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**Official Report
of Debates
(Hansard)**

Thursday 30 April 2009

**Journal
des débats
(Hansard)**

Jeudi 30 avril 2009

**Standing Committee on
Finance and Economic Affairs**

Greater Toronto
and Hamilton Area
Transit Implementation Act, 2009

**Comité permanent des finances
et des affaires économiques**

Loi de 2009 sur l'aménagement
du réseau de transport en commun
de la région du grand Toronto
et de Hamilton

Chair: Pat Hoy
Clerk: William Short

Président : Pat Hoy
Greffier : William Short

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
FINANCE AND ECONOMIC AFFAIRS**

**COMITÉ PERMANENT DES FINANCES
ET DES AFFAIRES ÉCONOMIQUES**

Thursday 30 April 2009

Jeudi 30 avril 2009

The committee met at 0901 in room 151.

**GREATER TORONTO
AND HAMILTON AREA
TRANSIT IMPLEMENTATION ACT, 2009**

**LOI DE 2009 SUR L'AMÉNAGEMENT
DU RÉSEAU DE TRANSPORT EN COMMUN
DE LA RÉGION DU GRAND TORONTO
ET DE HAMILTON**

Consideration of Bill 163, An Act to amend the Greater Toronto Transportation Authority Act, 2006 / Projet de loi 163, Loi modifiant la Loi de 2006 sur la Régie des transports du grand Toronto.

The Chair (Mr. Pat Hoy): The Standing Committee on Finance and Economic Affairs will now come to order. We're here for clause-by-clause consideration of Bill 163.

For the committee, there are no amendments to sections 1 through 4 inclusive. Shall they carry? Carried.

Now we do have an amendment to section 5. It's a government motion.

Mrs. Linda Jeffrey: I move that subsection 5(2) of the bill be amended by striking out the portion before clause (a) and substituting the following:

"(2) Subsection 5(1) of the act is amended by striking out 'and' at the end of clause (a), by adding 'and' at the end of clause (b) and by adding the following clause:"

This is a housekeeping item which moves the word "and."

The Chair (Mr. Pat Hoy): Very good. I'm advised that legislative counsel would like to make a comment on this particular motion.

Ms. Susan Klein: There's a typo in this motion. It's not in the bold text of the words that are being added to the bill; it's in the light-faced text above it that tells you where the amendment is being made. Where it says, "subsection 5(2) of the bill be amended by striking out the portion before clause (a)," that should have been a reference to clause (c). There is no clause (a) in subsection 5(2) of the bill. Because of the time allocation motion, we can't correct this motion, but it's obvious on the face of it what the correct reference should be. If the motion passes, the office of legislative counsel will ensure that the reprint of the bill is correct and will reflect the motion as if it referred to clause (c).

The Chair (Mr. Pat Hoy): Understood? Any comment? Is there any comment on counsel's pronouncement? Hearing none, all in favour? Opposed? Carried.

Number 2 in your package is an NDP motion.

Mr. Peter Tabuns: I move that section 6 of the bill be amended by adding the following subsection:

"(1.1) Clause 6(1)(b) of the act is amended by adding 'giving the highest priority to public transit' at the end."

This is simply to make it very clear that this body is to see public transit as its highest priority. Frankly, if we want to have a system of transportation in this region that works, transit is going to have to be at the heart of it.

The Chair (Mr. Pat Hoy): I did not call for the final vote on section 5, so before we get to Mr. Tabuns' amendment, shall section 5 carry, as amended? All in favour? Carried.

I apologize for that. Now, Mr. Tabuns, any comment to your motion?

Mr. Peter Tabuns: I made my comment.

The Chair (Mr. Pat Hoy): Any other comment?

Mrs. Linda Jeffrey: We recognize the importance of this legislation and the need to get it right. We agree that public transit is our top priority and we're pleased to see that public transit was front and centre in the regional transportation plan adopted by Metrolinx in November. Metrolinx's priorities and decisions are guided by that plan, which reflects the responsibilities of Metrolinx to consider all modes of transportation, including highways, transit, walking and cycling. Tying the hands of Metrolinx is not the best way, we believe, to support our transit objectives. The board needs to be able to find the right balance amongst all modes of transportation. Therefore, we won't be supporting this motion.

