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(Hansard)**

**Wednesday 25 November 2009**

**Journal  
des débats  
(Hansard)**

**Mercredi 25 novembre 2009**

**Standing Committee on  
Regulations and Private Bills**

Safer Communities  
and Neighbourhoods Act, 2009

**Comité permanent des  
règlements et des projets  
de loi d'intérêt privé**

Loi de 2009 sur la sécurité accrue  
des collectivités et des quartiers

Chair: Michael Prue  
Clerk pro tem: Trevor Day

Président : Michael Prue  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE  
ON REGULATIONS  
AND PRIVATE BILLS**

**COMITÉ PERMANENT DES  
RÈGLEMENTS ET DES PROJETS DE LOI  
D'INTÉRÊT PRIVÉ**

Wednesday 25 November 2009

Mercredi 25 novembre 2009

*The committee met at 0900 in room 151.*

**SAFER COMMUNITIES  
AND NEIGHBOURHOODS ACT, 2009**

**LOI DE 2009 SUR LA SÉCURITÉ ACCRUE  
DES COLLECTIVITÉS ET DES QUARTIERS**

Consideration of Bill 106, An Act to provide for safer communities and neighbourhoods / Projet de loi 106, Loi visant à accroître la sécurité des collectivités et des quartiers.

**The Chair (Mr. Michael Prue):** All right. I see the Sergeant-at-Arms marching in the mace, which means it's 9 o'clock. The meeting is called to order. We are here today for Bill 106, An Act to provide for safer communities and neighbourhoods. We have a number of listed deputants.

Just to set the ground rules before you start, each deputant will have 10 minutes. If there is time left over at the end of the presentation, we will allow questions from the members of the committee. If there is not, we will simply proceed to the next deputant.

**CENTRE FOR ADDICTION  
AND MENTAL HEALTH**

**The Chair (Mr. Michael Prue):** The first deputant is the Centre for Addiction and Mental Health, and the deputant we have listed is Barney Savage, director of public policy.

**Interjection:** You sound bad.

**The Chair (Mr. Michael Prue):** I do?

*Interjection.*

**Mr. Michael Prue:** Okay, it sounds bad. He says that it sounds like I'm singing. If you heard me singing, you'd know that's not the case.

Mr. Savage, the floor is yours.

**Mr. Barney Savage:** My intention is to give this presentation in spoken word rather than song. I hope that's acceptable to you.

Thank you very much for the opportunity to present this morning on Bill 106, An Act to provide for safer communities and neighbourhoods. My name is Barney Savage, and I am the director of public policy at CAMH, the Centre for Addiction and Mental Health. CAMH is a

teaching hospital with clinical and research facilities in Toronto and 26 satellite offices across the province. I have provided the committee clerk with our written submission and with the requisite number of copies for the committee and staff.

CAMH has concerns about this legislation. I did want to let the committee know that we've contacted the office of Yasir Naqvi to convey those concerns and provided his office—your office—with a copy of our submission today.

We, at CAMH, recognize that illegal activity, and particularly the unlawful and inappropriate use of alcohol and drugs, is an enormous social problem in Ontario and in Canada. The use of illicit drugs costs Canadians \$2.7 billion each year in costs related to health care, enforcement and lost productivity. Every day, our clinicians see the impact of substance use disorders on our clients, their families and communities, and it is a problem we take very seriously. Facilitating a community response to illegal and disruptive activity is commendable.

We believe that the fundamental question you must determine when you consider this legislation is this: Can the primary objectives of this legislation be achieved without risking unintended consequences that might make the impact of this legislation more far-reaching than anticipated? Furthermore, do these potential unintended consequences require more careful deliberation and consultation? I'd like to take just a moment to explore some of those potential unintended consequences.

CAMH is concerned that SCAN could be used as a platform for discrimination against people with mental health problems, substance use disorders and a significant number of people who live with co-occurring disorders—that is, a mental illness and an addiction.

When we create a process such as SCAN, which is a legal process initiated by reports of illegal behaviour, we must recognize that such judgments might well be tainted by the documented stigma and discrimination that is the experience of many people who live with mental health and addiction problems. There are people with mental illness and addictions who could speak from their own experience about the presence of stigma and discrimination in our society. It is real.

There is often community opposition to housing initiatives for people with mental health problems. Routinely in Canada, there is community opposition to a methadone

clinic, opposition that would be unimaginable in the case of a clinic providing treatment for other health conditions.

Because of this stigma and discrimination, it is critically important that the fundamental legal rights are scrupulously applied to those in our society with the least financial resources and with the weakest access to power.

Bill 106 establishes a legal process without some of the key safeguards that exist within our judicial system, certainly within our criminal law, and these safeguards are intended to ensure fairness and due process. The SCAN director, for example, is not required to provide any reasons or even an evidentiary base for his or her decisions. None of the witnesses who provide information during an investigation is named or compelled to give evidence at court or subject to cross-examination. We are concerned that the omission of these fundamental legal protections might compromise the legislation, and our understanding is that a legal case in the Yukon involving similar legislation was stalled because the courts were concerned about the use of a single, anonymous individual.

Finally, it should be noted that Bill 106 is not a good fit with the government's policy directions or at least some of the government's policy directions in the area of addictions and mental health. For example, the government has committed to building supportive housing units for people with substance use problems, an initiative that we strongly support. The Ministry of Health and Long-Term Care has embraced a Housing First model, which is used in many jurisdictions. It's an approach that permits people to be housed without preconditions of abstinence or entry into treatment. The theory of Housing First models is that sometimes it is best to start with stable, decent housing and then address other social and health problems. One can easily imagine the government's own housing initiative in this area being threatened and potentially derailed by this legislation.

In summary, we commend the desire to facilitate a community-based response to substance use problems and to the social disruption that can accompany them. Our concern is that the legislation may be used in ways that this committee or the Legislature may not have considered, given the history of discrimination against those who live with mental health and addiction problems. If this committee chooses to endorse the SCAN legislation, it might consider making amendments to the legislation that might minimize potential unintended consequences, and that might provide better protection against discrimination. I can tell you that the Centre for Addiction and Mental Health would be very pleased to explore those options in greater detail.

**The Chair (Mr. Michael Prue):** You've left four minutes, so that's about a minute and 20 seconds per caucus. We'll start with the official opposition. No questions? The third party?

**Ms. Cheri DiNovo:** Thank you very much, and thank you also for all you do. We in the New Democratic Party couldn't agree more: Everyone deserves a home, and in

fact we believe that this flies in the face of section 7 of the Charter of Rights and Freedoms. It's egregious legislation. We're going to vote against it and work against it in any way we conceivably can. I don't think it's amendable. I think it's just wrong-headed. So thank you very much, and we'll do everything we can to defend the rights of those who have mental health or addiction disorders and their right to housing—end of story.

**The Chair (Mr. Michael Prue):** The Liberal Party, Mr. Naqvi.

**Mr. Yasir Naqvi:** Thank you, Mr. Savage, for your presentation today. I sincerely appreciate the comments you've made and the conversations our offices have had in the past on this very important issue. Would you not agree with me that when we talk about stigma and dogma towards people with mental health issues, one of the biggest challenges they face is criminals, people who engage in illicit trades, targeting those with mental health problems and trying to make them prey for their illegal trades?

**Mr. Barney Savage:** If I had to give you a short answer to that question, it would be yes. But let me just say this: I think one thing we've learned with regard to the federal government's approach on mandatory minimum sentencing for drug offences, for example, is that our desire to simplify the drug issue by dividing those who are involved in drugs and giving each of them a label of either "victim" or "victimizer" doesn't fully embrace the nuance of substance use and the law. That is to say, we can't neatly divide between those who are victims of drug pushers and those who profit from it. Do you understand what I'm saying? I'm not saying that that division doesn't exist; I'm just saying that there's a lot more nuance to that, in that many of the people who become drug sellers are themselves people with a substance use disorder. I can get you statistics on that about the percentage of people who move from having a substance use problem to becoming a small-time pusher to support their habit.

**0910**

That's simply to say that yes, there's no question that there is victimization taking place, but it's a complex picture.

**Mr. Yasir Naqvi:** No, absolutely—

**The Chair (Mr. Michael Prue):** No, no. The time is well past.

**Mr. Yasir Naqvi:** The time's up. Thank you, Chair.

**The Chair (Mr. Michael Prue):** Thank you very much.

ADVOCACY CENTRE  
FOR TENANTS ONTARIO  
HOUSING HELP

**The Chair (Mr. Michael Prue):** The next deputant is the Advocacy Centre for Tenants Ontario. I have listed here Kenn Hale and Trudy Sutton. I take it, then, that you would be Mr. Hale?

**Mr. Kenn Hale:** That's correct. Thank you, Mr. Chair. Ms. Sutton was supposed to be flying in from

Ottawa this morning, but she wasn't able to do so. So I'm presenting a few remarks that she has provided me from the perspective of her organization, the Ottawa Housing Help centre, as well as the views of the Advocacy Centre for Tenants Ontario, where I work.

I would ask the committee members to first have a quick look at the groups in the list attached to our deputation of groups that have concerns on and are critical of Bill 106, and the numerous community legal clinics which have spoken out against this legislation, a number of which come from the Ottawa area.

The Advocacy Centre for Tenants Ontario, or ACTO, is a community legal clinic. We have a province-wide mandate to protect residential tenants, particularly low-income residential tenants, because we're funded by Legal Aid Ontario. We work closely with all the community clinics and other service providers across the province. We go to court and to tribunals on test cases. We do public legal education and we speak to government at various levels on issues that affect tenants, particularly low-income tenants. We manage the tenant duty counsel, where we see hundreds of tenants every week, and see the problems that they face in their housing directly. Based on our experience in this work and the broad consultation that we've had with a number of groups since this bill was first discussed, we're asking you to not support the bill.

In June 1998, the Ontario Superior Court stopped hearing residential landlord and tenant cases, and the government of Ontario set up an administrative tribunal and appointed people by order in council to hear these cases. For over 10 years now, community legal clinics and tenant groups have been trying to make that system work and make that tribunal work. We were very supportive when the Liberal government came forward with amendments to change the then-called Tenant Protection Act, and recently we've been working with Ministry of Municipal Affairs and Housing and the co-op housing movement to move their dispute resolution system out of the courts and into the Landlord and Tenant Board, where we think the system, with some more work, could be made more fair and really work for tenants.

Bill 106 seems to want to turn the clock back and move certain kinds of residential tenancy cases to the Superior Court. Landlords, tenants and housing co-ops have all agreed that the Superior Court doesn't really work for the kinds of complex social issues that are raised by eviction cases. Bill 106 would not only move it into an inaccessible forum, but it deals with the cases in a way that's fundamentally unfair to the tenants involved.

Despite some of the rhetoric around the bill, buildings aren't targeted; the people who live in the buildings are targeted, and those people would be displaced under this legislation. In most cases, those people would be tenants. But tenants aren't parties to the application. There's no provision for them to actually see the evidence that goes before the court or to really participate in the hearing in a full manner. To make matters worse, speaking as a legal service provider, it would be almost impossible to ensure

that low-income tenants who are involved in this process got legal assistance to allow them to fully participate.

We think that the bill authorizes gross intrusions into people's privacy by allowing information to be collected about them and disseminated, with very little accountability. Apart from the concerns of my colleague from CAMH as to the possible human rights impact on people with mental health problems, we think that members of racialized communities and recent immigrants are likely to be the subject of these complaints far out of proportion to their actual impact on community safety, due to pre-existing prejudices in the community and some lack of understanding among certain elements of our community.

We don't think that you should be giving new tools to people who want to exclude certain kinds of people from their community so they could harass social housing providers and harass vulnerable households. We really don't think that there's a need for this fundamentally unfair law.

The Residential Tenancies Act already provides for speedy evictions for tenants who commit illegal acts. There's a notice period of 20 days. That notice period can be shortened to 10 days when there's illegal drug activity involved. The fact that the person concerned hasn't been convicted of any offence is irrelevant to the Landlord and Tenant Board's consideration. The landlord can apply for the eviction as soon as the notice has been served, and in some cases, these hearings and evictions are expedited. It isn't just illegal activity that the Residential Tenancies Act deals with; it's also any activity that adversely affects the community or interferes with the reasonable enjoyment of the premises.

Even though these provisions, in my view, are often harsh and have harsh consequences for people, particularly those who aren't the actual perpetrators but share the household, there is a recognized process by which these cases are heard. There's a balancing of interests, there are opportunities for people to obtain legal advice and there's access to social services and other supports that can address the roots of the problem.

