absolutely protect the title of the original owner of the property. Section 78 of the act provides that "a fraudulent instrument will not have any effect on the title register. Instruments registered subsequent to a fraudulent instrument are deemed to be effective." This is a pretty confusing provision to me, and I think it probably would be to most Ontarians. How could it be that, if a first mortgage or a first instrument is fraudulent, a second one is effective?

As you may have heard from the member from Niagara Centre, there is a discussion about immediate indefeasibility and deferred indefeasibility, and this is pretty much a lawyer's argument. Suffice it to say, it can result in a fraudulent transaction where a fraudulent vendor sells a property to an innocent purchaser and the innocent purchaser then passes title along to a subsequent purchaser. Even though Bill 152 would say that the first transaction is void, it would uphold the second transaction so that the original owner would be defeated of their title.

That's the short answer, and I think that is not something that most Ontarians would want to see happen. I think most people would like to see the original owner keep their property but that innocent parties can still be compensated.

This is something that has been commented upon. The comments made by a number of commentators in the media have noted—I would just like to quote from an article written by Bob Aaron which appeared in the Toronto Star on October 28, who said:

"Bill 152 is the first baby step in addressing only one problem of title fraud, but it creates more problems than it fixes.

"We still have a long way to go, and I worry that the title fraud dilemma will get much worse before it gets any better."

I would submit that while Bill 152 is attempting to deal with the situation, I would urge the minister to take these comments into consideration so that we can create a statute that will protect all Ontarians from this very sig-

nificant issue that's troubling many people in this province.

2010

The Acting Speaker: Questions and comments?

Ms. Horwath: I was very impressed by the analysis of the member from Whitby–Ajax, particularly in the last several minutes of her speech, when she was describing quite carefully the previous process in terms of what people need to do to transfer property, to have documents acknowledged, recognized and registered at the registry office, the complications that have arisen since the introduction of electronic registration, and the problems the member sees from her perspective as someone active in the field of law who has, in the past, dealt with these kinds of transactions over a significant history of serving the public as a lawyer. I think that, really, what the member is bringing to the table is not dissimilar from what other members have brought to the table, and that is the fact that this bill can be amended to undertake the kinds of processes that we would rather see so that it's not just a baby step, as the member for Whitby–Ajax was quoting from the Toronto Star article, so that this bill goes further than it is in its current form and then is amended at the committee process—and we would all, I think, be interested in seeing this bill go to committee—so that in fact it's a giant step for the protection of people who are vulnerable to identity theft and mortgage fraud. It's the very least we can do. If we're going to take steps through this Legislature to address problems that have been identified, then at the very least we should address them to the most full that we possibly can. I look towards the government in the committee process to take these comments under advisement.

I congratulate the member for bringing some very appropriate comments to the table and I look forward to the amendments going through committee and having a bill that's much cleaned up from what we see today.

Mr. Ruprecht: The member for Whitby–Ajax makes an interesting point which really taught me something. I always assumed that under the land titles assurance fund, the innocent party was being compensated and therefore being protected. So once it gets before committee, obviously some of these changes will be made; I would hope so as well.

I want to make one other point here, and that is that when I talked to the RCMP and when they were indicating that they were being overwhelmed by identity theft and cyberfraud, I want to tell the House that they said to me that there are six existing sites they have identified presently that are swapping fraudulent information. In other words, they're swapping credit card numbers, they're buying and selling birth dates and they're buying and selling social insurance numbers. These sites have been identified, and by now—this was about two or three months ago when I talked to them—there may be more sites. The consumer should know that it is of the utmost importance that credit card and all private information be protected.

I have stood in this House and said many times that even banking information going between one bank and one credit company—that private information, that sensitive information—should be truncated, it should be masked out so that it doesn't go back and forth between banks, between credit card companies and between other stakeholders. It's important that we come to grips with some of these important issues today. If we don't, we are leaving the consumer unprotected.

I know that the Minister of Government Services, who is here listening very intently to this discussion, will certainly look at all the details and will certainly try his best to protect the consumer with this legislation.

Mrs. Julia Munro (York North): I'm pleased to offer a few comments to our discussion this evening. First of all, I would like to congratulate the member for Whitby–Ajax in providing such a thoughtful analysis of the various parts of a rather large omnibus bill. I think that if we were to look at some of these and what they have in common, the whole notion of Internet gaming as well as the technology behind the ability to provide real estate fraud speak to the increasing necessity of government to be able to match, in a legislative way, the components of safety for individuals. In that regard, these two particular parts of the bill are attempting to do that.

However, it seems to me that in both cases there is more to be done. When you look at the details, the contrast between Bill 136 and Bill 152, it seems to me that Bill 136 provides a stronger opportunity to protect the consumer. In these cases, as well as other parts of this bill, we need to look at very thoughtful public hearings to be able to provide us with the best advice on consumer protection.

The date rape drug issue is another one of consumer protection that I think requires some strengthening. We have to look at all of these various aspects of protection and the ways to address them.

Mr. Kormos: I enjoyed and appreciated the comments of the member for Whitby–Ajax, Ms. Elliott. She's going to play a valuable role on the committee, and I'm looking forward to the committee work with her and other members. That, of course, takes us to this point: There is undoubtedly going to be some genuine, very legitimate and necessary interest in participation in the committee process by members of the public. I expect very much that people like Bob Aaron, Alan Silverstein and Sidney Troister may well want to come forward with their views on this legislation, and that would be a useful thing. I'm hopeful that Nancy Shepherd, whose paper I referred to—and, indeed, who includes as an appendix a very useful chart of red flags and how to weight them. That's exactly the sort of thing that people in a land registry office can do.

Let's look at the realities of especially a busy law office in terms of how it handles real estate work. The lawyer is in his or her office, and it's support staff who—legal assistants, paralegals, law clerks, title searchers—sorry to tear back the curtains on the Wizard of Oz here,

Ms. Elliott, but it's these people who do the grunt work. It's these people who are doing the—

Laughter.

Mr. Kormos: Well, it is. It's these people who are interviewing the clients, who are preparing the documents. The lawyer should be checking the report from the title searcher, but this is how the process works, and quite frankly, if it didn't, real estate transactions would be far more expensive than they seem to be now, especially for young homebuyers.

It's the land title system that offers the guarantee. It's the land title system—this abbreviated presentation of a land titles registry. They don't tell the title searcher to search behind the final registration. That's why we have to strengthen the land titles offices with trained staff. They're the ones who've got to be looking for these red flags as well.

The Acting Speaker: The member from Whitby—Ajax.

Mrs. Elliott: I'd like to thank the members for Hamilton East, Davenport, York North and Niagara Centre for their comments. As the member for Niagara Centre has indicated, I certainly agree that the committee hearings are going to be very important in terms of flushing out the issues, particularly around title theft and mortgage fraud. Again, I would urge the minister to invite comment from, perhaps, other real estate practitioners who are more experienced than I am, people who are working in the field on a daily basis, because they're very cognizant of the warning signs and the things that need to be dealt with in this legislation.