The Chair (Mr. Pat Hoy): Further comment?

Mr. Peter Tabuns: I'm surprised at the parliamentary assistant's comments. It isn't a question of tying the hands of Metrolinx; it's making sure that their investment decisions, their analysis, is consistent with what this government says it wants to have happen, and that's to develop an environmentally sustainable, cost-effective urban form. So I would say that this direction is entirely in keeping with what the government has stated its priorities are. Anyway, I'm surprised at the comments.

The Chair (Mr. Pat Hoy): Mr. Barrett, did you have a comment?

Mr. Toby Barrett: I just had a question. I know the opposition wasn't here when the meeting commenced. Which motion are we on?

The Chair (Mr. Pat Hoy): Number 2 in your package, the NDP motion.

Mr. Toby Barrett: Okay. We've already voted on the first NDP motion?

The Chair (Mr. Pat Hoy): We voted on number 1, which was a government motion.

Mr. Toby Barrett: Yes, okay.

The Chair (Mr. Pat Hoy): So we're on number 2, the NDP motion.

Any other comment? Hearing none, all in favour? Opposed? The motion is lost.

NDP motion number 3.

Mr. Peter Tabuns: I move that subsection 6(4) of the bill be amended by adding the following clause:

“(e) advise the minister and the heads of the councils of the municipalities in the regional transportation area of the implications to the local transit systems in the regional transportation area presented by,

“(i) the minister’s transportation strategy for the province as it applies to the regional transportation area,

“(ii) the transportation plan for the regional transportation area developed and adopted by the corporation,

“(iii) the prescribed provincial plans and policies,

“(iv) the official plans of the municipalities in the regional transportation area, and

“(v) the major development proposals in the regional transportation area that may affect the optimal use and location of transportation infrastructure, including highway and transit infrastructure;”

It's very clear that with the changes in governance of this body, the impact of Metrolinx on local municipalities is going to occur with less notice and less input from those municipalities. So at a minimum, the province has to continue to advise municipalities about the impacts of their transit plans.

The Chair (Mr. Pat Hoy): Thank you. Ms. Jeffrey.

Mrs. Linda Jeffrey: Municipalities are crucial partners in achieving our transit and broader transportation goals in the greater Toronto and Hamilton area. We're committed to ensuring the continued and ongoing consultations with municipalities as we move forward with the implementation of the regional transportation plan.

We feel that municipalities and not Metrolinx are best able to identify the implications of provincial plans and policies for their local transit systems. The motion would result in a confusing role for Metrolinx, advising municipalities about their own local transit systems rather than focusing on implementing the regional transit system in partnership with municipalities. We won't be supporting this motion.

The Chair (Mr. Pat Hoy): Thank you. Any other comment? Mr. Tabuns?

Mr. Peter Tabuns: Yes. If in fact Metrolinx doesn't think through the impact on local transit systems and can't explain that to municipalities, it may find itself in a situation where its activities are at cross-purposes with those of a municipality. Obviously, the primary concern here is advising municipalities, but the second part of it is making sure that Metrolinx has thought through what the

impact is going to be. If it doesn't do that and it can't explain it, then it's going to be running into problems.

The Chair (Mr. Pat Hoy): Any other comment? Hearing none, all in favour? Opposed? The motion is lost.

NDP motion number 4.

Mr. Peter Tabuns: I move that section 6 of the bill be amended by adding the following subsection:

“(4.1) Subsection 6(1) of the act is amended by adding the following clause:

“(f) obtain the consent of the council of a municipality before the corporation takes any action that will have a financial impact on that municipality;”

The act gives the minister new powers to issue policy statements and revise transportation plans, and removes municipal representation from the board. It's going to be important for municipalities to have input into decisions that affect them financially and, in some ways, stop what could become downloading. I think that, again, it would serve the government's interests to have this sort of check in place and I would urge the government to support this amendment.

0910

The Chair (Mr. Pat Hoy): Further comment? Ms. Jeffrey.

Mrs. Linda Jeffrey: As I stated earlier, we do value our relationships with municipalities and we are committed to consulting and working with our municipalities as we implement the regional transportation plan.