We have the sheriff's office, which is also known as the Court Enforcement Office, which is a branch of the Ministry of the Attorney General, which has a long history of taking possession of properties in complex and difficult situations as opposed to the somewhat nebulous provisions that Bill 106 would have for enforcing these court orders.

Beyond residential tenancy law, we also have the Civil Remedies Act. Under that legislation—it hasn't been around for that long and it has been the subject of some court challenges—where landlords are conspiring with criminals to use residential premises to carry on illegal activity, the Attorney General can apply for a broad range of remedies to protect the public. In our submission, those powers are wide enough to provide remedies for any legitimate concerns that Bill 106 claims to address. Maybe more importantly, the powers are backed by the resources and the accountability mechanisms of the government of Ontario and aren't depend-

ent on a patchwork of municipalities adopting them or not adopting them.

We have the criminal law and we have a myriad of laws that give authority to the police and to the courts to deal with threats to our safety in our neighbourhoods and our communities. The government of Ontario and our municipalities invest billions of dollars every year in enforcement, police services and related services. The result of that investment and the commitment of Ontarians to the rule of law means that Ontario is one of the safest places in the world to live. There is no immediate emergency that would require the kind of legislation contemplated by Bill 106. The police can arrest people and take them out of the community; the courts can make release orders that prevent people from going back to their homes while they're awaiting their trials. We don't need some kind of parallel process to make these things happen in our community.

I would like to turn to the remarks from my colleague in Ottawa from Housing Help. I'm sure you're aware of the important roles that housing help centres play across Ontario in preventing homelessness and helping people maintain their housing.

**0920**

Last February in Ottawa they held an information session for local community agencies about the SCAN legislation, and 65 agencies came there. After extensive discussion of the concept, they felt that they couldn't support it because they thought it was going to lead to an increase in homelessness. It's evicting some people who are innocent, some people who are guilty, shutting down affordable housing units in the middle of a housing crisis. Simply for that reason they didn't think it should be supported.

But they also believe that it shouldn't be supported, because there are alternatives. She points out that last month a group of agencies, homeowners, police service personnel and bylaw officials met with their city councillor to talk about one of these problem properties. They worked together to develop a plan of action and they're bringing ideas forward to city council, including attaching conditions to rooming house licences, getting injunctions against the landlord, expropriating properties in extreme cases, and greater accountability to the landlord through the social service agencies that—

**The Chair (Mr. Michael Prue):** If I could, it's been 10 minutes; if you could just wrap up.

**Mr. Kenn Hale:** Okay. Ottawa has a well-deserved reputation for working collaboratively with groups who have different approaches and different interests and to work to prevent homelessness. They feel that this legislation has polarized the Ottawa community into people who support it and people who don't support it, pitting homeowners against tenants. The quick-fix solution that this bill appears to offer is really just going to shove the problem into some other part of the community and not really get to the root causes of the problem. For those reasons, we ask this committee to vote this bill down and get down to work on homelessness and poverty reduction through the other mechanisms that are available to them.

**The Chair (Mr. Michael Prue):** Thank you very much. There's no time left for questions.

#### JOHN HOWARD SOCIETY OF TORONTO

**The Chair (Mr. Michael Prue):** The next deputants are from the John Howard Society of Ontario. I have listed here Greg Rogers and Else Marie Knudsen. As per the rules, you have 10 minutes to speak, after which, if there's any time left, there will be questions. The floor is yours.

**Ms. Else Marie Knudsen:** Good morning. Thank you for the opportunity to present to you today. I represent the John Howard Society of Ontario and will be sharing my time with Greg Rogers, the executive director of the John Howard Society of Toronto.

As you may know, the 18 John Howard Society branches across the province provide services to people who are involved with the criminal justice system or who are at risk of involvement with the system.

Our services range from crime prevention for high-risk youth through to reintegration services for those who are leaving prisons. We provide addiction, mental health and housing services, among others, and we've been active for 80 years.

We have significant experience and expertise with the criminal justice system in Ontario and we know what works when it comes to crime prevention. We strongly feel that the proposed Safer Communities and Neighbourhoods Act will fail as a crime prevention strategy, that it will have a negative impact on Ontario tenants and on social housing providers, which we are, in several Ontario communities. You'll find our concerns outlined in more detail on the handout we've provided.

But to summarize, we have concerns firstly about the act as a crime prevention strategy. The potential for the act to make Ontario communities safer is extremely limited, as it is inconsistent with what the research tells us works to prevent crime. Simply forcing people out of their homes or threatening eviction will not stop criminal behaviour. Indeed, strategies based on tough-on-crime punitivism or general deterrence simply don't work. What does work to prevent crime is strategies that address the root causes of crime and social development strategies. Addiction services and mental health support are much more likely to reduce the types of behaviour that this act was intended to target. As well, any program that actually creates homelessness cannot be a successful community safety initiative. Stable and decent housing is one of the most important protective factors that can reduce criminal behaviour. Most importantly, the SCAN process will only displace problematic or criminal behaviour. By not addressing the causes of the behaviour, this approach will simply move crime—drug dealing, for example—to another building, another neighbourhood, another community.

Secondly, we would argue that the tools required to fight crime and disorder in our communities already exist. The Criminal Code, the Residential Tenancies Act,

the Landlord and Tenant Board and others already allow for illegal and offensive behaviour to be efficiently addressed. The act would simply add a layer of unnecessary bureaucracy by duplicating the work of police and other bodies, and this duplication comes at a cost. We've seen figures which estimate that Ontario could spend \$8 million in implementing the act, and we think those dollars could be better spent elsewhere, starting with meaningful, evidence-based crime prevention strategies which address the root causes of crime.

Thirdly, the act threatens the rights of Ontario tenants, as has been discussed. By allowing anonymous complaints, the rights of tenants to a fair hearing may be undermined. The lack of right to appeal or guarantee of legal assistance may further undermine the right to due process, and it seems profoundly unjust and unfair that an entire family within a rental unit, or indeed all of the tenants of a social housing building, could be evicted as a result of the criminal or offensive behaviour of just one tenant.

Greg Rogers will speak to the issue that John Howard societies could face under the act as social housing providers.

**Mr. Greg Rogers:** Good morning. I'd especially like to thank Mr. Ruprecht for the note that he gave me for my garden this year.

John Howard Toronto operates two transitional housing buildings in partnership with the Toronto drug court. In addition, we house over 150 men per year into permanent accommodation as they leave prison. The city of Toronto reports that our retention rate is 83%.

There is a proven link between incarceration and homelessness. Substantial research shows that safe, affordable housing greatly reduces the chances that an individual will reoffend. Every time a person reoffends, it costs the taxpayer money through policing, emergency services, the court system and, of course, incarceration.

If Bill 106 is enacted, it will have a vastly negative effect on our clients, which will result in increased crime, recidivism and cost. One's ability to access and maintain housing is directly connected to their capacity to successfully integrate into communities and live a crime-free life. Bill 106 may do nothing more than move offending activities from one community to the next or drive anti-social behaviours underground, impacting the goal of building safer communities.

Many of our clients can only afford to live in shared units. They often struggle with life skills and social issues. Bill 106 will result in our clients facing additional stigma and discrimination by those who simply do not like them, and increase the risk of NIMBYism, since the director accepts anonymous complaints.

Social housing providers like John Howard that work with marginalized populations already have eviction prevention procedures such as tenant-landlord or tenant-tenant conflict resolutions built into our programs, but this bill would take the eviction prevention work out of our hands, and someone completely out of our circle would be able to make a complaint to SCAN and have

our client pushed out of the community. Especially because our clients are ex-prisoners, the risk that SCAN will target them is massive. This, of course, will lead to further marginalization of our clients, an increase in recidivism and increased cost to the taxpayer.

With all that we have learned about the proven success of housing programs based on Housing First models, engaging in certain behaviours like substance use should not be an automatic sentence to homelessness. Instead, substance users who are in stable housing have a better chance of getting the help they need and achieving stability, and that makes all of us safer.

Some particular concerns are that evidence can include anonymous affidavits and criminal records. In this case our clients would be in big trouble. Many of the people we work with would be at an unfair disadvantage in this process. The fast eviction procedure, with no protections, will result in our clients becoming homeless, and if our clients end up back on the street, it's very likely that they end up back in jail. Complaints could result in parole breach and arrest, thus increasing recidivism.

SCAN will cost millions of dollars, as it has in other jurisdictions. At a time of financial stress, limited funds would be better spent on supportive housing, addictions treatment and social problems, the real factors that would increase community safety in all of our neighbourhoods. Thank you very much for your time.

**The Chair (Mr. Michael Prue):** That leaves exactly three minutes—one minute per caucus, starting with Ms. DiNovo.

**Ms. Cheri DiNovo:** Thank you very much for your deputation. I couldn't agree more. We in the NDP are voting against this bill. We think it's egregious. Homelessness isn't the answer to criminal activity or addiction issues or mental health issues. In fact, in other jurisdictions the crime rate does not go down when SCAN is introduced. We have jurisdictional proof that it doesn't work and it costs more money to municipalities.

So thank you for all the good work that you do.

**0930**

**The Chair (Mr. Michael Prue):** The Liberals—anyone? Mr. Naqvi.

**Mr. Yasir Naqvi:** Thank you very much for your presentation. I agree with you that we need to make sure there is always affordable housing available for our communities, and this legislation by no means wants to take away from that. In fact, it's just one tool, especially when we're dealing with drug problems, in addition to harm reduction programs, prevention and treatment. This is the enforcement element of it, so that the vulnerable are not being hurt.

A quick question: Have you had the chance to look at the experiences in other provinces, such as Manitoba and Saskatchewan, where this legislation has been active since 2001 and how effective this has been?

**Ms. Else Marie Knudsen:** I'm sorry. I can't speak to any experiences outside of the province, unfortunately.

**Mr. Yasir Naqvi:** Okay. I just want to highlight that there have been very positive experiences there, and the

kinds of concerns you have raised have not been a concern—

**Ms. Cheri DiNovo:** Excuse me, Mr. Chair. I would challenge that, factually.

**The Chair (Mr. Michael Prue):** You don't have the floor.

**Mr. Yasir Naqvi:** My time's up. Thank you, Chair.

**The Chair (Mr. Michael Prue):** In any event, the time is up.

**Mr. Bill Murdoch:** Can we remit our time to those two, because I think Yasir needs more time to explain this. I mean, we've got a lot of negative people here today. We're glad you're here, but if he needs a few more seconds to explain it—

**The Chair (Mr. Michael Prue):** Are you ceding your time to him?

**Mr. Bill Murdoch:** Yes.

**The Chair (Mr. Michael Prue):** You have about 30 seconds.

**Mr. Yasir Naqvi:** Okay. I just also want to— you raised an issue about whole buildings getting emptied because of this. I'm sure you've looked at section 12 of this particular bill, which makes it very clear that a court can limit a court safety order to a particular individual or part of a building as well, to ensure that that safeguard is embedded in the legislation.

**Ms. Else Marie Knudsen:** Certainly. I think the concern, as social housing providers in Ontario, is that the potential does exist for an entire building to close—

**Mr. Yasir Naqvi:** Thank you.

**Mr. Tony Ruprecht:** On a point of order, Mr. Chair.

**Ms. Else Marie Knudsen:** —which would have significant financial burden for us.

**The Chair (Mr. Michael Prue):** Thank you very much. On a point of order.

**Mr. Tony Ruprecht:** Mr. Chair, I would like to thank Mr. Rogers for keeping our community beautiful, safe and clean.

**The Chair (Mr. Michael Prue):** I'm not sure it's a point of order, but you snuck it in.

**Interjection:** Proud to do it.

**The Chair (Mr. Michael Prue):** Okay.

#### HINTONBURG COMMUNITY ASSOCIATION

**The Chair (Mr. Michael Prue):** The next deputant is the Hintonburg Community Association. I have here listed Charles Matthews and Cheryl Parrott. You have 10 minutes. Any time that is left over, you've seen how that works. Please proceed.

**Ms. Cheryl Parrott:** Thank you. On behalf of the residents in Hintonburg and in Ottawa, and on behalf of many other groups in Ottawa and individuals, I urge you to support this legislation.

"Living next to a drug house is no fun." That's what several 90-year-old seniors have said to me, and it's voiced by many others in the community in usually much stronger language than that. But neighbours of all ages

live in fear of these crack houses and booze cans, which are usually very blatant and out of control. They fear for their own safety but also the safety of those most vulnerable—children, the elderly, the disabled. Many low-income people in our community have told me they feel so trapped. They can't afford to move. They are stuck there.