I look forward to participating in that process as well so that we can come up with a piece of legislation that is going to be comprehensive to deal with all of the issues. This is the opportunity we have to do it. I think this is a wonderful time for all of us to be approaching it and to all work together on this process to make sure we do get something that is going to protect the consumers in Ontario.

Mr. Kormos: On a point of order, Mr. Speaker: if I may correct my record, please. Earlier this evening, when I was speaking to the bill with respect to land titles insurance companies and the provisions of the bill which we support that prohibit the subrogation of rights, I inadvertently and inaccurately referred to the judicial decision as Ramsay. Did anybody correct me? No. Of course, it was Syvan. I apologize. It was the Syvan decision, not the Ramsay decision, and I correct my record in that regard.

2020

The Acting Speaker: Further debate?

Ms. Horwath: It's certainly my pleasure to take some time this evening to make some remarks on Bill 152, An Act to modernize various Acts administered by or affecting the Ministry of Government Services. Interestingly enough, I was in the House when the minister spoke, introducing the debate for this bill, for this piece of legislation he was bringing forward. At that time, which was one day last week, if I'm not mistaken, there was a characterization that the bill was pretty much a house-

keeping bill, that it was an attempt to modernize existing legislation, and that's probably what a great deal of the 180-some pages of this document does do.

However, as we've heard tonight, there are specific areas of the bill where members of this Legislature have brought to light some significant concerns and significant pieces that may need to have greater scrutiny. We've heard a lot this evening particularly about mortgage fraud, title fraud and identity theft, and that's not something I'm going to go into. I think that particularly the previous speaker, the member from Whitby—Ajax, and my own critic the member for Niagara Centre did a laudable job. I certainly defer to them in their expertise, as practitioners in the field of law, to be able to bring specific issues to light with regard to what is lacking in this bill that prevents us from actually getting to a place where people would feel more comfortable and where consumer rights or the protection of the consumer is foremost and appropriately dealt with.

As I was mentioning earlier, I spent time reviewing various pieces of legislation that this bill amends in some way. I think it has been said several times that there are some 53 statutes affected by this legislation, and of course I certainly didn't go and read all 53 existing statutes and the amendments that refer to them. Instead, first I spent some time looking at the explanatory notes in the bill, trying to figure out which pieces of this bill I think are important for me to be able to raise some issues around.

Interestingly enough, there are some changes to the Liquor Licence Act that I came upon that were of concern to me, particularly having had some experience at the municipal level around the licensing of establishments where liquor is served. There are a lot of amendments that deal with how the registrar deals with the issuing of licences and the determination of whether or not a licence ought to be issued to an establishment that's seeking to serve alcohol on the premises and a number of other specific changes. It caught my attention because not too long ago I had a complaint come to my office from a woman who was concerned about the fact that a previously licensed establishment that had been closed down for several years was going to be re-licensed. The issue this person was raising with me, with some concern about the possibility of this happening, was: How could she put her voice into the process of determining whether or not it was appropriate to re-license this particular establishment? I'm going to get back to that in a minute.

It's interesting, because I come from a city that just had one of the most, probably, high-profile closures of a drinking establishment to take place in Ontario. We had been trying to close that particular establishment for about five years. It was in downtown Hamilton. It was called the Sandbar bar, because there was no food served there. Lots of other things were served there. Most of it wasn't legal; much of it was booze.

It ended up that the Sandbar was a notorious crack house, a notorious drug haven, and it was a place where several murders had taken place, where heinous crimes

took place. It pretty much ruined, or at least was a terrible mark on, a particular business district in our downtown called the International Village Business district. Nonetheless, we had been working for years to try to close that establishment down and, finally, through the proceeds-of-crime legislation, the police over years and years were able to gather enough evidence, including evidence of these particular murders that took place, that helped to close that facility down. The asset was seized by the government and turned over to the city of Hamilton.

Interestingly enough, that particular establishment was owned and operated by a group of people who had previously owned and operated another establishment just down the road, on King Street in downtown Hamilton, and that previous establishment they had owned was also, dare I say, a den of iniquity, a crack house, a place where drugs were sold, a place where heinous crimes were taking place. That establishment was closed down by police. Before that, the same principals were involved with a different restaurant on the other side of the downtown. The same principals kept moving from establishment to establishment. They'd get into trouble in one neighbourhood, have enormous complaints, all kinds of police attention, eventually the doors would shut and they would move to another location, and then the same situation would occur, until finally the last and most horrible situation occurred at the Sandbar, which finally has also closed down.

The reason I raise it is that when I was looking through the explanatory notes in the bill—I'll speak to the specifics as well—what happens in the changes is that it says, "A new subsection 6(7) of the act prohibits a person who is refused a licence to sell liquor or a renewal of such a licence, or whose licence to sell liquor is revoked, for specified grounds, from making an application for a licence to sell liquor until two years have passed since the refusal or revocation." I think that's a good thing, so here's a piece of this bill that I think would be helpful in the case of the principals in the Sandbar fiasco that went from the Viking to Big Lisa's to the Sandbar. People like that will not be able to continue to operate without some scrutiny if this particular clause goes forward and is acted upon by the registrar. It goes on to say that the pieces in this particular bill will strengthen the act around being able to have a better opportunity to review and look into past dealings, the character, the finances, the history and the criminal activity of proponents, of people who are seeking a liquor licence. I think that's a pretty good change. It's quite positive.

The thing that kind of disturbs me, though, as I read on in this explanatory note, is this subsection that I came across: "Subsection 7(2) establishes that it is not necessary for the registrar to issue a notice of an application to sell liquor to residents if he or she is satisfied that issuing the licence is in the public interest..." It's "if he or she is satisfied," so basically this is saying that there's no longer going to be a requirement for the posting of an application for a liquor licence. It goes on to say, "... if he or she is satisfied that issuing the licence is in the

public interest having regard to the applicant, the location of the premises to which the licence will apply and the needs and wishes of the residents."

Of course the registrar is not going to be able to determine the residents' needs and wishes if nobody knows there's a liquor licence application being considered by the registrar. I really can't figure out exactly what this is supposed to be getting at, so I went and looked up the existing legislation, the Liquor Licence Act, and the way subsection 7(1) currently reads is, "Subject to subsection (2), the registrar shall give notice of an application for a licence to sell liquor to the residents of the municipality in which the premises are located by giving notice..." and it goes on to give the prescribed manner under which the notice has to be undertaken etc. Then there's a bit of an exception, but that's an exception that deals with the fact that somebody's going to be denied, so there's no point in notifying if the denial is a no-brainer and is going to happen.

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But the problem is that at the end of the exception it says, "The registrar is not required to give notice under subsection (1) if the applicant for the licence is disentitled under clauses 6(2)(a) to (g)" etc. Then you would add on at the end the new piece here, which says, "or if the registrar is satisfied that, having regard to the applicant for the licence, the location of the premises to which the licence will apply and the needs and wishes of the residents of the municipality in which the premises are located, the issuance of the licence is in the public interest."

I really am quite concerned. I think the government needs to reconsider cutting the public out of the opportunity to speak to whether or not, from the residents' perspective, from the municipality's perspective, from the neighbourhood's perspective, from the community's perspective, they think it is in their best interests for a liquor licence to be established.