The legislation makes it clear that Metrolinx must consult and liaise with municipalities as they work to integrate the transportation plan across the region. Metrolinx will be responsible for delivering the regional transit plan; however, as a provincial agency with a regional perspective, Metrolinx should be bound by provincial rather than municipal approvals.

The Chair (Mr. Pat Hoy): Any other comment? Hearing none. All in favour? Opposed? The motion is lost.

NDP motion number 5. Mr. Tabuns.

Mr. Peter Tabuns: I move that section 6 of the bill be amended by adding the following subsection:

“(5.1) Subsection 6(2) of the act is amended by adding the following clause:

“(b.1) make public transit the highest priority;”

I had moved an earlier resolution to that effect. If, in fact, the government sees taking on climate change and air pollution as very high priorities, then directing Metrolinx to make public transit the highest priority in their transit planning is consistent with what they've said their position is. This should not be a problem for the government to adopt this amendment.

The Chair (Mr. Pat Hoy): Any other comment? Ms. Jeffrey.

Mrs. Linda Jeffrey: The regional transportation plan adopted by Metrolinx does reflect the high priority that we place on all public transit. Metrolinx's priorities and decisions are guided by that plan, which also reflects the responsibilities of Metrolinx, as I stated earlier, to con-

sider all modes of transportation, including highways, transit, walking and cycling. Tying the hands of Metrolinx is not the best way to support our transit objectives. The board needs to be able to find a right balance between all the modes of transportation. We won't be supporting this motion.

The Chair (Mr. Pat Hoy): Any other comment?

Mr. Peter Tabuns: I find the position of government on this contradictory. It contradicts their stated purposes in a variety of other policy areas. I hear what the parliamentary assistant is saying. Again, it doesn't reflect the other substantial statements of this government and I think it will be a problem for the operation of this authority.

I ask for a recorded vote when one occurs, Mr. Chair.

The Chair (Mr. Pat Hoy): Any other comment? A recorded vote is requested.

Ayes

Tabuns.

Nays

Arnott, Arthurs, Barrett, Jeffrey, Levac, Pendergast, Sousa.

The Chair (Mr. Pat Hoy): The motion is lost. That completes amendments to section 6.

Shall section 6 carry? All in favour? Opposed? Carried.

NDP motion on page 6. Mr. Tabuns.

Mr. Peter Tabuns: I move that the bill be amended by adding the following section:

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

"Corporation's approval required for large highway projects

"6.1 The corporation shall review and approve or reject every proposal with a budget of over \$25 million by any person or entity to expand or upgrade a highway and no such project may proceed without the corporation's approval."

Currently, new highway projects aren't reviewed by Metrolinx. Again, if the priority, as set out in the preamble, to have a good, rapid transit system, modern and efficient, one that will enhance customer experience for transit users, one that will reduce greenhouse gas emissions—if you want to meet those objectives set out in the preamble, then you have to make sure that the priorities set out in the bill reflect that preamble. If you don't give Metrolinx direction to take on greater and greater investment in highways, then you won't be able to meet the standards set out in the preamble.

The Chair (Mr. Pat Hoy): Any other comment? Ms. Jeffrey.

Mrs. Linda Jeffrey: We agree with the need for municipal and provincial transportation systems to work in harmony across the greater Toronto and Hamilton area.

The regional transportation plan and the municipal official plans all support the provincial growth plan and its emphasis on reducing the need for roads.

This motion would grant Metrolinx approval powers over highway infrastructure decisions of both provincial and municipal governments. Metrolinx is a planning and implementation agency, and it is not intended to be an approval authority over provincial and municipal governments. We won't be supporting this motion.

The Chair (Mr. Pat Hoy): Thank you. Any other comment?

All in favour? Opposed? The motion is lost.

That would have created a new section. It didn't carry, so there's no need to carry the section that didn't succeed.

NDP motion 7. Mr. Tabuns.