The current legislation and mechanisms, albeit slow, often work for properties with a first occurrence or more minor issues. With the housing tribunal, you have to have a tenant in the same building; you must have the courage to be a witness at a hearing. With SCAN, you would have an investigative unit that could bring forth evidence. But the process now is that you have to have that neighbour tenant who's willing to come forward. Many neighbours are not willing to do that when you have a crack house. Neighbours in nearby buildings have no rights in front of the tribunal.

Police do respond to complaints. They do undercover work. They lay charges. But it's a very long, slow process. They have to make three undercover buys before charges can be laid, and then it takes two to five years to get to court. We have one now that's over five years that has still not come to court. And the problems don't stop just because charges are laid. New tenants move in and the activity continues. We've seen this time and again. The faces change, but the problem remains the same. Some properties are raided regularly.

Civil remedies is an extreme measure and a very long process. Sometimes it is the best way and the only way, but it's really very slow. One property in our community is undergoing this process. After 10 years of problems, the police spent six months compiling evidence. The Attorney General looked at it over a period of 10 months, asked for an order to freeze the assets. Ten months later, we're still not at court. Almost 13 years later, the neighbours still do not have relief.

Right now, the community association plays some of the role that we believe SCAN would play, but we have no ability to impose sanctions. We search ownership on problem properties, we contact the owners, and we try to work with them. Responsible owners are great, and they are certainly a joy to work with. They resolve the problem, often at great expense to themselves.

It's the owners of the habitual problem properties who are the problem. One that we have, the tactical unit raided it regularly over a period of many years. I contacted the owner, and he said to me, "There's no point in meeting because this is my business plan, and I make more money off this building than I do in the other buildings that I own"—never mind that the neighbours in the community were terrorized and that the taxpayer, not the owner, had to foot the bill for the tactical unit to be there every three months.

This is why we need SCAN. We need something that works between the housing tribunal and civil remedies; we have nothing to fill that gap. We brought a letter of support from our NDP MP, Paul Dewar, MP for Ottawa Centre. The community in Ottawa largely supports SCAN, and we ask you to support SCAN.

**Mr. Charles Matthews:** Thank you very much. Charles Matthews from Access Now.

Before you, you have copies of our current paper. The new new paper will be coming out Sunday, so I hope you all will be getting a copy of that starting Monday. You also have a copy of our January/February issue where basically we covered the SCAN legislation and gave everybody an overview of what was coming.

Over the course of the whole last year, we heard from many, many places, including a lot of our members. We represent a lot of people with disabilities. We are people with disabilities working for people with disabilities by people with disabilities. What you'll find is that a majority of our population is very scared to say anything about anything because they don't want to lose what they are getting now. What they'll do is come to an organization such as ours, and then we voice their opinions. What we also do is make people realize that 90% of the disabled population is not represented by the groups that you're hearing in opposition to this legislation. The opposition to this legislation is mainly by groups representing people who are committing the crimes, committing the problems and making things very difficult for the majority, 90%, of people with disabilities.

I also live in Ottawa community housing. In Ottawa community housing, in our building alone, a majority of our people are scared of the one or two places that we're having problems with. This is where SCAN will come in. SCAN will help the 90% of our population that is affected by the less than 10% of the problem areas.

Again, this legislation is also representing the evil things that are going on, not the people who live there. As an example, we have many people with disabilities who have had problems, have been in jail and so on and so forth. They are striving to live decent, normal lives. But when we have one place in our building, as an example, that's committing so many problems, and nothing can be done without legislation like SCAN, then very basically it's affecting all the other people in the building, the 90% of us who need to live and expect to live in decent, law-abiding communities. This is why we need SCAN and we ask you to please support this legislation. Thank you.

**The Chair (Mr. Michael Prue):** We have about—I'll do my calculation here fast—four minutes, starting with the government. Mr. Ruprecht.

**Mr. Tony Ruprecht:** Thank you for your presentation. Mr. Matthews and Ms. Parrott, you've come this morning to give us your presentation, and we thank you for it. But you've also, probably for the first time, heard some of the other presenters. I'm just wondering, having heard some of the presenters—and there are more to follow here—have you changed your mind in any way whatsoever? Have you come to a different conclusion? Have you looked at this in a different light?

0940

**Mr. Charles Matthews:** Actually, over the last year—as you've noticed, the paper is from last January—we have heard from a lot of these organizations, and each

time they're representing, as I stated before, a small percentage of the people with disabilities that are actually having the problems. So we have heard it. What we keep on trying to reassure them is that with SCAN, it's not going to affect the person who is maybe an ex-convict or an ex-drug user or so on and so forth. It's going to affect the illegal activity that is going on presently so the other people who will be living in that same community will not be victims.

**The Chair (Mr. Michael Prue):** Thank you. Mr. Murdoch?

**Mr. Bill Murdoch:** I would just follow up what Tony said. We had three organizations just before you and they were all adamantly opposed to this legislation. One even gave us a list of the groups, and there are five on there directly from Ottawa; a lot of the other groups represent all of Ontario. That's where it makes me wonder, because these other people are professional and they seem quite concerned about this bill. I can understand your problems, that living beside a crack house would be upsetting. It seems to me maybe we need to tighten our police up or something like that, if they are not doing their jobs. That's a concern I would have.

**Ms. Cheryl Parrott:** The police do their jobs and they've worked very closely with the communities, certainly in Ottawa. But the process is extremely long. The police are one of the tools, but they are not the only tool. What we've determined over a period of 18 years in our community, looking at these problems and looking across Canada, is that there's a gap in legislation. There's a gap in what will work effectively. We believe SCAN is what works effectively, and we've heard from no one else what else they suggest to fill that gap, because there's a definite gap between the housing tribunal, what the police do, and civil remedies. There's a big gap that needs something, and we believe SCAN is what it is.

**The Chair (Mr. Michael Prue):** Ms. DiNovo.

**Mr. Charles Matthews:** Might I add something to that?

**The Chair (Mr. Michael Prue):** No. It's only a minute; I'm sorry.

**Ms. Cheri DiNovo:** Might I suggest another tool for the toolbox? In Parkdale–High Park we've rehabilitated 800 different housing units using the problem property task force, which is a combination of the city councillor, housing groups, addiction and mental health groups, and the police, and had great success doing it. I'm sorry for your experiences. I don't believe they speak justly for all of the other groups that deputed.

With all due respect, we in the NDP have the freedom to disagree with one another, unlike sometimes our neighbours across the aisle, who seem to have their votes whipped. So respectfully, I do disagree with Mr. Dewar on this, and I do disagree with the legislation in Manitoba on this as well.

**The Chair (Mr. Michael Prue):** There's about five seconds.

**Ms. Cheryl Parrott:** Okay. Yes, certainly we believe this is the legislation. We have a problem property task

force; several communities do. It's a very slow, arduous process. It does work very, very slowly, and with a lot of community gutwork, to tell you the truth. Certainly the police support this legislation, as does city council.

**The Chair (Mr. Michael Prue):** Thank you so much.

#### WATERLOO REGION CRIME PREVENTION COUNCIL

**The Chair (Mr. Michael Prue):** The next listed deputant is the Waterloo Region Crime Prevention Council. I have listed here Chris Sadeler. The floor is yours.

**Ms. Christiane Sadeler:** Good morning and thank you for the opportunity to present to you regarding Bill 106, also known as the Safer Communities and Neighbourhoods Act.

This is somewhat new territory for me, so please bear with me, but I'm here to speak to you from a community-based perspective.

My name is Christiane Sadeler. I'm the executive director of the Waterloo Region Crime Prevention Council. The council is an advisory committee of the regional municipality of Waterloo and it has been in place since 1984, when it started under the leadership of the then chief, Larry Gravill. The council brings together 39 individuals representing 30 different organizations and 22 sectors. Most members of council hold executive or decision-making positions in our community. The mandate of the council is to build partnerships for the purpose of preventing crime, victimization and fear of crime through methods of public education, research and strategic planning, focused problem-solving and collaboration. Waterloo Region Crime Prevention Council is one of the longest-sustained municipally based crime prevention efforts in Canada. The knowledge and experience of members of council include policing and law enforcement; criminal justice and corrections; education; child welfare; social, health, youth and neighbourhood services; municipal planning; and many other areas that are known to have the capacity to reduce the risks of crime.

We agree that few issues erode public confidence and the quality of life in communities and neighbourhoods as much and as quickly as crime, victimization, fear and public disorder. The council, for many years, has played a vital role in supporting neighbourhoods and services in building safer communities by augmenting the efforts of federal and provincial governments and by complementing law enforcement efforts through citizen-driven approaches.

Neighbourhoods are the places in which the tension between safety and security plays itself out every day, and we have all witnessed the significant social and economic damage that can come from increases in criminal activities, including drug trafficking; lack of social responsibility, such as absentee landlords; and from disorder that contributes to residents no longer feeling safe in their streets and in their homes. We have also seen how strategic mobilization efforts, when supported by

good research and assisted by all orders of government and police, rooted in social development, can reverse this situation effectively, efficiently and long term without the need for additional legislation. Social development in fact can do more, namely, it can prevent crime from occurring in the first place.

To be clear, Waterloo Region Crime Prevention Council was appreciative and enthusiastic when we were approached by our colleagues from Crime Prevention Ottawa and Mr. Naqvi to review SCAN and to provide support for its implementation. However, after several reviews of Bill 106, consultations with diverse community groups, including bylaw staff and police, and after research into the impact of the legislation in other provinces, Waterloo Region Crime Prevention Council does not agree that Bill 106 will add value to the safety and security efforts of neighbourhoods and municipalities in Ontario. In fact, we think it stands to slow down a broader effort across the province to engage municipalities in designing and implementing on-the-ground crime prevention approaches.

In the interest of time—much of our reasoning has already been talked about—I give you three main rationales of why the council arrived at this position: The first is the danger of eroding municipally based crime prevention; the second is viable alternatives that deserve due consideration by the province of Ontario; and then, finally, the inequities inherent in the bill that potentially increase the risks of crime.

First, safe and healthy neighbourhoods depend highly on the involvement of residents in their neighbourhoods, such as in Neighbourhood Watch, municipal planning, recreation and youth engagement or simple neighbourliness. Waterloo region has a long-standing history of engaging neighbourhoods exactly on that basis by decentralizing services to bring them closer to the people and by using restorative justice methods when other approaches fail. Bill 106 stands to tear at the fabric of communities by widening the gaps between people rather than making efforts to connect neighbours with neighbours and neighbours with services and their local government.

Encouraging residents to rely on the law as a mechanism for attending to complex social challenges is troublesome, oversimplifies and reinforces a sense of helplessness already felt by residents who live in neighbourhoods that struggle. As we often hear from our neighbourhood groups, when all is said and done, you get to go home at night. It is thus our responsibility to leave them with tools that they can use when we are not here, and the law is a blunt tool indeed.

Second, over 70% of calls to Waterloo Regional Police are for non-policing and non-criminal matters. A barking dog, a noisy party, youth loitering etc. are not crimes, although they can be an indicator of social challenges or even disorder. In Waterloo region, we have developed a mechanism that can assist police in monitoring these developments as part of their ongoing investigative approaches, and they collaborate with other

partners in developing solutions and never losing sight of prevention. Neighbours support police in enforcing the law when that is called for, and at the same time step up other efforts that can create sustainable long-term change.

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In a project based in four priority neighbourhoods in 2000, we were able to bring neighbours together with police and community services for strategic actions that led to significant reductions in all things identified as troublesome by residents in these areas. Issues such as graffiti, vandalism and drug deals that were very public were reduced through comprehensive and integrated actions with existing resources, and in some cases, they disappeared altogether.

This experience led to the creation of a model where police are partners in the process of social change with tools that are way more nimble than the law. Some senior police staff in our community have compared the idea of SCAN to squeezing Jell-O: When you see reductions in one area, they often pop up with double the force in another. To avoid such displacement, we've created the integrated model for crime prevention, which utilizes the capacity of existing services, including police, in an approach where it is clear who leads what and when. Practically, when neighbourhoods are identified as needing priority attention, they receive the support of several services—not one—in a comprehensive and integrated manner.

This policy is effective, inexpensive and leaves the tools for change squarely in the hands of local communities without further government intervention. We have sufficient legal tools to deal with safety concerns in neighbourhoods such as Civil Remedies Act bylaws and, yes, the Criminal Code of Canada. What we lack instead is encouragement and support for residents in neighbourhoods across the province to work with their municipalities on designing local and long-term solutions. We also lack leadership and commitment to support municipalities by stimulating actions that are evidence-based and yet locality-sensitive. A law cannot meet that need and may, in fact, detract from it.