Mr. Speaker, you have represented people at the municipal level as well, and you know as well as I do that there is nothing that—well, there are many things, but one of the things that really is of concern to neighbourhood communities is the issuance of a liquor licence to a location that was previously not a licensed facility. I see very clearly that a number of neighbourhoods in my community have had these kinds of things occur. Unfortunately, many people are not aware of the process by which liquor licences are applied for and posted in the newspaper. However, very often, if someone sees something going on in a neighbourhood, if they see something different happening, if they see a posting or some activity, they'll phone city hall, they'll phone their councillor or somebody. Or they'll just ask a neighbour, "What do you think is going on there?" "Oh, I think they're going to open a bar." And then they start looking through the newspapers to see the notice of application. The thing that's important about that is that it gives people the opportunity—it says right in the notice posted in the newspaper—to write in and give their comments, their concerns, their feedback, their input.

I was shocked, frankly, to see that the Liberal government wants to cut out the voice, the participation, the concern of residents and communities about whether or not it's appropriate to have a bar next door. Maybe that bar is right next to a school. Maybe that bar is down the road from the rec centre. Maybe that bar is going to have a patio that's going to keep people up and awake all hours of the night. In the city of Hamilton we've had no end of problems with some of the bar operators. I'm certainly not saying that all of the bar operators are problematic, but there is no doubt, depending on the kind of facility, the kind of bar, the kind of entertainment and whether there's outdoor seating, that all those issues impact on quality of life in neighbourhoods.

I really would advise the government to review and determine whether it was their intent to cut people out of the process. This government talks about being transparent and about hearing people's voices and about being responsive to the people, but this is the opposite. It cuts people out of the process, and I'm very concerned about it. In fact, in mid-August I had a perfect example of the same situation happening, where a woman discovered, after having purchased a property in her neighbourhood, that a liquor licence was being applied for in a previously defunct bar. She is very concerned about the effect that's going to have on her quality of life, as well as the quality of life of her children and neighbours. So I would ask that the government review that section of the bill. It's subsection 6.1(13), which refers to subsection 7(2) of the existing Liquor Licence Act.

There are many other issues in this bill. We've talked about some of them, including the ability of bingos to perhaps sell liquor and a number of other pieces as well. But one of the ones that comes up, and it has come up in every speech I've heard so far, is the issue of the option being given to operators of bars and clubs to enable people, particularly women, to bring their drinks with them to washrooms. When I first heard of this being a piece of this bill, I remember that the government was all proud of it and they were going to stop date rape. I thought that that was a bit of an insult, not only to the women of this province but to anybody with half a brain, because just by taking a drink from the dance floor area, from the club area, into a hallway or washroom area is in no way going to stop the attacks and assaults on women by men.

Something more than that was bothering me about it. First of all, it's improper for the government to suggest that this one small thing that's an option for bar owners is going to make a big difference in terms of the vulnerability of women to date rape. But then the other thing that started to bother me when I was thinking about it is that the message in this is that if you're the victim of a date rape drug, then it's your own fault because you weren't looking after your drink. So once again, in a subtle way, the way the government brought forward this legislation and brought forward the hoopla around this particular silly little option clause blames the victim. It's telling women, "You know what? If you've been a victim

of this date rape drug already, then it's because you weren't looking after your own drink." It kind of reminds me of the way we used to blame women for being sexually assaulted when they were wearing revealing clothing. I think it's totally irresponsible, in my opinion, that the government characterizes this particular legislative change as being the saviour for women in terms of vulnerability to date rape.

What I think the government needs to do is actually spend a lot more time in implementing their violence-against-women strategy. They need to spend a lot more time investing in programs, in education and in services for women who are victims of sexual assault, almost 95% of the time by male partners. What's going to make women less vulnerable to sexual assault, less vulnerable to date rape drugs, is the government getting serious about investing in violence-against-women programs. In fact, they keep claiming they have all this money available that they're going to invest. They're three quarters of the way through their mandate and they haven't even invested a third of what they said they were going to invest in violence-against-women programs. In fact, I expect we'll be enlightened a bit more about that later on this week when we see the Ontario Association of Interval and Transition Houses coming to Queen's Park once again to tell the government to get with the program and start acting a little bit more seriously in terms of their commitment to end violence against women.

This is one of those things that the government is trying to sell as a big solution to violence against women, or at least as a big solution to vulnerability to sexual assault. But really, I would purport that the way it's being brought forward in fact revictimizes women and sends the message to them that if they've become vulnerable to the tainting of their drinks by the date rape drug, then it's their own darn fault. I think that's a really sad place for us to be in 2006. I think the government needs to take some real responsibility for being more proactive on the issues of violence against women and on the issues of services for women who do face these kinds of horrifying experiences.

On the other issues, I think that there has been a great deal of discussion already, and so I won't go into any of the other pieces in any great detail. I want to say that I think there is more that can be done around the identity theft issue, as was described earlier today. I think there needs to be some sober second thought about the licensing of bingo halls. And I think we need to look really carefully at the government taking responsibility for its own gift cards when we talk about taking off the deadlines for gift cards, because we're heading into the season where people are often exchanging gifts. Unfortunately, it looks like it's going to be a little bit too late for that piece to come into place for this holiday season, but I do think the government needs to look to its own doorstep and take care of the LCBO cards as a way of signalling that change is in the air. I think people overall would agree that the removal of the expiry dates on gift cards is a good thing to do.

In wrapping up, it's important to indicate that I think there are pieces of this bill that are supportable and are going in the right direction. I think there are many pieces that need to be cleaned up. I still remain concerned about the way that some pieces have been characterized by the government.

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The Acting Speaker: Questions and comments?

Hon. Mr. Watson: I'm very pleased to see this bill before the Legislature. I had the honour of being the Minister of Consumer and Business Services in my first portfolio. I'm delighted that Minister Phillips has brought forward a number of these changes, which are very progressive and forward-thinking. I also want to thank Ted McMeekin. He was my parliamentary assistant and then was Gerry Phillips's parliamentary assistant and led the discussions around the province on the Liquor Licence Act changes. Ted did a lot of good work on that particular piece of legislation.

I think it's a good, forward-thinking idea to bring the Liquor Licence Act into the 21st century. We did some changes a year or two ago that allowed people to bring their own wine into restaurants. This allows the hotel industry, for instance, when there's a banquet in one room and the main course in another—individuals can actually transport their drink from one room to the other. The bingo hall industry has hit some tough times over the last decade or so, really, with the increased competition from casinos and other forms of gambling: race tracks and so on. I don't think it's unreasonable to allow a bingo hall to apply for a liquor licence if someone wants to go and play bingo and have a drink and do so in a responsible fashion.

The small breweries industry: John Hay has been very supportive and has said such. Linda Franklin said, "Ontario's wine industry has evolved over the years. It's important that the province's liquor laws reflect the current realities of both the industry and the consumer."

I think this is good news for the province. I look forward to seeing a number of these changes brought in throughout the province. Restaurateurs and hoteliers in my riding have been pushing for these kinds of changes, people like John Jarvis at the Westin Hotel, and the general manager of the Château Laurier—Madeleine, you certainly know our friend Claude Sauvé. They're welcoming these kinds of progressive changes.