Mr. Peter Tabuns: I move that section 8.1 of the Greater Toronto Transportation Authority Act, 2006, as set out in section 9 of the bill, be amended by adding the following subsection:

"Transit systems not to be sold to for-profit entities

"(2.1) A passenger transportation system or any assets of a passenger transportation system owned by the corporation, by a subsidiary corporation of the corporation or by the corporation and one or more of its subsidiary corporations shall not be sold to a corporation, person or entity that carries on business for profit."

Very simply, to prevent the transfer of transit assets or systems from public to private hands.

The Chair (Mr. Pat Hoy): Thank you. I'm going to stop here for a moment. I'm looking at my motion sheet and I should be looking at the sections first.

Sections 7 and 8 have no amendments. Shall they carry, inclusive, sections 7 and 8? All in favour? Carried.

I apologize. I'll have to look at this sheet before I go to the other one.

Any comment to the NDP motion on number 7?

Mrs. Linda Jeffrey: As we stated earlier, the public interest is at the forefront of our minds in the development of this act. It's common practice for transit organizations to engage in partnerships with other organizations to effectively deliver many of our business objectives and to serve customers better.

The proposed amendment would undermine Metrolinx's ability to fully investigate options to ensure the most effective implementation of transit projects and customer service projects. We won't be supporting this motion.

The Chair (Mr. Pat Hoy): Mr. Tabuns.

Mr. Peter Tabuns: In my mind, it raises the question as to whether or not the government is considering privatizing any portion of the transit systems that are now in operation under its control or that might come under its control. Is the government saying that it is now open to privatization of public transit systems?

Mrs. Linda Jeffrey: We've looked at other systems, and other systems have used opportunities to work with other groups in order to maximize benefits or to minimize the dollars they spend on portions of transit. I think what we're trying to do is make sure Metrolinx has the

flexibility to look at other options, should they choose to do so.

Mr. Peter Tabuns: So the door is being opened to privatization and I think that's an important piece of information.

Recorded vote.

Ayes

Tabuns.

Nays

Arnott, Arthurs, Barrett, Jeffrey, Levac, Pendergast, Sousa.

The Chair (Mr. Pat Hoy): The motion is lost.

That completes any amendments put forward for section 9.

Shall section 9 carry? All in favour? Opposed? Carried.

On section 10, the NDP does not have an amendment but rather a statement. Is there any comment, Mr. Tabuns?

Mr. Peter Tabuns: With regard to section 10 of the bill, which strikes me as one of the central pieces of why this legislation is before us, to remove elected representatives from the board, I think if you're going to run a regional transit authority, it's to your advantage to have those elected representatives on board. They give you knowledge of what's going on politically at the ground level and give you an opportunity to develop buy-in and, frankly, given that transit systems don't exist in a vacuum, they exist in a political, social and economic context, I think they give you more information than you would get from a board of people who, whatever skills they may have, don't necessarily know what's going on politically in a region. So I think the government is wrong to go in this direction and it should abandon this part of its legislation.

0920

The Chair (Mr. Pat Hoy): Any other comment?

Mrs. Linda Jeffrey: This section does deal with the Metrolinx board and its makeup. We have tried to put forward a set of guidelines that will provide the board with corporate experience. We recognize the value of municipal leaders in having shaped the regional transportation plan and we're grateful for their work. Indeed, we will continue to work strongly and consult with our partners in the municipal sector to achieve the goals that we've set out.

The new Metrolinx organization will own transit assets, they'll operate the GO transit system, and they're moving into a phase of building and implementation where skills and experience of the new board will be critical.

The new board will be directly accountable to the provincial government, so we believe that it's important that we vote in support of this section.

The Chair (Mr. Pat Hoy): Any other comment?

Mr. Peter Tabuns: No. I would like a recorded vote on this. I don't want to do it on every one, but I think this is a critical piece.

The Chair (Mr. Pat Hoy): We can vote on the section, but this is not an amendment.

Mr. Peter Tabuns: I understand that. A vote on the section, please.

The Chair (Mr. Pat Hoy): Very good. Any other comment? Hearing none, a recorded vote is requested.

Ayes

Arnott, Arthurs, Jeffrey, Levac, Pendergast, Sousa.

Nays

Tabuns.

The Chair (Mr. Pat Hoy): Section 10 is carried.

There are no amendments to section 11. Is there any comment on section 11?