Finally, those persons who have a higher likelihood of being in conflict with the law often share some common social and economic characteristics. This is well documented in research, and we need to pay attention to that evidence. As such, any law that provides the basis for differential treatment of homeowners and tenants further widens the very gap that has been identified as a significant contributor to crime in those places. It also simply flies in the face of justice and fairness.

In closing, we agree that few things are as important as our ability and motivation to ensure that neighbourhoods are healthy and vibrant places. Crime is best prevented home by home, street by street, neighbourhood by neighbourhood. Waterloo Region Crime Prevention Squad thus shares the goals that have led to the proposal of this private member's bill. We are, however, deeply troubled by its potential application, so much so, in fact,

that we do not believe amendments would lead to changes significant enough to address these concerns in any tangible way.

We would strongly encourage you to look at alternative methods for supporting municipalities and neighbourhoods rather than developing a law that may take away resources in already-stretched municipal budgets from other opportunities that can accomplish the very same goal with less, and for a longer term.

At the very least, it seems clear that when two municipally based crime prevention committees can come to such divergent conclusions, this bill needs much more consultation than thus far has been provided. If a provincial law can lead to such a different understanding of the reality and how it would play itself out in municipalities, then in our mind it should not become law, or at the very least it's not ready to become law.

Thank you for your time.

**The Chair (Mr. Michael Prue):** Thank you. There is less than 30 seconds. I don't even think a question—I can't split that time three ways, so we're just going to go on. Thank you very much for your deputation.

#### OTTAWA CITY COUNCIL

**The Chair (Mr. Michael Prue):** The next deputant we have listed is from Ottawa City Council: Christine Leadman, Ottawa city councillor, Kitchissippi ward.

**Ms. Christine Leadman:** Thank you very much, Mr. Chair and committee members, for affording me this opportunity to bring forward the position of city council on the SCAN legislation.

City council, through the community and protective services committee and onto city council, unanimously support the SCAN legislation. It deals with how our cities cope. We have rising costs related to policing, bylaw services and health and safety, including the fire marshal and health inspectors. These are all the challenges that we face when we address problem properties.

You've heard from my community, in particular, because I'm in an urban centre. I've got a very diverse community, and we see the impacts of this.

When we speak about our provincial legislation and how we see our cities develop and how we want people to move into the urban core, how we want to change that model of urban sprawl, we have to provide an opportunity where families feel safe to come into the core and live. We haven't been able to demonstrate that when we have crack houses and drug dealers on the street. I think that the interpretation of this legislation as attacking those who are helpless or homeless, like prostitutes and so on, is actually ill directed. We are looking at the criminal element here, the drug dealer, the people who have no regard for the community, who are not the users but the perpetrators of it. When we have communities such as ours in the urban core—and this is the area that is affordable still for people to live—they're challenged, and because of their economic stance, it doesn't mean that they're less vulnerable to these situations, or that

they're not as important as other areas. These are the challenges that we face, helping these people get through them.

We have a lot of seniors who live in the downtown core. I sit on the board of Ottawa Community Housing—although I don't speak for it—and we do face a lot of challenges with our tenancy. Some 95% of our tenancy is good. We have great tenants. We have a great community. The 5% that creates the problems within our community are related to drugs and drug dealing. They victimize a tenant or they take over an apartment, and these people feel less able to come forward and speak up. We try to help, but the law doesn't provide us all the options that we can have available to us to address these problems.

When we live in a community as diverse as ours, our children are vulnerable. These are families that are on the economic edge. They can become victims—using kids for drug running in the communities. These are elements that are there; they're real. I hear about studies and I hear about the possibilities, but what we're talking about is what's happening in the communities. This is real. These are the people who are saying, "This is happening."

My community for 20 years has been dealing with trying to take that community out of that element, to move it forward, to make a great place to live, and we're challenged by that. Every year, our police budget goes up. This year, it's a 5.6% increase that they're looking at for their budget. We're looking at increasing our bylaw services to address these issues.

The other element, I think, that's missing here is our ability for intervention as well. This gives us an opportunity to at least get to the people who are being victimized, who are under the influence of drugs, and give them that step up to be able to change that pattern for themselves.

Recently, the Ottawa Mission supported the building in the community, for the very first time, to transition from a program where they've had two years of sobriety from either drugs or alcohol and putting them in a community where they can integrate better with society. If we don't provide them with an environment that is clean of the activities that might encourage them to move forward, we're not doing ourselves a favour. This costs us money, and for people to be accepting of these communities and making them welcome, and spreading them out instead of concentrating them—these are the community people here who support those buildings and who support those tenants, bringing them forward and helping them through those challenges that they're facing, integrating them as part of a community, getting jobs and being accepted. To continue to allow criminal activity in buildings and not giving the tools to address them from a community level—I think that this community has demonstrated its strength in keeping its community safe as much as possible.

I know we were challenged with the crack pipe program in the city of Ottawa, in regard to all in community health services who were upset when the city council

cancelled the program. When I met with them, I said, "Well, there's a reason for it. We accept the idea that this is a health issue for those users, and certainly the program is worthwhile. But at the same time there has to be recognition for the effects of that program and the needle exchange program when they're scattered in the community and in our parks."

**1000**

So how can we work together? It can't be, "One element is the right element." The health community groups agreed, after the program was improved and the cleanup was recognized, that it has been solved.

I think that we have to look at two sides of this, and we have the community here who lives this every day. It's not academic, it's not theory, it's not studies but it is real, it's raw and it affects them every day. It affects their children, it affects their parents, and it makes it not the place where you want to come and live. This is contrary to where we want to be as a community, as a city and as a provincial direction in how our cities are growing.

I think we have a challenge in front of us, but to disregard any argument and to disregard the community here who live this every day is a mistake. I think that the SCAN legislation is a step forward in giving another tool to our communities in order to address this, one that is cost-effective, quicker, easier and not as onerous as the Civil Remedies Act. There has only been one case in the city of Ottawa where civil remedies was applied, because of the rigorous demands of meeting the requirements of the Civil Remedies Act.

This community, and other communities in all our cities who are challenged with these problems, are looking to you to set a direction for where our urban core and urban centres are going to go: how we bring people into the core, how we bring families back to live in the core, how we stop the spread, the urban sprawl, and make our urban centres the place to be.

Thank you very much, Mr. Chair and committee members.

**The Chair (Mr. Michael Prue):** You have left exactly two minutes, so that will be 40 seconds per caucus, starting with the Conservatives.

**Mr. Bill Murdoch:** I hear your presentation and I thank you for it. But you're telling me that we need a new bill so that you're able to enforce the laws that you already have? That's what you're saying.

**Ms. Christine Leadman:** No. I think what is said here is that the gap is there. The Civil Remedies Act is the removal of whole properties. This is not as draconian as that; this is actually giving an opportunity to remove the problem from the building but not take away the property. Civil remedies is a very draconian move, and that's why the requirement is so high. This is that middle ground that's more acceptable.

**Mr. Bill Murdoch:** Even though all the professional groups that sort of look after people are against it?

**Ms. Christine Leadman:** But as I indicated, with the crack pipe program it was the same thing, but they saw the other side of the coin and agreed that, yes, maybe that

does create a problem. They're very dedicated people, and so seeing the other side of the coin is not always an option when something like this is presented. I think that we have an opportunity to do that.

**The Chair (Mr. Michael Prue):** That's well over the 40 seconds. The NDP; Ms. DiNovo.

**Ms. Cheri DiNovo:** The entire city of Toronto is opposed to the SCAN legislation. I live at Queen and Dufferin; my husband was an officer with Waterloo regional at one point in his life. There are lots of other alternatives, including the Criminal Code, to deal with people.

I just want to bring your attention to the fact that John Howard, CAMH and all the legal tenants' organizations and advocacy for tenants organizations work with those who are marginalized. They work on the street with them. They're not to be dismissed as mere academics who are quoting from studies. These people are quoting from real, lived experience. On my street we have a crack house, and guess what? Do you know that crack addicts also have children, they also have needs, they have health concerns? They are in fact human beings. They don't deserve homelessness. I'll leave it at that. Thank you.

**Ms. Christine Leadman:** Yes, thank you, and as I—

**The Chair (Mr. Michael Prue):** She didn't leave you any time to answer it.

**Ms. Christine Leadman:** Oh, well.

**The Chair (Mr. Michael Prue):** Go ahead. That's fine. You've got 40 seconds.

**Ms. Christine Leadman:** What I said in my presentation was that it's not dealing with the addict; it's dealing with the criminal element and the dealer. I think that at this point, this is the challenge we're looking for. Thank you.

**The Chair (Mr. Michael Prue):** Thank you very much.

Just for all those who are present, I know it seems awfully strange for 10 minutes, but this was imposed on us by the Legislature and I must follow those rules. So it's 10 minutes; that's it.

Okay, that would be the time for deputations.

Now the committee has an option on how we wish to proceed. We can either go directly to the clause-by-clause analysis or we can deal with the other item that is before the committee as well, if there is time permitting, which is the consideration of the draft report on regulations. I am in the hands of the committee. Which way do you wish to proceed?

**Mr. Gerry Martiniuk:** Are we finished?

**The Chair (Mr. Michael Prue):** That's the end of the deputations, yes. We still have some 10 minutes left before we break.

**Mr. Paul Miller:** Do you want to go to clause-by-clause now or do you want to hold it until later?

**The Chair (Mr. Michael Prue):** You don't ask me. I'm asking the committee. I'll ask the mover of the bill; I think that's appropriate.

**Mr. Yasir Naqvi:** I'm obviously in your hands. There's an hour scheduled for this afternoon. I have

tabled eight amendments to the legislation to further present some safeguards as we've heard in the submissions from the deputants. We're in your hands, as you wish.

*Interjections.*

**The Chair (Mr. Michael Prue):** I hear some murmurs that we get on with it, so Mr. Naqvi, the floor is yours. You have an amendment. Anyone else who has amendments may do so either now or at 1 o'clock, but we'll deal with his at this point.

**Mr. Yasir Naqvi:** I'll just move the eight amendments I have, Mr. Chair. Is that correct?

**The Chair (Mr. Michael Prue):** One at a time.

**Mr. Yasir Naqvi:** Of course.

**The Chair (Mr. Michael Prue):** First of all, there's a whole procedure here to go through the bill. The first amendment deals with section 1. If you can start with section 1.

**Mr. Yasir Naqvi:** I move that clause (a) of the definition of "specified purpose" in subsection 1(1) of the bill be struck out.

**The Chair (Mr. Michael Prue):** Is there any discussion on this amendment?

**Mr. Paul Miller:** Yes. I'd like an explanation, Mr. Chairman, on why you're striking it out and what was there originally.

**Mr. Yasir Naqvi:** Absolutely. The current definition of "specified purpose" is a very integral provision, Mr. Chair. It says, "'specified purpose' means use of a property,

"(a) for the use, consumption, sale, transfer or exchange of an intoxicating substance...."

In my various consultations, it was highlighted that that's a fairly broad purpose that is defined, which would create vagueness and ambiguity and could catch situations which are not habitual in nature, which goes to the heart of this legislation. Clause (c), which also speaks to the consumption of intoxicant, is more precise, and it actually gives grounds on which this legislation could act. In order to ensure that there is no vagueness or room for abuse in this bill, I am moving that clause (a) be struck out.

**The Chair (Mr. Michael Prue):** Further discussion? None? Then we'll call for the vote.

**Mr. Gerry Martiniuk:** Recorded vote, please.

#### Ayes

Balkissoon, Colle, Craitor, Naqvi, Ruprecht.

#### Nays

Martiniuk, Paul Miller, Murdoch.

**The Chair (Mr. Michael Prue):** That carries. We now have motion number 2 by Mr. Naqvi.

**Mr. Yasir Naqvi:** I move that clause (e) of the definition of "specified purpose" in subsection 1(1) of the

bill be amended by striking out clause (e) and substituting the following:

“(e) for a common bawdy house, as defined in part VII of the Criminal Code (Canada);”

**The Chair (Mr. Michael Prue):** Any discussions? Seeing none—

**Mr. Gerry Martiniuk:** Recorded vote, and I’d like to say something.

I will be voting against all of the amendments, along with my friend. I will be voting against every clause of this bill. We will be voting against the bill in total and the report to the House.

I have rarely seen a bill come to this Legislature that would remove the fairness that our judicial system has inherently. Many struggles throughout the centuries have stated that we must meet our accuser, and this bill will permit penalties from anonymous tips. I think it’s a disgrace. There’s got to be another way. I understand the problem that you’re trying to meet, but such an onerous penalty against individuals—not being able to meet their accuser and the accusations—is intolerable, in my opinion. It takes our freedom away, not just for addicts, but it takes everybody’s freedom away. I don’t think that is something that this Legislature should be dealing with.