Mrs. Elliott: I would like to comment briefly on some of the remarks made by the member from Hamilton East, who raised a number of very thoughtful issues in her comments. Although my previous comments had been directed mostly to the issues around identity theft and mortgage fraud, there are two issues that the member from Hamilton East raised that I would like to just stress and indicate how much I agree with her on this.

One is with respect to the issue of the amendments dealing with the date rape drug and allowing women to take their drinks into the washroom with them. As I indicated previously, I was a little surprised when I first heard about these proposals because I really didn't think

it was a serious issue. But as I have been speaking to young women who do go to bars and particularly to clubs, I understand that there really is a need for them to have their drinks in a safe place because they do have a significant concern about the drinks being spiked with the date rape drug or other types of drugs. So I think that is something that we need to take a long, hard look at for the protection of women. But it sort of begs the question of why we should have to be concerned about that, really, in the first instance. It's pretty shocking that we have these sorts of things going on in the province of Ontario, and I think we need to look a little bit further at some of the enforcement issues around that. But I certainly agree that it is something that needs to be addressed.

Also, with respect to the issue of gift cards, that is something I agree we should look at—the LCBO—to deal with in some kind of substantive way because that is an issue that is of concern to consumers. I do hope that is something that can be dealt with relatively quickly. But again, that's one of the issues we face with an omnibus bill of this type, because there are 53 different pieces of legislation being dealt with here. But that's what we have, so I think we need to get on with that one as well.

Mr. Kormos: I'm grateful to the member from Hamilton East for her valuable contribution, her insight and analysis of the bill, her comprehension of the bill. She commented on the ineffectiveness of the proposed regulatory changes permitting women to take their drinks to the toilet stall with them as somehow being some sort of defence against attacks by men who would use date rape drugs. It's downright silly. It's delusional. It has nothing to do with the problem. It's not a solution. As a matter of fact, it's a diversion, which makes it downright dangerous because it leaves the impression that the government's doing something when in fact it's doing nothing, and we should be very concerned about that.

I want to talk about the booze in the bingo halls. Look, you may consider that progress. Some of you may think it's progress to give more and more people more and more access to booze in more and more places at more and more different times of the day. Booze is a serious problem out there. It's a serious social problem; it's a serious economic problem. It's the government's addiction to booze tax revenue, just like it's the government's addiction to casino revenues, that is driving this. It has nothing to do with modernizing our perspective.

For the life of me—think about old Mrs. Martin, as nice a lady as you could ever want to meet and a darn good bingo player, but you get half a dozen beers in her and she gets downright nasty. We're going to have bingo dabbers turned into offensive weapons. We're going to have people who didn't hear the bingo caller—they're going to be standing up drunkenly calling "Bingo," disrupting the game. We're going to have people falling over, knocking over people's cards. There are going to be fights; there are going to be brawls; there are going to be people puking on their neighbours' bingo cards. And you consider this an enlightened environment to create in your modern Ontario? I think it's foolish; I think it's

naive. I tell you, come forward with the demand for it. It's an irresponsible thing, to boot. I'm looking forward to hearing from folks about that during committee.

Mr. Leal: I was listening very carefully to my colleague the member from Hamilton East. It's interesting that there is probably more that unites us in this bill than what divides us. When it goes to committee, we'll have the opportunity to review. There will be necessary amendments, I think, to reflect some of the comments that have been made by members in this House.

Interestingly, the Electrical Safety Authority—over my time as a city councillor and now as an MPP for three years, I have had a number of people contact me about the safety of appliances they've purchased. Ralph Nader in the United States, the great consumer advocate, made a great mark down there pointing out bad consumer products that were manufactured, put into retail markets and purchased by consumers who had faith in the quality of the product they were purchasing. He made his name particularly in the auto industry and then went on to the larger consumer industry. Certainly this bill provides some additional protection in that area.

The other area that I've also heard comments on from time to time is the bereavement sector. People, perhaps a decade ago, purchased a prepaid funeral for a loved one, looking after one's last situation, and a decade later they find out, or a family member who has been left to handle the final arrangements for an individual would find, that that payment made a decade or so ago perhaps doesn't cover all the costs of the funeral. Funerals, over a period of time, have become increasingly more expensive. I think providing more protection for people who make arrangements for prepaid funerals is important.

I've received positive comment about the banning of illegal Internet gaming in Ontario in the provisions in this bill.

The Acting Speaker: The member from Hamilton East may wish to respond.

Ms. Horwath: I want to thank the Minister of Health Promotion, the member from Whitby–Ajax, the member from Niagara Centre and the member from Peterborough for their comments. Interestingly enough, the issue of consumer protection did actually first come up with the Minister of Health Promotion in his previous portfolio. He might be interested to know that I was recently contacted by the Hamilton Spectator asking me if I had heard any further issues of complaints of people from fitness clubs who are still being ripped off even after the wonderful Bill 70 that that minister was responsible for bringing forward. There are still problems taking place in terms of the fitness industry. I find it quite interesting that he's proudly raising that in the context of this consumer protection bill when in fact the last one was absolutely ineffective, particularly around the issue of fitness clubs, which is one of the things that came up during the debate of that bill.

Nonetheless, I think it's clear from the debate this evening, even from the comments of members commenting in questions and comments, that this bill needs to go

to committee. It needs to have some scrutiny. It needs to have some stakeholders come to the table and talk to the government about what they see as possible problems with the bill.

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I know, frankly, that when members of my community discover that they are going to lose the opportunity to have liquor licence applications posted in our local newspaper, it will be problematic. People will not like to have that opportunity removed, the opportunity to speak to the effect that the issuing of a liquor licence will have on their neighbourhoods and on their communities, and I think that alone is going to generate some concern and interest in my community.

Also the issues that were raised around the date rape drug: Even the name "date rape drug" really makes me angry, because rape is sexual violence, it's got nothing to do with dating, and I think it's inappropriate that the government brought it forward in the way they did.

The Acting Speaker: Further debate?

Hon. Mr. Watson: I want to thank our party whip, who gave me a few extra minutes to talk on this particular bill, the consumer protection and service modernization bill, introduced by my friend the Minister of Government Services.

I want to comment on what was just said by the member from Hamilton East with respect to the ability to transport one's drink into a washroom. This is not just for women, not just as a result of a number of women having come forward asking that this be done. We've had requests, for instance, from the sports community. At the Scotiabank Place in Ottawa, they have to have security guards at all of the entrances of the bathrooms. They tell people, "I'm sorry, you can't bring the beer you just bought"—or the Coca-Cola or the Diet Coke or the juice—"into the washroom." So it's not just about encouraging women not to leave their drinks unattended.

I should quote the vice-president of education at Ryerson University Students' Union, Nora Loreto, who said, "Date rape drugs are a concern for young women on college and university campuses across Ontario. We support the government's proposed changes that would give the people the choice of never having to leave their drink unattended." So it does give that freedom of choice to individuals.