Shall section 11 carry? All in favour? Opposed? Carried.

Section 12: There is an amendment, NDP motion number 9.

Mr. Peter Tabuns: I move that subsection 11(3) of the Greater Toronto Transportation Authority Act, 2006, as set out in subsection 12(2) of the bill, be amended by adding the following paragraphs:

"6. When the board is considering the adoption of a capital plan.

"7. When the board is approving its annual budget."

I find it very strange that the debates on the adoption of a capital plan and the annual budget are not open to the public. Frankly, I think that those things have to be open to the public. Our debates on our budget are open to the public. The municipalities that are members—sorry, not members anymore—that are going to be subject to the rules of this transportation authority have to have their debates in public. I don't see why Metrolinx debates shouldn't be in public.

Mrs. Linda Jeffrey: This government places a high value on transparency. Bill 163 specifically ensures that meetings on the regional transportation plan, the investment strategy, annual reports and changes in fares will be open. The board can also open to the public any other meeting they choose. As a provincial agency, Metrolinx's annual budget and five-year capital plan are ultimately approved and funded by the province. It may be inappropriate for Metrolinx to discuss its draft budget and five-year capital plans in a public forum, as this may impact the province's budgetary process. The Metrolinx draft budget and capital plans are considered advice to the government, which has long been held confidential. So we won't be supporting this motion.

Mr. Toby Barrett: We will be supporting this motion. I did not hear any valid reason why this level of transparency should be removed. We're dealing with a

process here that's going to end up spending \$50 billion of taxpayers' money. That's \$50 billion over 10 years going into the GTA. I don't think it's going into other areas beyond the GTA. I don't think there's really been any discussion about this allocation of money in my riding. Perhaps there's been discussion, government consultations have been held, in the Brant riding, other ridings in northern Ontario and elsewhere. I just don't know to what extent people understand what's going on here and to what extent the government has set in place a process that will ensure transparency not only in recent months but over the next 10 years, when the last dollar of that \$50 billion is spent.

I don't recall this being in the budget, for that matter. I don't recall that \$9 billion that we read about in the paper a few weeks ago being talked about in the budget. I'm very concerned, and I'm very pleased the NDP have put forward this motion with respect to transparency. We hear so much about stimulus spending. In the United States it's called pork barrel spending. One of the most notorious proposals is to build a high-speed rail link from Las Vegas to Los Angeles. I know we're talking about a high-speed rail link here. Down there, they call it pork. I would like to find out to what extent these kinds of initiatives and this \$50 billion in spending is being explained to the people in Ontario. For that reason, I support the NDP motion.

The Chair (Mr. Pat Hoy): Any other comment? Mr. Tabuns.

Mr. Peter Tabuns: Just, Mr. Chair, that these meetings are open now to the public. What we're being told is that the decisions that come out of these board meetings will be advice to the provincial government about their budgeting process. I would assume that the current board is giving advice to this government, so I don't see why the change. Let's assume that this is correct; in the end, why do you actually have a board? Why don't you just hire bureaucrats who will mull things over and give you advice? If you're going to have a board that's making these decisions, then it should be open to the public. If you have bureaucrats who are coming up with a position paper and passing that on to the minister, it's a different matter.

I think what we're seeing in this process is increasingly this entity, this corporation, simply becoming an administrative function of the government, not having any real arm's-length function. One asks, then, why would you go through all the trouble of incorporating it and putting people on the board? Why don't you just have the civil servants write the proposals and flow them straight through to the minister?

The Chair (Mr. Pat Hoy): Any other comment? Hearing none, all in favour? Those opposed? The motion is lost.

Shall section 12 carry? All in favour? Opposed? Carried.

We have a comment on page 10 to section 13. Mr. Tabuns.

Mr. Peter Tabuns: Just very simply, if you're going to have an entity that has some independence, then the

corporation's chief executive officer should be appointed by the board. But given everything else that's going on, this is not going to be a very arm's-length agency anyway. I'll just go to the vote.

The Chair (Mr. Pat Hoy): Any other comment? Hearing none, a recorded vote is requested on section 13.

Ayes

Arthurs, Jeffrey, Levac, Pendergast, Sousa.