1010

**The Chair (Mr. Michael Prue):** I saw Mr. Murdoch first, and then Mr. Miller.

**Mr. Bill Murdoch:** I just want to echo what Gerry said. I understand what you’re trying to do, but this bill, as Gerry says—you just can’t support it. You can’t create more bills like this, and I think your police will have more paperwork out there. If you’re going to do anything like that, you’re going to have to look at other bills that we have and amend them. You can’t start creating bills, especially like this. I do have trouble with the idea that you can’t meet your accuser. It’s just a crazy society we’re going to create.

As I say, I understand what you’re trying to do, but you can’t do it with this bill. I’m shocked that the government of the day wants to bring this bill back. They had a chance to bring in four bills, this being one of them. I’m really shocked that it’s here in the present form. I just want to put that forward, so I’ll be with Gerry. We’ll have to vote against everything.

**The Chair (Mr. Michael Prue):** Mr. Miller and then Mr. Naqvi.

**Mr. Paul Miller:** I personally have a major problem with the power that you’ve given this director. Who will the director be? Who appoints him? Is it a government? Is it a community?

It seems to me that in one part of bill, he has the ability to enter a property without notification at any time, or he can delegate one of his people from his office to enter a property without any notification. That’s a major problem. I think you’re creating a safety problem for the people working in his office, or for him, or for the individuals whose house he’s going into. I mean, if somebody went in there, you don’t know if the person is armed. You don’t know if they’re having psychological

problems. You don’t know what’s going on in that house and having a perfect stranger go into their house—even if he’s with a sheriff or an officer of the court—I think is ridiculous. I think you’re going to have some major, major problems and a lot of people are going to be sued. That’s a real problem in this bill, and I can’t support it.

The problem with a bill is—it’s just like on the floor of the House—you either like it or you don’t. A lot of amendments that are suggested are not accepted by the ruling party, and the opposition party’s only way is to vote against the whole thing because they can’t get what they feel is in there to help it.

There’s not a lot of movement on the government’s part, on most of these committees because they have the 5 to 3 vote. It’s very frustrating as an opposition member. Even if there are good aspects to a bill, you either like it or you don’t, because they won’t accept your amendments. So if that’s the purpose, I’m all for bills that are good and the good parts of a bill, but unfortunately, you’re not able to get in the things that you feel would be a betterment to the bill because you’re being blocked by partisan politics. I have a real problem with that. I cannot support it.

**The Chair (Mr. Michael Prue):** Mr. Naqvi and then back to Mr. Murdoch.

**Mr. Yasir Naqvi:** Thank you very much, Mr. Chair. I just want to take this opportunity to clarify some mis-characterization that has taken place.

First of all, this legislation has been enacted in other provinces: Manitoba in 2001, Saskatchewan, Alberta, Newfoundland and Labrador, Nova Scotia and Yukon. It has been brought by both the NDP and Progressive Conservative parties. This particular version, in fact, is far more progressive in terms of learning from the experiences of other jurisdictions and making sure that there are proper safeguards for all involved.

Number two, there has been thus far, to my knowledge, no constitutional challenge to this mechanism, both on the grounds of division of powers and charter challenge. It has upheld the codes and has been in force since 2001.

The last point I will make—and it’s an important point and one that has not been raised by the deputants—is that the director of SCAN has no powers. He or she is an administrator. Any order that is made that is a community safety order, under this legislation, or any provision to enter a property, is a made by a Superior Court of Justice.

The director of SCAN, if he feels that the very strict legal test that has been outlined in this legislation, which is as follows: that a property has to be habitually—that is, on a regular or frequent basis—used for a specified illegal activity which is listed in this legislation and there is an adverse effect on that community, i.e., a negative impact on the health, safety or security of that neighbourhood, the director of SCAN then is required to make an application to the Superior Court of Justice, and then the judge who presides over that particular code is the one who is going to make a decision. We know that if we

are in front of a court, there are rules of evidence that are applicable. Obviously, a judge will not make a decision without making sure the proper evidence is put forward.

I just want to clarify to all my honourable colleagues that this legislation does not in any way take away from the courts or from the due process, because otherwise, this would be unconstitutional; it wouldn't even be here or be enforced and implemented in other provinces. So I just wanted to have that presented in front of the committee.

**The Chair (Mr. Michael Prue):** We're going back to a second round, and that's okay, but I just want to remind people that we are dealing with the motion before us, which is to redefine a common bawdy house as set out in the Criminal Code.

Mr. Murdoch cedes. Mr. Miller.

**Mr. Paul Miller:** It's funny you just made the statement that he doesn't have any power. Section 3: "The director is not required to give reasons for any decision made under this section." What does that mean?

**The Chair (Mr. Michael Prue):** We're not dealing with section 3 yet.

**Mr. Paul Miller:** What I'm trying to say is that he says the director has no power. It also says in the bill that the director can enter a property and he can delegate someone else from his office to enter a property. It says that right in your bill, Mr. Naqvi. I'm confused about why you say the court's doing all this.

**The Chair (Mr. Michael Prue):** I'm going to ask that you both hold your thoughts on that until we get to section 3. There will be time in section 3 to go through that.

Right now, we're dealing with section 1, and the motion before us is to change the definition for a common bawdy house as defined in part VII of the Criminal Code of Canada. Any further discussion on this motion?

*Interjection.*

**The Chair (Mr. Michael Prue):** I've had a request for a recorded vote.

**Ayes**

Balkissoon, Colle, Naqvi, Ruprecht.

**Nays**

Martiniuk, Paul Miller, Murdoch.

**The Chair (Mr. Michael Prue):** Carried.

Motion number 3, also dealing with section 1.

**Mr. Yasir Naqvi:** I move that clause (h) of the definition of "specified purpose" in subsection 1(1) of the bill be struck out and the following substituted:

"(h) for any purpose that contravenes an act or a requirement under federal law, if that purpose is prescribed;"

**The Chair (Mr. Michael Prue):** Any discussions? Any questions?

**Mr. Bill Murdoch:** Recorded vote.

**Ayes**

Balkissoon, Colle, Craitor, Naqvi, Ruprecht.

**Nays**

Martiniuk, Paul Miller, Murdoch.

**The Chair (Mr. Michael Prue):** Carried.

Are there any other motions on section 1? Seeing none, shall section 1, as amended, carry? All those in favour?

**Mr. Bill Murdoch:** Recorded vote.

**Ayes**

Balkissoon, Colle, Craitor, Naqvi, Ruprecht.

**Nays**

Martiniuk, Paul Miller, Murdoch.

**The Chair (Mr. Michael Prue):** That carries.

Are there any amendments to section 2? Seeing no amendments, shall section 2 carry?

**Mr. Gerry Martiniuk:** Recorded vote, please.

**Ayes**

Balkissoon, Colle, Craitor, Naqvi, Ruprecht.

**Nays**

Martiniuk, Paul Miller, Murdoch.

**The Chair (Mr. Michael Prue):** Carried.

Are there any amendments to section 3? I believe there were some questions here; there was some dialogue. Mr. Miller.

**Mr. Paul Miller:** It says right here, "Reasons not required." Under that title—

**Mr. Yasir Naqvi:** Which section are you looking at, Mr. Miller?

**Mr. Paul Miller:** Section 3, first line:

"Reasons not required

"The director is not required to give reasons for any decision made under this section."

**Mr. Yasir Naqvi:** Mr. Chair, that's under subsection 4(3); it's not under section 3.

**The Chair (Mr. Michael Prue):** It's 4(3).

**Mr. Paul Miller:** Okay, 4(3). We'll wait till we get to 4(3); no problem.

**The Chair (Mr. Michael Prue):** In section 3, are there any amendments, any discussions, any questions?

**Mr. Gerry Martiniuk:** Recorded vote, please.

**Ayes**

Balkissoon, Colle, Craitor, Naqvi, Ruprecht.

### Nays

Martiniuk, Paul Miller, Murdoch.

**The Chair (Mr. Michael Prue):** Section 3 carries.

1020

**Mr. Bill Murdoch:** Point of order—and I don't know whether this is or not, but I would like to put on the record that in our party, we certainly haven't been whipped to do this. We're doing this because we feel it's not a good bill. Definitely, our party was not whipped to vote this way. We just feel that it's not a proper bill and shouldn't be put in, and that's why we're voting this way.

**The Chair (Mr. Michael Prue):** It's not a point of order, but you've made your statement. I cannot speak on whether people have been whipped or not—

**Mr. Bill Murdoch:** No, I know you can't, but it certainly looks that way.

**The Chair (Mr. Michael Prue):** I just want to say that the members are voting as they deem fit, for whatever reasons they choose.

**Mr. Bill Murdoch:** In your opinion.

**The Chair (Mr. Michael Prue):** Well, no, I have to be fair to all. I'm the Chair.

Section 4: We have an amendment here on subsection 4(2) and we do have some discussion. I am also mindful of the time. We can begin, but we'll have to wind it up in approximately three or four minutes and come back this afternoon.

Mr. Naqvi, you have a motion number 4.

**Mr. Yasir Naqvi:** I move that subsection 4(2) of the bill be amended by striking out "if he or she decides not to act on a complaint" at the end and substituting "if he or she decides not to act or to discontinue acting on a complaint".

**The Chair (Mr. Michael Prue):** Is there any discussion on this motion?

**Mr. Bill Murdoch:** Recorded vote.

### Ayes

Balkissoon, Colle, Craitor, Naqvi, Ruprecht.

### Nays

Martiniuk, Paul Miller, Murdoch.

**The Chair (Mr. Michael Prue):** That carries.

I believe there were some questions, so let's begin that. We've got about two minutes. Mr. Miller, you had a question on subsection 4(3).

**Mr. Paul Miller:** I'll reiterate: The question was, in subsection 4(3): "The director is not required to give reasons for any decision made under this section." What does that mean?

**Mr. Yasir Naqvi:** This refers to if a director has received a complaint and either decides to commence a complaint if the strict legal test is met or decides not to

commence—discontinue—a complaint because he or she feels that the test is not met or is frivolous in that regard.

You will also notice, moving on, in section 6 one of the very first steps a director is required to do is take an alternative dispute resolution mechanism, bringing all the parties together—community groups, social groups—to ensure that there could be a dispute resolution to the problem. In that way, information is disclosed to everybody engaged.

**Mr. Paul Miller:** Okay, fine. Why have subsection (3), then? If you're going to do that in section 6, why are you saying that he does not have to give reasons for his decision? What court—

**Mr. Yasir Naqvi:** If you're suggesting an amendment—

**Mr. Paul Miller:** What system or what court in the land doesn't have to give a reason for a decision? I've never heard of that. That should be struck right out.

**Mr. Yasir Naqvi:** Are you suggesting an amendment?

**Mr. Paul Miller:** I'm suggesting you strike that out. Yes, I'm suggesting—

**The Chair (Mr. Michael Prue):** If the members do not want—you cannot just have a motion for that. You just vote no to it.

**Mr. Paul Miller:** Okay. See, that's what I mean. That's what I was saying before.

**Mr. Bill Murdoch:** You can move an amendment.

**The Chair (Mr. Michael Prue):** Well, you can move an amendment, but if you want to—

**Mr. Mike Colle:** Move the amendment.

**Mr. Paul Miller:** No, I don't want to—the whole bill is bad.

**Mr. Mike Colle:** Move the amendment.

**Mr. Bas Balkissoon:** Mr. Chair.

**The Chair (Mr. Michael Prue):** I have Mr. Balkissoon.

**Mr. Paul Miller:** Are you going to vote for it?

**Mr. Mike Colle:** Yes.

**The Chair (Mr. Michael Prue):** Please, no side discussions. Mr. Balkissoon has the floor.

**Mr. Bas Balkissoon:** Mr. Chair, if I could just help my friend on the other side: If you read subsection 4(1), it says all the things that take place for a complaint. All it says is that if the director decides not to proceed with the complaint and investigate it and take action, he notifies the complainant in writing and closes his file, but he does not state a reason.

*Interjection.*

**Mr. Bas Balkissoon:** Because if you state a reason, then you will carry on the discussion.

**Mr. Paul Miller:** But that's counterproductive. It's ridiculous. If you make a decision on something, you have to give a reason for it.

**Mr. Bas Balkissoon:** Well, you're not going to ask the director to proceed—

**Mr. Paul Miller:** Why not?

**Mr. Bas Balkissoon:** —with a frivolous complaint.

**Mr. Paul Miller:** So one person gets what he wants to hear and the other person doesn't, and he doesn't get a reason for it? That's ridiculous.