This particular bill also strengthens the enforcement and investigation powers of the Alcohol and Gaming Commission of Ontario, the AGCO. I've had a number of discussions when I was minister and, subsequent to that, with individuals who are on the AGCO board. Allan Higdon, a good former colleague of ours who is a member of the AGCO board, and I have talked about some of the challenges that the board faces when it comes to investigating and enforcing the act. This is going to strengthen the powers of the AGCO.

It's also going to allow wine, beer and spirit manufacturers to charge a nominal fee to sample products at on-site stores of wineries and breweries. We've got some wonderful small wineries in the Niagara region and Pelee

Island and now Prince Edward county in eastern Ontario. They'd also be permitted to sell and serve by the glass throughout their premises.

When you think of it, some of these rules just make sense, and most people are wondering why they weren't allowed in the first place.

I'm also very pleased that ServiceOntario continues to thrive under this government. A couple of months ago, I had the real pleasure of joining with the mayor of Ottawa and the minister of human resource skills development at Ottawa city hall, where we opened the ServiceOntario, Service Canada, Service Ottawa facility. I urge members, if they get a chance, if they're in Ottawa, to visit this ServiceOntario centre, because it is the ultimate one-stop-shopping service for consumers. Before, people had to run from pillar to post: go over there to get a driver's licence sticker, to get an OHIP card, to pay a parking ticket, to pay their property taxes. Now, under one roof, you have all three levels of government working in a spirit of co-operation. So when Mayor Chiarelli and Diane Finley and I officially clipped the ribbon, it was a great example of what the public is calling for more and more. They want to see the three levels of government co-operate at the service level. It's a beautiful facility located right at city hall, and it provides those kinds of services that individuals who are busy raising their kids, trying to earn a living and don't have time for the government shuffle or the government runaround. ServiceOntario is something I'm very proud of as the former minister, and I know Gerry Phillips is equally proud of it. It's a service that has now gone into other communities, taking the old government information centre concept and bunching together other services at the municipal, regional, county and federal levels. It's a great example of government working better for the people.

Also the bereavement sector: This is a sector that obviously has waited a long time for various changes. It was originally part of Tim Hudak's bill and then was encapsulated to a certain degree in a bill that I had brought forward, and now it's coming to fruition. I want to thank people, particularly in Ottawa, people like Tom Flood, who was with Hulse, Playfair and McGarry and is now the president of the Ontario Funeral Directors' Association, who has been very helpful in working with the government and with the association—I know my colleague Madeleine Meilleur knows Tom—and Brian McGarry as well, leaders in their community who have been at the forefront of making sure that the families of the deceased are properly taken care of. They do great work, not only within their business but in their business associations. They've taken on those leadership roles.

Modernizing business laws in Ontario: It will give businesses operating in Ontario a modern legal framework that helps them respond to marketplace developments while encouraging enhanced corporate governance. We've worked closely with a number of legal groups and other groups, like the CAs—Chris May, their director of government relations, and Brian Hunt—those

individuals who have come forward and offered very thoughtful and positive suggestions.

One of the things that I think has caught the public's imagination is the issue of expiry of gift cards. Really, it is quite unacceptable that people go out and buy a gift certificate and then, in tiny print, often at the back of the gift certificate card, there's an expiry date. That doesn't make any sense.

Mr. Kormos: Tell the LCBO to stop.

Hon. Mr. Watson: I agree with the member from Welland that the LCBO should be leading by example, and I know that Minister Caplan will address that issue. Quite frankly, it is hypocritical; if the government of Ontario is moving forward on that piece of legislation, all government agencies should be following. That's the purpose of this act. This will require all agencies of government and the private sector to follow suit.

I thank the Retail Council of Canada. Diane Brisebois said, "We look forward to working with the government to create rules that respond to the concerns of consumers but also take into consideration the legitimate needs of retailers." I have discussed this with my former executive assistant, Derek Nighbor, who is now vice-president of the Retail Council of Canada, and they want to be helpful and co-operative, working with the government to ensure the greatest consumer protection for those individuals who go with good intentions and buy a gift certificate to give to someone, and often what is the case is that people lose the gift certificate, they misplace it, they wait perhaps until the next year to buy a Christmas or holiday gift, and they realize the date has expired. So Bill Huzar, president of the Consumers' Council of Canada, said:

"We are delighted to see that Ontario intends to eliminate expiry dates on gift cards. More and more consumers are purchasing gift cards, and we're pleased that Ontario is proactively leading the way to protect consumers."

And it really is. For someone like me, who has terrible tastes in clothing and shopping—I'm not very good at buying gifts for Christmas for my family and friends, so I go out and buy gift certificates, because it gives them the opportunity to go and purchase what they would like. As opposed to maybe buying a tie like this for my father, he can get something that he really would like.

Interjection.

Hon. Mr. Watson: I won't ask Mr. Kormos for any shopping tips. I was told to say that by my friend Madeleine Meilleur.

In closing, because I think I only have another minute or so left, I also want to talk about illegal gaming. I want to thank Ted Smith. I had a very good relationship with the horse industry, which is a vital part of the agricultural fabric of this province, and they do some great work—the jockey association, the thoroughbred folks and all the people involved with horse racing and harness racing in the province of Ontario. They are concerned. The previous government did the right thing by allowing the slots operations to come and help that vital part of rural Canada because, quite frankly, I suspect horse racing would have died off if we didn't have the added attrac-

tion of the slots and the funds that go directly back into the horse racing industry. The Internet gambling challenge that is plaguing not just Ontario but our country and the world is something we have to take very seriously. It's addictive and it's not something we would wish on anyone. Ted Smith, the president and CEO of Standardbred Canada, said, "We must strive to eliminate illegal Internet gaming, and the bill you are proposing is the first step in the right direction."

2100

Another aspect that I'm quite pleased to see is the granting of new powers to the Electrical Safety Authority, the ESA, one of the service delivery organizations along with groups like TSSA and AGCO and other groups. It will allow the ESA to seize or order dangerous or unsafe electrical products to be removed from store shelves. One would think that, in this day and age of consumer protection and home safety, those powers would already be with an organization like the ESA, but in fact they are not, and I commend Minister Phillips and his staff for the work they have done. I have to say, the staff at the Ministry of Government Services, formerly Consumer and Business Services, people like Rob Dowler, the assistant deputy minister, are so highly regarded across the country because some of the progressive pieces of legislation and acts that we have in place in this province are role models for other provinces across the country.

I'm going to conclude by saying that I very much support this piece of legislation. My hope is that we see quick passage of this, because it's important that we get the regs written and get these initiatives out so individuals can have a greater sense of personal protection as consumers, as citizens in our community. I look forward to hearing suggestions, thoughtful, creative and constructive criticism of the bill, how it can be improved, but I think all members on all sides of the House recognize that consumer protection is of paramount importance. There are too many scam artists out there trying to take advantage of individuals, in many cases some of the most vulnerable people in our community.