Nays

Tabuns.

The Chair (Mr. Pat Hoy): Section 13 is carried.

Section 14: There is an NDP motion, page 11.

Mr. Peter Tabuns: I move that section 14 of the bill be amended by adding the following subsection:

“(3) Section 16 of the act is amended by adding the following subsection:

“For-profit partnerships re transit systems prohibited

“(4) The corporation shall not enter into a partnership to design, develop, construct, manage or operate the GO Transit system, a prescribed passenger transportation system or any other transit system with a corporation that carries on business for profit.”

0930

The Chair (Mr. Pat Hoy): Comment?

Mr. Peter Tabuns: Simply—and I've made the comments before—I'm worried that the structure of this bill is one that will allow for privatization of the transit system. I think that's a mistake. I think it's problematic for this province to go in that direction. I believe that the government should turn its back on this direction.

The Chair (Mr. Pat Hoy): Any other comments? Ms. Jeffrey.

Mrs. Linda Jeffrey: I have the same comments I did in the last motion. We feel this is going to tie Metrolinx's hands, and we want to make sure they have the opportunity to fully investigate all opportunities as they move forward with the regional transportation plan implementation.

The Chair (Mr. Pat Hoy): Any other comment? Hearing none, all in favour? Opposed? The motion is lost.

Shall section 14 carry? Carried.

Sections 15, 16 and 17 do not have any amendments. Is there any comment to any section? Sections 15, 16 and 17 inclusive, shall they carry? Carried.

We have a government motion on page 12. Ms. Jeffrey?

Mrs. Linda Jeffrey: I move that the bill be amended by adding the following section:

“17.1 The act is amended by adding the following section before the heading ‘Financial Matters’:

“Administrative fees for contravention of parking and fare bylaws

“21.1(1) The corporation’s board of directors may pass bylaws establishing a system of administrative fees under which a person is liable to pay an administrative fee to the corporation if the corporation is satisfied that the person contravened,

“(a) a bylaw passed under clause 21(1)(a) respecting the stopping, standing or parking of vehicles on land owned, used or occupied by the corporation; or

“(b) a bylaw passed under clause 21(1)(d) respecting the payment of fares by passengers.

“Same

“(2) A bylaw passed under subsection (1) may also provide for the enforcement of the payment of the administrative fee, including when and how the fee is payable, and that an unpaid fee becomes a debt due to the corporation enforceable in a court of competent jurisdiction.

“Penalties for bylaw contravention not affected

“(3) The imposition or collection of an administrative fee for contravention of a bylaw described in clause (1)(a) or (b) is in addition to and does not preclude the person who is liable to pay the fee from,

“(a) being charged with and convicted of an offence for contravention of the same bylaw; or

“(b) agreeing to pay the penalty out of court as provided by subsection 21(4) for contravention of the same bylaw.

“Limitation

“(4) Despite subsection (1), the corporation does not have the power to enforce a bylaw passed under that subsection until a regulation is made under subsection (5).

“Regulations

“(5) Upon the recommendation of the Attorney General, the Lieutenant Governor in Council may make regulations providing for any matters which, in the opinion of the Lieutenant Governor in Council, are necessary or desirable for the purposes of this section, including,

“(a) granting the corporation powers with respect to the establishment of a system of administrative fees and with respect to other matters necessary for a system of administrative fees, including requiring that there be, and governing, a review or appeal, or both, from the imposition of an administrative fee; and

“(b) imposing conditions and limitations on the corporation’s powers with respect to administrative fees, including requiring that the fees be imposed and used for specified purposes and prescribing a maximum fee.”

The Chair (Mr. Pat Hoy): Thank you. Any comment?

Mrs. Linda Jeffrey: This amendment establishes the framework for the new Metrolinx to set up an administrative fee system for fare and parking bylaw infractions on regional transportation systems under its authority, including GO Transit. This would move thousands of GO Transit cases off the overburdened court system administered by our municipalities. This would allow municipalities more court time to enforce their own bylaw infractions. In turn, GO Transit customers will have access

to a more convenient system for resolving disputes on fare and parking tickets.