**Mr. Bas Balkissoon:** Then amend it, if you want. If you want frivolous complaints to be logged—

**The Chair (Mr. Michael Prue):** Okay. I think we have reached the appropriate time. We're going to have to break within a minute.

**Mr. Mike Colle:** I have a motion—

**The Chair (Mr. Michael Prue):** A motion? Well, the bell—

**Mr. Mike Colle:** —a motion to strike the section that refers to the director not having to give a reason.

*Interjection.*

**The Chair (Mr. Michael Prue):** The amendment will have to be written. We're going to have to break now. If you come back with that amendment, give it to legal counsel. At 12 o'clock, we will start there.

**Mr. Gerry Martiniuk:** Can we leave our materials?

**The Chair (Mr. Michael Prue):** Everything can be left here. The room will be locked. But please, leave no personal items.

We stand in recess. We will commence precisely at 12 noon, and we will have one hour in which to complete this bill.

*The committee recessed from 1026 to 1203.*

**The Chair (Mr. Michael Prue):** We'll call the meeting to order. Members are now present.

**Mr. Paul Miller:** Chair, I have a request. Also, can I seek unanimous consent for Ms. DiNovo to take over for me? It's her portfolio and her area. I would ask that she sub for me.

**The Chair (Mr. Michael Prue):** You are seeking unanimous consent to amend the current sub slip that we have to include this afternoon.

*Interjection.*

**The Chair (Mr. Michael Prue):** No, there can only be one of them.

*Interjection.*

**The Chair (Mr. Michael Prue):** No, no, it's not a motion. Is there unanimous consent? Granted. Thank you. Ms. DiNovo, you will be there for the New Democratic Party.

We were on—

**Mr. Bill Murdoch:** Can I ask a question? It can be on any section you want. Is this act an enabling act or not? If this act is passed, does this force every municipality to do this? I understand from the bit of research—well, we heard that Ottawa was here and they said that they support it, I understand maybe Hamilton supports it, but I haven't heard from any other municipalities.

**Mr. Bas Balkissoon:** Subsection 2(1): The municipality has to pass a bylaw.

**Mr. Bill Murdoch:** If I could have that clarified.

**Ms. Tara Partington:** If I could refer you to section 2 of the bill: It says that the act only applies in a "municipality if the council passes a by law appointing a director of safer communities and neighbourhoods for the

municipality." Those are the only circumstances in which the bill would actually apply.

**Mr. Bill Murdoch:** Okay, so if a municipality just carried on the way they're doing it right today, there would be no—

**Interjection:** It would stay the same.

**The Chair (Mr. Michael Prue):** So has your question been answered?

**Mr. Bill Murdoch:** Yes.

**The Chair (Mr. Michael Prue):** Thank you.

We were, at the last opportunity, talking about motion number 4, was it not?

**The Clerk pro tem (Mr. Trevor Day):** Motion number 4 carried.

**The Chair (Mr. Michael Prue):** Motion number 4 carried, excuse me. Now we have 4.1, which is a new addition. Everybody has it in front of them. Ms. DiNovo, since you're the new member, did you get it as well?

**Ms. Cheri DiNovo:** Yes, I did.

**The Chair (Mr. Michael Prue):** All right. Motion number 4.1, Mr. Naqvi.

**Mr. Yasir Naqvi:** Thank you, Mr. Chair. Based on the suggestion made by Mr. Miller, I move that subsection 4(3) of the bill be struck out.

**The Chair (Mr. Michael Prue):** This is a motion to strike out 4(3). Is there any discussion on this?

**Mr. Gerry Martiniuk:** Yes, I'd like an explanation of that. Subsection 4(3): "The director is not required to give reasons for any decision made under this section." That is what you're eliminating?

**Mr. Yasir Naqvi:** Yes.

**Mr. Gerry Martiniuk:** Is there no amendment to provide for an onus on the director to give reasons for his decision?

*Interjection.*

**Mr. Yasir Naqvi:** I believe Mr. Colle is submitting an amendment. Shall we entertain an amendment to the amendment, Mr. Chair?

**The Chair (Mr. Michael Prue):** No, we have a motion before us. This is the way it has been put. It's not been put in any other way. This is a motion to delete the subsection. If someone wants to add a new one, you can deal with that at that point.

**Mr. Yasir Naqvi:** I'll withdraw the motion, Mr. Chair. Can I not withdraw—

**Mr. Bill Murdoch:** Can we not have an amendment before that one now?

**The Chair (Mr. Michael Prue):** It is his amendment. If he chooses to withdraw it, then it is withdrawn.

**Mr. Bill Murdoch:** Yes, but he's only doing that because—

**The Chair (Mr. Michael Prue):** He can do it for whatever reason. I'm not going to think about his motive. He has withdrawn it. It is not before the committee. All right.

**Interjection:** It's withdrawn.

**The Chair (Mr. Michael Prue):** It's withdrawn.

I have now before me the next item, which is 4.2. It's not standing in the name of anyone.

**Mr. Tony Ruprecht:** Chair, on a point of order: I think that on that amendment, Mr. Colle has an amendment to substitute—

**Mr. Mike Colle:** That's what we're dealing with.

**Mr. Tony Ruprecht:** Okay.

**The Chair (Mr. Michael Prue):** I have 4.2 but it does not specify on it—is it Mr. Colle?

**Mr. Mike Colle:** Yes.

**The Chair (Mr. Michael Prue):** Then, Mr. Colle, the floor is yours.

**Mr. Mike Colle:** Yes, just briefly, as suggested by the NDP—

**The Chair (Mr. Michael Prue):** It must be moved.

**Mr. Mike Colle:** I move that subsection 4(3) of the bill be struck out and the following substituted—so to take out—

**The Chair (Mr. Michael Prue):** No, no, please read it into the record.

**Mr. Mike Colle:** “Reasons required

“The director shall give reasons for any decision made under this section.”

**The Chair (Mr. Michael Prue):** All right. You have the motion now properly before you. Is there any discussion? Ms. DiNovo first and then Mr. Martiniuk.

**Ms. Cheri DiNovo:** I just want to make very clear for the record that I'm going to vote against this amendment. It's not a motion put forward by the NDP. We are in fact against this entire bill. We're not going to sweeten this bill by changing something here and tweaking something there.

In fact, we think the bill is unconstitutional and ultra vires, which is to say we think this flies in the face of section 7 of the Charter of Rights and Freedoms. We also think it's ultra vires in the sense that here is a provincial government passing something that really does affect the Criminal Code in the way that criminal law is carried forth, and also the charter. So we'll be voting against every amendment, irrespective of the content of the amendments, and we'll be voting against the bill itself.

We think it's egregious that the government is even moving in this direction. We think everybody in Ontario should realize, particularly in inner Toronto communities, where the government of Toronto has opposed this bill—the fact that the member from Davenport and the member from Eglinton–Lawrence are even entertaining this bill should be known by their constituents, by all of those who work in social services, by CAMH and all of those who work in health care, by all attendants' advocacy groups, that this is what they're doing: flying in the face of their own city, flying in the face of all of those advocates for those communities.

I just want that on the record. This will be televised on Friday. We're horrified in the NDP that the government is moving forward on this bill. That said, I'll be voting against every amendment.

**The Chair (Mr. Michael Prue):** Mr. Martiniuk.

**Mr. Gerry Martiniuk:** Could I have legal counsel provide an answer to this question: If in fact the bill, in subsection 4(3), is amended to provide that the director

shall give reasons for any decision made under this section, will that decision and reasons therein now be subject to judicial review in some manner?

**Ms. Tara Partington:** Could I just take a moment before answering that question?

**Mr. Gerry Martiniuk:** Please do.

**Ms. Tara Partington:** Thanks.

**The Chair (Mr. Michael Prue):** Might I suggest, then, we recess for two minutes?

**Ms. Tara Partington:** Two minutes.

**The Chair (Mr. Michael Prue):** We stand recessed for two minutes.

*The committee recessed from 1211 to 1213.*

**The Chair (Mr. Michael Prue):** I'd like to call the meeting back to order. We would ask the people who are speaking there, if they need to, to take it outside.

*Interruption.*

**The Chair (Mr. Michael Prue):** Excuse me. The meeting is now called back to order. I would ask those at the back who are standing up to either take it outside or sit down. Thank you.

All right. The solicitor.

**Ms. Tara Partington:** Thank you. The decision of the director would be a decision being made under a statute. By virtue of that, judicial review would be available. The option would be available to go before a court and ask for the authority to make the decision and for the reasonableness of the decision to be reviewed.

**Mr. Gerry Martiniuk:** Would the decision also be subject to injunctive proceedings?

**Ms. Tara Partington:** No. All the remedies that would be available to an applicant in judicial review proceedings would presumably be available in those circumstances.

**Mr. Gerry Martiniuk:** Okay. I'm just trying to think of a practical case, in my limited intelligence. The director makes an order and gives reasons. A person is evicted from their home—

**Ms. Tara Partington:** Sorry. Maybe we need to take a step back. The decisions we're talking about are those listed in subsection 4(1).

**Mr. Gerry Martiniuk:** Yes.

**Ms. Tara Partington:** You'll see that there's no possibility for the director to make an order. It's the court that would make an order. What the director could do is apply for a community safety order. I don't think that circumstance would actually arise.

**Mr. Gerry Martiniuk:** Okay. Well, would the director's order and the reasons he gave be subject to review by the very court that is listening to an application for an order? Is that the procedure?

**Ms. Tara Partington:** Sorry, there is no—when you say “the director's order,” do you mean the director's decision; for example, the decision not to act on a complaint, or the decision to investigate?

**Mr. Gerry Martiniuk:** Yes.

**Ms. Tara Partington:** Regular judicial review proceedings would apply. I don't know if I could speak to

exactly all the procedures that would be involved in that. It would be an application for judicial review.

**Mr. Gerry Martiniuk:** Okay. What would usually form the subject? There are no transcripts that I would be used to. Would it be a matter of affidavit evidence of the director as grounds for an application? Would it be other evidence? What other evidence would be available?

**Ms. Tara Partington:** I'm not an expert on judicial review. I'm not a litigator. Those aren't questions that I can answer. I can say that the normal judicial review procedure of a statutory decision would be in place. I'd have to go away and get some more information for you on the exact procedure that would be followed and what evidence would be in play.

**Mr. Gerry Martiniuk:** I think it's really important that we have a firm understanding of the procedures provided for under this statute and the remedies. Without those, I don't really have sufficient information on which to base a decision as to the merits of this particular motion and the amendment.

I think it really is incumbent—I'd like to know the onus placed on the director in reaching "his decision." The evidence that would be presented before a judge would have to be more than his decision, I assume. There would be evidence of criminal activity of some kind. Would that be evidence of police? Would that be evidence of the director? Would it be evidence provided by neighbours? I think it's really crucial that we understand what information is going before the court as a result of the decision of the director.

**The Chair (Mr. Michael Prue):** If I could, the leg counsel is here to assist the committee and she can't answer the question any better than she has. In order for what you're asking, Mr. Martiniuk, to proceed, the committee would have to request that she be instructed to prepare that information and bring it back to the committee, and it would have to be a committee decision. So if you want to make such a motion, we'll stand down what's before us for a moment, see whether or not that motion has the authority of the committee, and if it does, then we'll get it. If it doesn't, then we must proceed.

**Mr. Gerry Martiniuk:** I would move that we request leg counsel to prepare a report determining and setting out the requirements of an approach to a judge for an order pursuant to this act, detailing the evidence presented before the judge, whether it was *viva voce*, whether it was affidavit evidence, whether or not evidence would be provided from neighbours or from the police. I think that type of evidence is very important so that we can be aware of the onus on the director in making his findings.

**Mr. Bill Murdoch:** Can I speak in favour of this?

**The Chair (Mr. Michael Prue):** Yes, it is a debatable motion, so—

**Mr. Mike Colle:** Can I speak to the motion? When can I speak to the motion?

**The Chair (Mr. Michael Prue):** I asked if it was all right to hold it down. I thought this was going to be very brief. Obviously this is not going to be brief. So I'm

going to have to just hold that. We know what you want. I'm sorry, I just thought it was going to be brief and we'd go back, but it's not; this is going to take some time.

Mr. Colle has the floor on the motion itself, and then I will recognize you immediately and your motion.

**Mr. Mike Colle:** Can I speak to my motion?

**The Chair (Mr. Michael Prue):** Yes, you're speaking to your motion.

**Mr. Mike Colle:** Thank you, Mr. Chair. It's a pretty simple motion in response to the request by the NDP to strike out or get rid of that section of the act which does not require the director to give reasons for any decisions made under this section. I have put forward a pretty simple amendment to that that simply does require the director to give reasons for any decisions he or she may make. That's my simple amendment, and I think it's in response to the request made by the opposite side.