In my own community of Ottawa West-Nepean, I have a large number of senior citizens, and I've held a number of consumer workshops and seminars with organizations like the Old Forge and the Alex Dayton centre when it was opened, talking to senior citizens about what they have to do to protect themselves. Whether it's the fraud-free calendar sent out by the Ministry of Government Services, whether it's the series of brochures on the Travel Industry Act, real estate practices, autobody shops and scams that some take part in, this kind of information is important. Some would scoff and say, "It's just a brochure," or "It's just a calendar," but often the information is something we take for granted but that other people have just not thought about; for instance, how they can be scammed if someone comes and tries to sell them something at the door and they don't have the knowledge that there is a cooling-off period, that under the Consumer Protection Act, individuals have a 10-day

period, I believe it now is, to get a full refund under the law of Ontario.

I thank our whip for the opportunity to say a few words. I'm very supportive and very proud to be part of the McGuinty government, which is putting consumer protection at the forefront of our agenda. We brought forward Bill 70, which I think was a positive step forward. We brought other amendments to the Liquor Licence Act.

I should mention one other aspect that was a small but important thing to those stakeholders. We were approached by a number of organizations—hockey teams, the NHL, the NBA—that had asked us not to require a lid on cups for drinks being sold at concession stands at Scotiabank Place, at the Air Canada Centre. At first, I wondered why they would not want to have the lid. Maybe it was just to save money on the lids. In fact, with the lid on the container, it acted as a projectile that could go onto the basketball court or the hockey surface and potentially cause harm and injury to an individual on the ice or act as a projectile in the stands and hurt someone at one of those hockey matches or basketball games. So we made those kinds of changes.

The Liquor Licence Act really has not been fundamentally changed in decades. While I'm not suggesting that we loosen up the enforcement aspects—in fact, this actually strengthens them—we have to be reasonable and we have to recognize that the hotel industry has been after changes we've put in this for a long time.

In closing, I just want to thank Rod Seiling. Rod is the president of the Greater Toronto Hotel Association. Some of you may remember Rod as one of the members of the 1972 Canada-Russia series, on Team Canada of course, and then he went on to play with the Leafs, and I think he was with the Rangers after that. He's a great booster of the tourism industry. He very effectively pushed this, with me previously and now with Minister Phillips, to make these kinds of changes so it would make it easier for customers and employees of hotels and restaurants around the province to do their job.

Speaker, I thank you for the opportunity to say a few words, and I look forward to passage of this bill.

The Acting Speaker: Questions and comments?

Mrs. Munro: I'm pleased to be able to offer a few comments, in the moment we have, on those made by the Minister of Health Promotion.

As has been mentioned a couple of times this evening, as legislators we are faced with the problem that this bill covers so many particular areas, any of which deserve special investigation and consultation in the legislative process, certainly the questions around real estate fraud. I know that in my community I had many people talk to me during the summer, after it became public knowledge just how easily the identity of an individual and the potential for real estate fraud—it became clear for people when it was explained by the press. Many of my constituents have expressed grave concern over the vulnerability people have. It seems to me, in looking at the legislation as it is proposed, that the onus of respon-

sibility is still on the victim as opposed to dealing with the mechanism that would prevent this from happening to people. On issues such as that, there certainly needs to be much greater attention, and I would hope that the government would take into account public hearings to cover it.

Ms. Horwath: It's my pleasure to make a few remarks on the Minister of Health Promotion's speech this evening. The first thing I want to say is that I found it interesting that the minister said that the issue of people, women, being able to bring their drinks with them into washrooms and hallways was a matter of providing an opportunity for choice. Of course, every person would respect that women should have the choice to do whatever they need to do to feel safe, to feel like they have the opportunity to do that. But what the minister neglected to indicate is that the bill allows the choice to bar owners and club owners to implement this policy or not, to have their liquor licence amended to allow this to happen or not. It's passing strange that the government is purporting that this bill in and of itself is going to make a huge difference for women's safety when it does nothing at all except to allow bars that may want to have this opportunity the choice to implement it. In my mind, there are still issues around the extent to which sexual violence, violence against women, is taken seriously by this government. I think there are many more things that need to be done to signal that that's the case.

2110

Having said that, I think the minister was very appropriate in indicating his agreement with some of the comments, particularly around expiry dates on gift cards and the LCBO, but I also think that should signal to the government that there are other pieces of this bill—this quite large bill that makes changes to many, many different statutes—that need the scrutiny of committee. We look forward as New Democrats to seeing that scrutiny occur and to invite stakeholders to participate in that process.

The Acting Speaker: The member from Davenport.

Interjection: Hear, hear.

Applause.

Mr. Ruprecht: Thank you for the applause; thank you. Even opposition members are clapping, which is unheard of in this place.

I want to thank the Minister of Health Promotion for his comments, especially as he quotes the vice-president of education of Ryerson University on date rape drugs. Loreto says, "We support the government's proposed changes that would give people the choice of never having to leave their drinks unattended." I think that's great.

Since we are talking about consumer protection, there's one issue that I think really needs attention, and it is this: Ann Cavoukian, who is our privacy commissioner, says that seven times out of 10, your privacy is being stolen not because you were inattentive to your wallet, not because you gave your credit card number out through the Internet, not through any fault of your own—

but seven out of 10 times, your identity is stolen either by a staff member or someone working in our financial institutions.

Imagine that. Identity theft: not your fault. Consequently, it is important that when this bill gets to committee—

Hon. Mr. Bradley: When?

Mr. Ruprecht: Well, hopefully soon—we would consider that if an identify has been stolen, that if my identity has been compromised by a financial institution or by a credit card company, if that has been done, then I deserve to be notified. Is that a good idea? I think that's a good idea. We have no law on the books today that says that when your identity has been compromised and your file has been stolen, the consumer has to be notified. I stand here today and say I would support such legislation. I'm sure the majority of you would, too.

Mrs. Elliott: I'd just like to make a few brief comments concerning the remarks that were made by the Minister of Health Promotion, because he covered a lot of territory with his comments—things like removing the expiry dates on gift cards. I'm certainly pleased to hear that the minister has indicated his support of the LCBO removing the expiry dates from their own gift cards.

He also covered the issue of illegal gambling, Internet gambling and the issues around that being a matter of concern. But there's the whole issue of enforceability, of course, around all of that, and that's something we need to bear in mind as we move forward from this legislation. It's well and good to enact the legislation, but how will one enforce it?

He also covered the issues around electrical safety, changes to the liquor licensing laws and finally the issues around the whole bereavement sector, which I don't think have been touched on much, if at all, in these discussions yet. There are so many topics to be covered here—a total of 53 statutes. All I would say is that I hope the government members will bear this in mind: that when we move forward into committee hearings, it's going to be important to give due time and consideration to each of these very disparate sections, because they are very important and stand alone. Sufficient time should be allocated in order to allow for a fulsome discussion on each and every one of these topics, not the least of which, of course, is the issue of identity theft and mortgage fraud, because if we're going to have something that's truly going to protect the consumers in the province of Ontario, we're going to need to hear from all of the consumers and the stakeholders who are involved in these many different pieces of legislation, to make sure they all have full input into the discussions and that the resulting impact and legislation is as full as it needs to be with respect to the issues affecting consumers here in Ontario.

The Acting Speaker: The Minister of Health Promotion has two minutes in which to respond.

Hon. Mr. Watson: : Je veux dire merci aux députés de Hamilton-Est, Whitby et Davenport pour leurs commentaires.