We’ve had some discussions with municipal court and other municipal officials and they’ve indicated no concern with this proposal. The administrative fees would only be implemented after the approval of an LGIC regulation. We will undertake further consultation with municipalities as part of that process.

The Chair (Mr. Pat Hoy): Mr. Tabuns.

Mr. Peter Tabuns: Just out of curiosity, Linda, how exactly will someone dispute this fee?

Mrs. Linda Jeffrey: I’m told that should you not validate your GO pass, you would be able to go to a more central location. Perhaps you could go to Union Station, speak to somebody there and demonstrate the fact that you used the card every day and validated it, and it was a one-time oversight. You could have a decision made right there rather than going to court. So it would be more of a convenience factor.

The Chair (Mr. Pat Hoy): Any other comment? Hearing none, all in favour? Opposed? Carried.

Shall section 17.1 carry? All in favour? Opposed? Carried.

Actually the last amendment created that section, so just to be cautionary, we had two votes.

Now, there are no amendments to sections 18, 19 and 20, inclusive. Is there any comment? All in favour of those, 18, 19 and 20, inclusive? Opposed? Carried.

On page 13 there’s a comment. Mr. Tabuns?

Mr. Peter Tabuns: Withdrawn. It’s now redundant.

The Chair (Mr. Pat Hoy): Withdrawn. Thank you.

There are no amendments to sections 21, 22 and 23, inclusive. Shall they carry? All in favour? Opposed? Carried.

Section 24: NDP motion, page 14.

Mr. Peter Tabuns: I move that section 32.1 of the Greater Toronto Transportation Authority Act, 2006, as set out in section 24 of the bill, be amended by striking out “On or before June 1, 2013” at the beginning and substituting “On or before June 1, 2010”.

I have no idea why we would wait four years to have a funding mechanism investment plan in place. If we want to move ahead quickly with regional transit, then we have to know fairly quickly and certainly before the next provincial election how it’s all going to be paid for. I think it’s reasonable for critics to say that the date is being set because of consideration for election dates and not for the needs of transit users. So I move the change.

The Chair (Mr. Pat Hoy): Mr. Barrett.

Mr. Toby Barrett: My colleague mentions four years, and I guess that would be the year 2013. That conveniently falls after the next election. I don’t see how any board could make future plans without having a more specific idea of what the funding is for this. We read about \$50 billion over 10 years, but a budget is a plan, and you can’t make a plan without a budget and you can’t make a budget without a plan. There seems to be a disconnect. For that reason we support this NDP motion.

The Chair (Mr. Pat Hoy): Any other comment? Ms. Jeffrey.

0940

Mrs. Linda Jeffrey: This legislation doesn't prevent Metrolinx from reporting back on an investment strategy earlier than 2013. It's required to report back no later than this date. Metrolinx has already been formulating some ideas on how to generate revenues and how to fund transit infrastructure in the GTA and Hamilton area.

We've made record investments in transportation, and we will put shovels in the ground as soon as possible. We know that more needs to be done. We're going to be consulting with our partners and our stakeholders on how to close the gap and fund the transit network we need.

Metrolinx, in consultation with the province, determined that it would be best to utilize the province's \$11.5-billion Move Ontario 2020 commitment to build the first phase of the regional transportation plan. We expect that this will take us through to the year 2015. The province will also continue to press the federal government on becoming a funding partner.

We won't be supporting this recommendation.

The Chair (Mr. Pat Hoy): Any other comment?

Hearing none, all in favour? Opposed? The motion is lost.

Shall section 24 carry? All in favour? Carried.

There are no amendments to sections 25, 26, 27, 28 and 29. Any comment?

Shall sections 25 to 29, inclusive, carry? Opposed? Carried.

NDP motion on page 15. Mr. Tabuns.

Mr. Peter Tabuns: I move that subsection 30(2) of the bill be struck out.

Again, it's a question of accountability. I think the arguments have been made.

The Chair (Mr. Pat Hoy): Motion 15 was dependent on a prior motion, number 3, which was lost, so the motion is out of order.

Shall section 30 carry? All in favour? Opposed? Carried.

There are no amendments to section 31. Shall section 31 carry? All in favour? Opposed? Carried.