**The Chair (Mr. Michael Prue):** Is there any discussion on this motion? And then we'll deal immediately with the next one.

**Ms. Cheri DiNovo:** Yes. People who are listening or watching this really should understand how egregious it is. Essentially, the original wording was that the director is not required to give any reasons. This speaks to the heart of what's absolutely wrong about this bill: You have a kangaroo court here set up in contradiction to the Criminal Code. That's why we're arguing, and I'm going to make a motion after Mr. Martiniuk's motion to ask for a legal ruling on whether we can even look at this bill, because I think it's unconstitutional, and I think it's *ultra vires*. So I'm going to ask for that after his motion.

**1220**

But suffice to say, while we're talking about this amendment, then the government quickly comes in with a handwritten amendment—that's how thoroughly this bill has been thought out—to say, "Well, yes, the director has to give some reasons." Where are we exactly? Is this Nazi Germany? Is this Russia before the fall of the wall?

**Mr. Mike Colle:** Point of order.

**The Chair (Mr. Michael Prue):** I really think that that has gone too far. I think you should withdraw that statement.

**Ms. Cheri DiNovo:** Okay. Sure.

**Mr. Mike Colle:** I really think she should withdraw that.

**Ms. Cheri DiNovo:** I withdraw, Mr. Chair.

**The Chair (Mr. Michael Prue):** If you would let me be the Chair—I've already asked her if she will withdraw that statement.

**Ms. Cheri DiNovo:** I will withdraw, Mr. Chair. Thank you.

The question is, here we're setting up a court system where again in a handwritten amendment we're asking somebody who's deciding over somebody's fate extrajudicially and they don't even have to give reasons. Well, now they have to give reasons. Wow, we're really moving ahead here in terms of democracy.

Still, the incumbent does not get to face his accuser. Still, the incumbent has to get a lawyer to represent

himself, which of course most people who will be targeted are not going to be able to afford to do. That speaks to the heart of what's problematic, and so problematic and so badly drafted. Again I draw the committee's attention, and everybody watching, back to another badly drafted bill which has been struck down by the courts, by the Attorney General, on speeding. So I want to prevent the government having further embarrassment from badly drafted, badly written bills here by asking for a legal opinion before it goes forward rather than having it tested and thrown out of the courts, which I warrant this would be.

I'll speak to the amendment, and then we can continue with the vote. Thank you, Mr. Chair.

**The Chair (Mr. Michael Prue):** Mr. Naqvi on the amendment, and then Mr. Colle. Please, on the amendment.

**Mr. Yasir Naqvi:** I just want to correct the record here because I think the honourable member is fear-mongering. With all due respect, I think she and some of the other members are demonstrating that they have not reviewed the bill thoroughly. Right now we're dealing with part IV—

**Ms. Cheri DiNovo:** Neither have you.

**Mr. Gerry Martiniuk:** Obviously.

**Mr. Yasir Naqvi:** Mr. Chair, I'm speaking to part 4. I'm talking to the amendment. Okay?

There is no kangaroo court being created. Part 4 just talks about, when a complaint is received, what steps a director can take. He can decide to initiate an investigation. He can decide not to initiate an investigation. That's a mechanism just like the police follow. When the police receive a report, they decide whether to initiate an investigation or not to initiate an investigation. That is the only step we are talking about. If the director decides to initiate an investigation and wants to get an order, then they have to go to the Superior Court of Justice. The director has no power whatsoever to make any order, and that is part IV of the bill, which starts with section 9, which I'm sure—hopefully—we'll get to, and that's where a judge, based on all kinds of evidence and rules of evidence, gets to make a determination. I just wanted to clarify that, Mr. Chair.

**The Chair (Mr. Michael Prue):** Mr. Colle.

**Mr. Mike Colle:** Just a comment: This is a private member's bill, and the gall of the member from Parkdale-High Park to criticize—

**The Chair (Mr. Michael Prue):** Let's not inflame the situation any more.

**Mr. Mike Colle:** She criticized the fact that my amendment—

*Interjection.*

**Mr. Mike Colle:** The amendment is handwritten. Well, the amendment is a result—

**Ms. Cheri DiNovo:** Could he withdraw that comment, please?

**The Chair (Mr. Michael Prue):** The member has taken umbrage. Would you—

**Mr. Mike Colle:** I'll withdraw whatever she wants me to.

*Interjection.*

**Mr. Mike Colle:** The member was objecting to the fact that a motion to amend has been presented in some format. It's a result of the debate that took place and the deputations that were made before this committee that each one of us sitting on this committee has the right to put forward an amendment. To deny me the right to put forward an amendment because it's handwritten is totally objectionable. I have the right to put forward an amendment if I want, and she cannot deny me that right to do so.

**The Chair (Mr. Michael Prue):** If I can, I'm trying to lower the temperature a little here. This is a very difficult situation for this committee. We were given four private members' bills. We were given one hour for deputations and one hour for clause-by-clause. So, everybody remember that the House set these parameters, and it's not possible to have them all typed out and neat when you only have one hour, and you only have an hour between the time of the deputations and the time of the clause-by-clause. So it is constituted correctly, and I hope that would put an end to that. It's handwritten but it was as a result of what happened here this morning. Ms. DiNovo.

**Ms. Cheri DiNovo:** Just further discussion: I was not objecting to the member putting forward an amendment; I was objecting to the fact that the homework and the groundwork had not been done where the amendment was so egregiously necessary.

**Mr. Mike Colle:** Point of order: She's again denying me the right to put forward an amendment, which I have the right to do as a result of this committee.

**The Chair (Mr. Michael Prue):** I didn't hear—no one is denying you. Your amendment is properly before the committee.

**Mr. Mike Colle:** She's objecting to my right to put forward an amendment.

**Ms. Cheri DiNovo:** No, I'm not.

**The Chair (Mr. Michael Prue):** With the greatest of respect, I just want everyone to know we have a proper amendment. It is properly before us. It cannot be said it's not proper. I did not hear her saying that. The question to be debated is the question of the contents of this motion. Please, to the contents of the motion.

**Ms. Cheri DiNovo:** Absolutely, and to the role of the director—and I thank Mr. Naqvi for clearing something up. Essentially what I got from his comments is that the director has the same powers as the police, which frightens me even more. So what you're saying is that the director has the power to either pursue this or not as a police person would. Again, I just want to state, from the New Democratic point of view, that that harkens back to my concern that this is ultra vires, that this flies in the face of criminal law and the way that we've structured our criminal justice system and certainly is unconstitutional.

**The Chair (Mr. Michael Prue):** Mr. Murdoch.

**Mr. Bill Murdoch:** I'm glad to get on the mike here. First of all, though, I object to being told that we didn't look at the bill, because we didn't understand this

amendment that's before us. That didn't help things out very well. If you want to get into calling names, we could say, "Well, the government didn't look at the bill very much, because look at all the amendments you've got." I always think when a government, no matter who it is, puts in a bill and then they have to amend it, those are mistakes they made the first time. So don't blame us for not looking at it; everybody can maybe take a little blame on this one.

Now, we're looking at an amendment to the bill and, yes, that's what we in the opposition asked for, but it doesn't make any difference, it doesn't change the bill much, and that's what we're really concerned about. But we have to vote on this amendment. Here's my dilemma: Mr. Martiniuk put on the record what he would like to see done, and that needs to be done before we vote on this amendment. If you vote on this amendment now, then his becomes redundant. So I don't know—

**The Chair (Mr. Michael Prue):** The only—

**Mr. Bill Murdoch:** You can correct me; I just have a little bit more here—can we make an amendment to the amendment? Then we would hear Mr. Martiniuk's amendment first, because if you don't, you make his redundant. He wants to look at some things that would make us vote on this amendment for or against.

I also understand that the government has mentioned that it is done in other provinces, which is fine. I'd like to know what cities have adopted it, then, and that could all come before we'd vote on this.

**The Chair (Mr. Michael Prue):** If I can suggest, there are two procedural ways that this can happen, what you're asking, if you want Mr. Martiniuk's question to be answered first. You can make an amendment to the amendment, but it would have to be directly related to this motion; or you could ask for the consent of the committee to stand this down until Mr. Martiniuk's motion is made.

**Mr. Bill Murdoch:** Well, I'd like to see—because this is sort of important.

**The Chair (Mr. Michael Prue):** If you want an amendment to the amendment, you have to propose it. I cannot make it up for you.

**Mr. Bill Murdoch:** When I'm off the mike here, I'll let Mr. Martiniuk propose that, then. I'll give it to you, Gerry, and then see what happens.

**The Chair (Mr. Michael Prue):** I have Mr. Martiniuk next and then Mr. Ruprecht. Mr. Martiniuk, do you have an amendment to the amendment?

**Mr. Gerry Martiniuk:** Yes. We've been put in a most difficult position, if I do say so myself. I am really concerned about this director, and there was a—

**The Chair (Mr. Michael Prue):** No—

**Mr. Gerry Martiniuk:** I'm speaking to the amendment. I do believe I have 20 minutes to speak to the amendment if I so choose. Is that not correct?

**The Chair (Mr. Michael Prue):** All I'm asking—are you speaking to this amendment—

**Mr. Gerry Martiniuk:** Yes, I am.

**The Chair (Mr. Michael Prue):** —or to the amendment to the amendment?

**Mr. Gerry Martiniuk:** No, I'm speaking to—

**The Chair (Mr. Michael Prue):** Sorry, I thought you were making an amendment to the amendment. If you were, I wanted you to state it first before you spoke to it.

**Mr. Gerry Martiniuk:** Firstly, Mr. Chairman, I rarely speak for 20 minutes, I must admit. I'm a person of short words, in keeping with my stature. But I must say, and I do say, that I am really concerned about the role of this director and this particular motion. You see, now this amendment in effect would provide for a director under this act providing reasons for his decisions under this act. Someone mentioned that, just like a police officer, he gathers information. It raises another question: Is in fact the director a peace officer under the Criminal Code in this situation?

**1230**

Number one, if he is, could you provide the section that would provide that his authority is that of a police officer? Secondly, like a police officer who takes an oath when he enters his profession, does this director take any oath to provide the scope of his jurisdiction? Because, if he is like a police officer, then we must ensure that he has in fact the proper training as a police officer. "Peace officer" is a better word, because obviously he's not a police officer; he's a peace officer. Then the reasons we're talking about that go before the court have two weights. Credibility in this situation, the evidence of a peace officer—he has a certain onus to meet, he has a certain training to meet, and he's responsible to superiors. And here we have a director who—I didn't say it; someone for the government mentioned that—acts as if he were a police officer. I am really concerned that if in fact he has the authority of a police officer, or the scope of a police officer, then what training will be provided for this director?

Two, what oaths would this director take before entering his profession?

Three, this police officer, if that's what he now is, in fact, would have to be properly trained—and to whom is he responsible? The municipality? The director, if there is a director of this corporation? The board of directors? I'm sure that there's an administration. I neglected to observe that when I read the statute.

We are setting up a superpoliceman who is going to do all sorts of wonderful things for this municipality. We don't know whether he's going to be properly trained. We don't know whether he has to take an oath. We don't know to whom he's responsible. An ordinary peace officer is responsible to someone. A police officer, obviously, is responsible to a chief of police and to the police board. I served on a police board for almost eight years in the region of Waterloo. I realize the great pressures that are put on our individual police officers and the guidance that they require, not only from their chief but from the police board. It's a very difficult position to be in in this modern, complex world.

I am concerned that we're just sort of naming a director and that's it, and yet we expect him—they have stated that perhaps he would fulfill the job of a peace officer. I am most concerned with that.

I will move an amendment that the—

**Mr. Bill Murdoch:** All your concerns are adaptable.

**Mr. Gerry Martiniuk:** Thank you. Why didn't you do it for me?

Under section 4(3) of the bill, we have an amendment in subsection (3) that reads: "The director shall give reasons for any decision made under this section." What I would like to put after that is, "subject to the concerns of the training, oaths, scope of employment and submission to the proper authority."

**Mr. Bill Murdoch:** So you move an amendment to the amendment.

**Mr. Gerry Martiniuk:** That's an amendment to an amendment.

**The Chair (Mr. Michael Prue):** Did you get that all down? We're just going to make sure that it has all been written down. We'll read it back to you to make sure it's correct.