It's really my pleasure to just summarize, in the moment or so that I do have, that I'm proud of this legislation. I think perhaps the member from Hamilton East has put too much focus on the issue with respect to allowing individuals to bring a drink into a washroom. This was not meant as a cure for date rape or raping, but I think it's important that that's one of the terrible things that can happen when a drink is left unattended.

Also, with respect to committee, this government, more so than any other government probably in the last 20 years, when the opposition and public has demanded, has brought pieces of legislation to committee for thorough review. I think most opposition members would agree with that as well.

The issue of identity theft: I thank my colleague from Davenport. He's been persistent and consistent on this issue. Combatting identity theft is important, and this particular piece of legislation deals with it. Identity theft is the fastest-growing crime in North America. It's particularly the kind of bottom feeder who goes after vulnerable people like senior citizens by stealing their identity, and we've seen the consequences, personally, emotionally and financially, when one's identity has been stolen.

So this is a very comprehensive piece of legislation. It's one that I believe should garner all-party support, because at the end of the day what we're trying to do is to help further strengthen the laws that protect consumers, and we're all consumers as citizens of this great province.

The Acting Speaker: Further debate?

Mr. Norm Miller (Parry Sound–Muskoka): It's my pleasure, at this late hour, to add some comments to do with Bill 152, An Act to modernize various Acts administered by or affecting the Ministry of Government Services. As has been mentioned by many people already, it's a rather thick piece of legislation. It affects some 53 different statutes. That's often referred to as an omnibus bill. As the Minister of Health Promotion said, he'd like to see quick passage of this bill. I would suggest that the section dealing with title fraud could be a bill by itself, and that could involve—by itself, that one particular aspect—significant public hearings. So this could require very significant public hearings to deal with all the very many different aspects of the bill.

The bill, as mentioned, affects 53 different statutes. It deals with real estate fraud; changes to the land registry system; gift cards, prohibiting expiry dates and administrative fees; identity theft protection measures; expansion of ServiceOntario; Internet gaming—it prohibits some advertising; liquor licence changes, as has been mentioned, including allowing patrons to take drinks into the washroom; access and privacy changes; there are archives changes; electrical safety changes to regulation enforcement regarding unsafe products; changes to the Business Corporations Act; and changes to the bereavement sector legislation. So we're really dealing with all kinds of different things. Each one of those items could probably be a bill by itself, but they're all bundled together.

In the brief time I have today, I want to talk about some specific parts that affect both my critic area and also the riding of Parry Sound–Muskoka. First of all, just briefly talking about the title fraud situation: That was explained very well by the member from Whitby–Ajax. I note also that the member from Barrie–Simcoe–Bradford has a private member's bill, Bill 136, which, as the member for Whitby–Ajax explained, handles this situation a little better than this Bill 152 does.

I note the headline of the October 28 Toronto Star. It's an article by Bob Aaron: "Title Fraud Bill Faces Troubled Future: Homeowners Still at Risk, Doesn't Provide Reasonable Costs." I read through that three-page article, and it explains how convoluted things can get under this bill. The final lines in the three-page article are:

"Bill 152 is the first baby step in addressing only one problem of title fraud, but it creates more problems than it fixes.

"We still have a long way to go, and I worry that the title fraud dilemma will get much worse before it gets any better." I won't deal with that any further because the member from Whitby–Ajax talked quite a bit about that.

2120

This bill also gives power to conservation officers to enforce parts of the Liquor Licence Act. That is in my critic area, and as I noted in a question today to the Minister of Natural Resources, the government has broken the promise that it made in writing to the Ontario Federation of Anglers and Hunters to fully fund the fish and wildlife program of the Ministry of Natural Resources. In fact, the Ontario Federation of Anglers and Hunters says that there's a \$25-million shortfall in that area, and we're seeing evidence of that. We're seeing the fact that fish-stocking programs are being cut back. Just recently, in the last few months, the Ringwood hatchery was taken over by the Ontario Federation of Anglers and Hunters because it was going to close if they didn't take it over. So I'm very pleased they have taken it over, because it's important to the fisheries. The government is not doing its job, so other organizations are having to step in.

Today, I asked a question of the Minister of Natural Resources based on an article in the Sun Times written by correspondent Mr. James Armstrong, where it is revealed that municipalities are having to train OPP officers to enforce the Fish and Wildlife Conservation Act. So how are conservation officers going to take on new responsibilities and enforce the Liquor Licence Act, as is proposed under this bill, when they aren't able to do their job now because they aren't being properly funded? We hear stories from all around the province about how conservation officers have their vehicles parked because they don't have enough gas to run them, how they're stuck in their office because they aren't being properly funded. In this particular article, "OPP Get Municipal Boost to Enforce Outdoors Laws," by James Armstrong, Sun Times correspondent:

"If the Ministry of Natural Resources can't provide enough staff to enforce laws, the OPP may be able to help.

"Blue Mountains council voted Monday to approve spending up to \$1,000 for the local OPP detachment to use toward hiring a fish and wildlife conservation contract training officer from the Ministry of Natural Resources.

"The MNR employee is needed to train OPP officers to enforce rules under the Fish and Wildlife Conservation Act, a job normally done by the ministry's conservation officers. Provincial cutbacks have left the MNR short-staffed....

"Mayor Ellen Anderson said the Blue Mountains wants hunters to feel they can come to the municipality to pursue their sport. 'Nevertheless,' she said, 'council wants to make sure the hunting season, which has already begun, continues in an orderly and lawful manner.'"

How are conservation officers supposed to take on new responsibilities, as proposed by this bill, when they're not able to do the job that they're supposed to be doing, enforcing the Fish and Wildlife Conservation Act, because of the broken promise by the McGuinty government to fully fund the fish and wildlife program of the Ministry of Natural Resources?

There's another aspect to this bill that I'd like to talk about, because it very much affects the riding of Parry Sound-Muskoka. There are changes to the Alcohol and Gaming Regulation and Public Protection Act, 1996. I've received a lot of correspondence and had different groups in the riding approach me about problems with fundraising. Perhaps what I should do is use—the corporation of the municipality of Magnetawan has illustrated that groups deserving of funding are not able to do the simple fundraising activities they've been able to do in the past. I note that Magnetawan actually passed a resolution. I won't go through the whole thing because I don't think I have enough time, but I'll read the conclusion:

"And whereas the council of the municipality of Magnetawan feels that the current regulations governing lottery schemes are too restrictive and prohibit local groups and organizations from raising much-needed funding through lottery schemes to carry out community programs and events;

"Now therefore be it resolved that the council of the municipality of Magnetawan requests a review of the province of Ontario order in council 2688/93 to allow that each individual municipal council within the province of Ontario be responsible for the development of terms and conditions governing the use of proceeds for the lottery schemes held within their respective municipality to allow municipalities and government agencies to receive lottery proceed funds."