Government motion, page 16. Ms. Jeffrey.

Mrs. Linda Jeffrey: I move that the bill be amended by adding the following section:

"31.1 Section 49 of the act is repealed and the following substituted:

"Toronto Area Transit Operating Authority Act

"49. Section 7 of the Toronto Area Transit Operating Authority Act is repealed and the following substituted:

"Transfer of rolling stock if necessary

"7(1) Metrolinx shall transfer to the authority good title in a unit of railway rolling stock that vested in Metrolinx under subsection 44(1) of the Metrolinx Act, 2006, free and clear of all liens and encumbrances, if the authority requires a unit of railway rolling stock as a replacement unit under article 10.1 of any of the conditional sale agreements described in clause 5(a).

"Transfer is without compensation

"(2) If Metrolinx is required to transfer title in a unit of railway rolling stock, it shall do so without compensation.""

This is a housekeeping item, updating the language in the Toronto Area Transit Operating Authority Act to reflect the changes made by Bill 163.

The Chair (Mr. Pat Hoy): I'm going to make a comment on this particular motion. I would like to inform the committee that this motion would open up section 49 of the Greater Toronto Transportation Authority Act, 2006. This section was not previously opened in Bill 163.

Normally, an amendment that opens a section of a parent act not open in the amending bill is ruled out of order. Exceptions may be allowed if, without the amendment, the act, as amended by the bill, would contain an inconsistency or an error or create a conflict in terms of language or reference. For example, a motion changing the term "chairman" to "chair," where the rest of the act uses "chair," would be in order. Likewise, a motion changing a reference to a section or subsection where, as a result of the bill, the reference would no longer be accurate, would also be in order.

Having reviewed the amendment and consulted the clerk of the committee and legislative counsel, I've determined that this amendment satisfies the exceptions mentioned above, and that without this amendment, Bill 163 would create a conflict in terms of both language and reference in the parent act. Therefore, the motion is in order.

Any comment? Hearing none, all in favour? Opposed? Carried.

We have no amendments to sections 32 and 33. Any comment? Hearing none, all in favour? Opposed? Carried.

Government motion on page 17.

Mrs. Linda Jeffrey: I move that the bill be amended by adding the following section:

"33.1 Paragraph 6 of subsection 11.12(2) of the City of Hamilton Act, 1999 is repealed and the following substituted:

"6. The regional transit system as defined in section 1 of the Metrolinx Act, 2006."

This is also a housekeeping item to update the language in the City of Hamilton Act, 1999, to reflect changes made by Bill 163.

The Chair (Mr. Pat Hoy): I would just like to inform the committee that this amendment opens up the City of Hamilton Act, 1999. This act was not previously opened in Bill 163. Normally, an amendment that opens an act that is not open is ruled out of order. However in this case, much like the previous motion, without the amendment, the bill would create a conflict in terms of language and references between acts.

Having reviewed the amendment and consulted the clerk of the committee and legislative counsel, I've decided that this amendment satisfies the exceptions mentioned previously and that without this amendment Bill 163 would create a conflict in terms of language and

reference across statutes. The motion is therefore in order.

Any comment? Hearing none, all in favour? Opposed? Carried.

The Chair (Mr. Pat Hoy): There are no amendments to sections 32 or 33. Any comment?

Interjection.

The Chair (Mr. Pat Hoy): Oh, there are no amendments to sections 34 and 35. Any comment? All in favour? Carried.

Government motion on page 18. Ms. Jeffrey.

Mrs. Linda Jeffrey: I move that the long title of the bill be amended by adding “and to make consequential amendments to another act” at the end.

This is a housekeeping item to update the long title of the bill to accurately reflect the amendments contained within it.

The Chair (Mr. Pat Hoy): Thank you. Any comment? Hearing none, all in favour? Opposed? Carried.

Shall the title of the bill, as amended, carry? All in favour? Opposed? Carried.

Shall the preamble carry? Opposed? Carried.

Shall Bill 163, as amended, carry? All in favour? Opposed? Carried.

Shall I report the bill, as amended, to the House? Opposed? Carried.

We are adjourned.

The committee adjourned at 0950.

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