The way it's written right now, it states that the gross proceeds from lotteries shall be used for charitable or religious objects or purposes providing a direct benefit. It's very specific, so all kinds of worthwhile fundraising activities that aren't, strictly speaking, considered charitable or religious are disallowed, and that's a real prob-

lem. It's a real problem for rural Ontario. For example, in Burk's Falls I met with representatives of council and community members who are fundraising to rebuild the arena and community centre, a very important facility in Burk's Falls. It's a \$1.3-million project, which is a huge deal for the town of Burk's Falls. The province hasn't been supporting them sufficiently to be able to do this project, so they have to do things themselves. But their hands are very much tied by the control of the rules, the way they are.

I've written to the provincial government on this issue, and they've laid some blame on the federal government, which they've been doing a lot of lately, I might add. I've spoken to our federal member, Tony Clement, about this issue, to deal with any aspects of it that are affecting the Criminal Code of Canada.

Some other groups that have written to me are very much concerned about their ability to fundraise, very small groups that are doing lots of good work in their community. For example, I got a letter from Shirley Follick of Dunchurch. I've got a photocopy of her letter, so it's a little hard to read:

"I am very concerned about small rural community clubs (non-profit). We are now unable to raise funds to keep our club open." She goes on: "Please help us to be allowed to raise money with raffles etc. Our craft show is our only way now to cover costs....

"We need help to keep alive with our club, Ardbeg Community Hall."

I missed a few parts of that. But at the bottom of her letter it shows that they're a proud supporter of the Cancer Research Society. So Ardbeg Community Hall is very much negatively affected by the current rules, so they need to be changed.

The Windermere Women's Institute wrote me:

"This letter is to express our frustration and disappointment with our communications with the Alcohol and Gaming Commission. We have been deemed ineligible for lottery licensing. Our frustration comes from the fact that several women's institute branches in the province of Ontario, as well as our head office, the Federated Women's Institute of Ontario ... have been able to obtain lottery licences. We are questioning the inconsistencies of the Alcohol and Gaming Commission's rationale for granting or denying licences.

"It has been the practice of the Windermere Women's Institute for many years to make a quilt annually and raffle it off." These aren't major criminal organizations we need to worry about. They're selling tickets for a quilt and the money's going into the community. Surely this should be allowed. "The money raised allows us to make sizable donations to organizations to such charities and organizations as the Canadian Cancer Society, Manna Food Bank, Interval House, Watt school breakfast program and the Heart and Stroke Foundation to name a few. In addition, we were especially proud to be able to donate \$1,000 each to the Huntsville District Memorial Hospital and the South Muskoka Memorial Hospital last year. However, because we are no longer able to raffle

off our quilts, our ability to donate to these charities and organizations has been severely curtailed. Living in a rural community limits our ways to raise money; therefore, we relied on our quilts to do so. The gaming commission has very effectively denied us the pleasure of being charitable.”

The rules need to be changed. They should be changed in this bill so that these small organizations can raise money to put back into the community for these very worthwhile different projects.

The Literacy Society of South Muskoka wrote to me:

“Dear Norm:

“As one of the past recipients of funds from the Windermere Women’s Institute, I was very disappointed that they were denied the lottery licence from the Alcohol and Gaming Commission. Consequently, I have written a letter to Mr. McGuinty on their behalf and enclosed a copy for your information.”

The government’s shutting down these small organizations that are trying to do good in their community, and I really wonder why. I hope the government, when they’re holding extensive public hearings on Bill 152, will look at this issue that’s very important for rural Ontario and for all these groups that are fundraising for lots of worthwhile purposes. I’m sure there are some members in the government caucus who are probably hearing from organizations as well, from groups that very much need to be able to do community fundraising.

I think I’m almost out of time. I wanted to talk a bit about ServiceOntario. ServiceOntario, which does offer some good services, is being expanded, but at the expense, I would say, of some government services that should still be protected and provided for. For example, this spring the Ministry of Natural Resources closed the Bracebridge Ministry of Natural Resources office to the public. They’ve made it so that the public now has to go to the ServiceOntario office in Huntsville, but there are some services that cannot be provided by ServiceOntario.

I note that I received a copy of a letter from Ken Veitch of Bracebridge that was written to David Ramsay.

He’s the chair of the Parry Sound-Muskoka Stewardship Network. He notes:

“As volunteer members representing over 1.5 million hectares of forested land in the heart of Ontario’s vacation land, we do, however, personally want to express our concern over the restriction of ready access to your ministry offices in our area to the public. While we are aware of the ability of the public being able to meet with ministry staff by appointment, the ready access at your offices is vitally important to our area. A large percentage of our population is seasonal and have no chance to become aware of local requirements to access your staff.

“With the threats presently before us, such as Asian longhorn beetle, emerald ash borer, beech bark disease, over-harvesting, etc., we feel it is essential that we have ready access to your professional staff, scientists, etc., in order that we may be better prepared to thwart any potential disaster in our lakes, rivers and forests.

“Ontario’s tourism economy and our forest industry could be seriously threatened by such a catastrophic event. We congratulate your ministry on moving to require certified forests designations for Ontario’s crown forests, but reducing ready public access to your ministry offices could interfere with that worthy objective by removing the essential dissemination of knowledge of the forest needs provided by your capable staff.

“We urgently ask that your ministry reconsider this matter and that your offices in our area be reopened immediately to serve the public, as they have so credibly in the past.”

That was written May 15. Unfortunately, the office was not reopened, so now those vital services are not being provided. The bureaucrats are hidden away in the office, cutting off access to the public.

I see the Speaker rising. I think, being past 9:30, that it’s time—

The Acting Speaker: The time now being 9:30 of the clock, this House stands adjourned until tomorrow at 1:30.

The House adjourned at 2132.

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Vic Dhillon, Christine Elliott, Frank Klees,
Peter Kormos, Ted McMeekin,
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Shelley Martel, Deborah Matthews,
Bill Mauro, John Milloy, Richard Patten,
Norman W. Sterling, David Zimmer
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**Regulations and private bills /
Règlements et projets de loi d'intérêt privé**

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Gilles Bisson, Kim Craiton, Andrea Horwath,
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Khalil Ramal, Mario Sergio
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Kuldip Kular, Norm Miller, Richard Patten,
Michael Prue, Monique M. Smith,
Norman W. Sterling, Kathleen O.Wynne
Clerk / Greffière: Anne Stokes

CONTENTS

Monday 30 October 2006

SECOND READINGS

Ministry of Government Services

Consumer Protection and Service Modernization Act, 2006, Bill 152,

Mr. Phillips

Mr. Kormos5875, 5880, 5887
5888, 5891

Mr. Ramal5879, 5881, 5883

Mr. O'Toole 5879

Ms. Horwath.....5880, 5883, 5887
5888, 5892, 5895

Mr. Leal.....5880, 5892

Mrs. Elliott ...5882, 5884, 5888, 5891
5895

Mr. Ruprecht5883, 5887, 5895

Mr. Tascona..... 5883

Mrs. Munro5887, 5894

Mr. Watson.....5891, 5892, 5895

Mr. Miller..... 5896

Debate deemed adjourned 5898

TABLE DES MATIÈRES

Lundi 30 octobre 2006

DEUXIÈME LECTURE

Loi de 2006 du ministère des

Services gouvernementaux sur

la modernisation des services

et de la protection du

consommateur, projet de loi 152,

M. Phillips

Débat présumé ajourné..... 5898