**Mr. Mike Colle:** It can't be handwritten, though. It has got to be typed.

**The Chair (Mr. Michael Prue):** I have already ruled on that.

**Mr. Gerry Martiniuk:** Can I have—

**The Chair (Mr. Michael Prue):** I have ruled on that. Handwritten is fine.

**Mr. Gerry Martiniuk:** Can I have 15 minutes to get it typed? I'll get it typed.

**Mr. Mike Colle:** Go ahead. Get it typed, or she won't allow it.

**The Chair (Mr. Michael Prue):** I have new-found respect for the Speaker. We're going to copy it. But I'm just going to read it out, and then we're going to get it copied. While I'm getting it copied, I'm going to recognize Mr. Ruprecht next, but it is on the amendment to the amendment that we're speaking.

The amendment to the amendment reads: "subject to the concerns of the training, oaths, scope of employment and submission to the proper authority."

Okay, Mr. Ruprecht, on the amendment to the amendment.

**Mr. Tony Ruprecht:** Yes, thank you very much, Mr. Chair. I'm trying to be helpful on this. Mr. Martiniuk has made this amendment to the amendment, and to try to be helpful, to my mind, it raises some questions that are of legal repercussions. Consequently, I'd like to make an amendment to the amendment of the amendment.

**The Chair (Mr. Michael Prue):** No, no. You can't go that far. It can't be done. An amendment to the amendment to the amendment? No.

**Mr. Tony Ruprecht:** It would be to stand this item down until we hear from legal counsel, and that may take some time. Consequently, that would be my amendment to the amendment.

**The Chair (Mr. Michael Prue):** No, no. That's not an amendment. Are you asking this committee to stand Mr. Colle's motion and the amendment to the amendment down?

**Mr. Tony Ruprecht:** Yes, if that's the way to do it, Mr. Chair. I'd appreciate your guidance on this. I would

ask that this matter be stood down until we hear from legal counsel.

**The Chair (Mr. Michael Prue):** You're asking to stand down the whole item?

**Mr. Tony Ruprecht:** That's right. The whole item.

**The Chair (Mr. Michael Prue):** The proposal by Mr. Colle and the amendment to the amendment?

**Mr. Tony Ruprecht:** Yes.

**The Chair (Mr. Michael Prue):** All right. We have a motion to stand this down. I need unanimous consent for this.

**Ms. Cheri DiNovo:** Is there discussion on the motion?

**The Chair (Mr. Michael Prue):** Just on the propriety, whether it's a good idea or not.

**Ms. Cheri DiNovo:** Okay, can I speak to that?

**The Chair (Mr. Michael Prue):** Okay, on the propriety, and unanimous consent is required—on the propriety.

**Mr. Gerry Martiniuk:** I don't understand the motion. Just so I can understand what you're saying, can I have the motion read out again?

**Mr. Bill Murdoch:** It's just a motion to stand this down.

**The Chair (Mr. Michael Prue):** He wants it stood down.

**Mr. Gerry Martiniuk:** Oh, okay. Sorry. That's all we're doing?

**The Chair (Mr. Michael Prue):** Yes. I've been advised by the clerk—I'm sorry, I'm more used to Robert's Rules Of Order than Bourinot's—that this is not a debatable item. It is either stood down, or it's not. It requires unanimous consent. Is there unanimous consent to stand this down? I heard a no.

On the amendment to the amendment: Mr. Ruprecht, is there anything you want to speak to?

**Mr. Tony Ruprecht:** Thank you. That's all.

**The Chair (Mr. Michael Prue):** Ms. DiNovo.

**Ms. Cheri DiNovo:** Yes, just on the amendment to the amendment, it raises the issue—and I'm not quite sure; I would ask for your direction, Mr.-most-patient Chair, because I agree with something that Mr. Ruprecht said, and basically that's what Mr. Martiniuk is calling for too: more legal expertise on this matter. If that's going to happen—and I'm not sure how to frame this—I'd like to hear about the constitutionality of this bill and the ultra vires aspect.

1240

**The Chair (Mr. Michael Prue):** This is the amendment to the amendment, which is very clear.

**Ms. Cheri DiNovo:** Okay.

**The Chair (Mr. Michael Prue):** It's subject to the concerns of the training, oath, scope of employment etc. That's what we're debating, not the Constitution. If you want to make that motion later, you're more than welcome to do so.

**Ms. Cheri DiNovo:** Sounds good.

**The Chair (Mr. Michael Prue):** We have a motion. I don't see any other speakers. We have an amendment to the amendment, moved by Mr. Martiniuk.

**Mr. Bill Murdoch:** Can I speak—

**The Chair (Mr. Michael Prue):** Well, I asked if there were—

**Mr. Bill Murdoch:** I'm sorry, I was just trying to be nice to you and let you ramble on. It's okay.

**The Chair (Mr. Michael Prue):** I asked. There did not appear to be any further speakers to this.

**Mr. Bill Murdoch:** We were discussing. We were conferring.

**The Chair (Mr. Michael Prue):** Are you wanting to speak to this?

**Mr. Bill Murdoch:** Yes.

**The Chair (Mr. Michael Prue):** Please, then, do so.

**Mr. Bill Murdoch:** Well, I just want to support it, because I think we need to know this. Mr. Martiniuk brought out a lot of concerns. We don't know what the director—my whole thing would be that we have been told, and I didn't know until today, that other provinces have done this. I would like to know—and this is just on this—where you could find out whether the directors that they've appointed—or are there even any other cities that have done it? It doesn't have to be done, even though Alberta will say—or was it Manitoba that had one? If they've done it, have any cities actually adopted it? Who did they pick for director and why? Things like that. That's why Gerry's amendment to the amendment makes sense, because we don't know that, and it doesn't say. I was looking through it, and I may have missed it and it could be pointed out to me, I'm sure, by somebody on the other side. Is there a description of the director in here? If there is—yes, okay. I was just looking through it and I didn't see it.

**Mr. Yasir Naqvi:** Yes, part 8.

**Mr. Bill Murdoch:** Part 8, all right. I must have jumped over that one. But anyway, maybe you would like to do that. If there is, that would be fine.

**The Chair (Mr. Michael Prue):** Mr. Naqvi.

**Mr. Yasir Naqvi:** Can I speak to the amendment to the amendment? I think what everybody is trying to get at—I'm just trying to cut through all this—is that we want a bit of legal analysis on this bill as to what the scheme of this bill is, and the constitutionality of this bill.

As the proponent of this bill, I am very comfortable moving in that direction. That's why I think Mr. Ruprecht's suggestion made sense, that we stand down this amendment to the amendment, and perhaps Mr. Colle's, and instruct legislative counsel to come up with a legal analysis on this bill as to the scheme which is suggested—how this act works, how it's practised in other provinces—and the constitutionality aspect. Perhaps that would be the most expedient way of doing things, as opposed to going in circles. As the proponent, I am comfortable with that.

**The Chair (Mr. Michael Prue):** I have to tell you, this is a private member's bill. Legislative counsel is here to provide legal advice and assistance; really, to answer the questions that we've put forward, not to go out and do legal—I think that's why each one of us has staff or people upon whom we can rely, or legislative counsel in total, to send a letter and ask for information. Really, that's the purpose. That is not why this solicitor is here

with us today. That is not the purpose for which she is here.

We have a motion before us. We've already had a motion to stand it down. That was defeated.

**Ms. Cheri DiNovo:** Call the vote.

**Mr. Bill Murdoch:** You can make that any time.

**The Chair (Mr. Michael Prue):** I know, but it has been defeated, and unanimous consent has been defeated, unless there's some indication that unanimous consent will suddenly be forthcoming. Is there anyone else to speak to the amendment to the amendment? Ms. DiNovo.

**Ms. Cheri DiNovo:** I'm not going to be supporting the amendment to the amendment, or the amendment, or the bill.

The reason I'm not going to be supporting the amendment to the amendment—and I want to put this on the record—is that despite the valiant attempt by the official opposition to amend the duties of the director, I would absolutely propose that the director inherently is a role that should not be played by somebody extra-judicially.

Mr. Naqvi was correct when he was describing it as a kind of police person. Even though we might, in this amendment to the amendment, describe the duties, like training, oaths, scope of employment, and submission to the proper authority, that doesn't go nearly far enough because, obviously, there's far more involved in becoming a police officer than just any amendment to the amendment that we could bring forward.

In fact, the role of the director is unconstitutional and ultra vires. No committee of the provincial government has the right to set up such a role.

I perhaps went over the top when I described it in terms of other jurisdictions, but I would suggest that it does tend towards the totalitarian and that we don't want that in Ontario. It's been indicated that we don't want that by the city of Toronto, by the John Howard Society, by the advocacy groups for tenants, by legal aid clinics across the province, by the Centre for Addiction and Mental Health, and I could go on. There are literally over 100 different organizations that oppose this directorship, even with the amendments to the directorship's role, and of course to the bill itself.

There's no point in voting for the amendment to the amendment, despite the Progressive Conservatives's argument to the contrary. I know they're doing their best; they're trying to make a silk purse out of this proverbial sow's ear, but the silk purse isn't pretty enough. We just can't do it. That's the problem. The amendment to the amendment does not get at what I believe the Progressive Conservatives want to get at, which is the problem of the constitutionality of this very bill.

I understand I've got 20 minutes to talk as long as I occasionally refer to the amendment to the amendment—is that correct?—which I will do because quite frankly, what I'm attempting to do is to talk out the hour. I'm trying to do everything possible to prevent the passage of this bill.

To get back to the amendment to the amendment and why I don't think it's going to correct the problems: It just makes a stab at doing what of course should have

been done, I would argue, before the bill was even thought of, and that is to look at what we're really doing here. What we're really doing here is setting up what I would propose is a kangaroo court, a court that's ultra vires, a court whose decisions, I believe, would be thrown out by the Supreme Court of Canada if they were challenged. The fact that that has not happened in other jurisdictions that have brought in SCAN legislation yet is simply a roll of the dice. I would certainly suggest to advocacy groups in those other jurisdictions who are concerned about the SCAN legislation to do just that, test its legality at the Supreme Court level, because I don't believe it is legal.

Inherent in this bill, which I find even more disturbing, is a kind of "those people" aspect that this amendment to the amendment does not get at. I described a little earlier, when we were listening to the depositions, how people with mental health issues and people with addiction issues are still people, that they deserve homes. In fact, guess what? People with criminal records deserve homes. Everyone deserves a home; that is what the UN charter says. I brought in a bill to this House that said that housing is a human right. It was not entertained with any seriousness by this government, the McGuinty government, but in fact that's what the UN calls upon Canada to do. It calls upon all jurisdictions to do that, and that is to ingrain housing as a human right.

If housing is a human right, then it's a human right for everyone. Whether they're a crack user, whether they have a criminal record, whether they're noisy at night, whether they smoke marijuana, whatever they do, they deserve housing. What this bill does is take them out of housing and throw them on the street or put them somewhere else unspecified—because there is nowhere else. We don't have enough shelters; we don't have enough affordable housing. We have 130,000 households waiting for affordable housing in the province of Ontario. Where are these people to go?

One deponent said it beautifully. She was talking about it being like squeezing Jell-O, and it was described that way by a police officer: You basically just move the problem somewhere else. You squeeze it at one end and it bulges out at the other end. So you move the crack house from your block, and guess what? It moves eight blocks over to somebody else's block. The problem is still there. This bill does not address the problem. It simply moves the problem.

I must say, in terms of the amendment to the amendment, it does it at great taxpayer expense. It will be downloaded to the municipalities, which is why Toronto, in all its wisdom, really came out quite strongly against Bill 106. They already have too much downloaded on their plate from this province. The million—millions; it always costs more than one thinks it will—that would go into putting this bill into action could actually build affordable housing. That's what we should be focusing on. It could actually be providing beds and treatment for those with addiction issues. As good citizens who love and care about one another—all of us, including those with addiction issues and those with criminal back-

grounds—I hope, particularly at this time of year, moving into Advent, we should be concerned with how to help people, not shuffling them off to somewhere else. Quite frankly, I find the characterizations of people with mental health and addiction issues quite disconcerting.

#### 1250

As I said before, we have a crack house on my street, and guess what? Those are people struggling with addiction. Do they sometimes deal drugs to fuel their own habits? Yes, they do. Most pushers are addicts. If anybody has worked with this community, they will know that to be true. Are they still human? Do they still deserve housing? Yes, they do. Do they have children? Yes, they do. Quite frankly, addicts have children, and if we were to look at their children and look at how we're going to help those children instead of moving those children from home to home, we might get somewhere.

Bill 106 does not do that. In fact, the McGuinty government doesn't do that. They brought in their much-ballyhooed poverty reduction policy, and I've yet to see that poverty's reduced. Poverty is at an all-time high in this province and in this country. It's at an all-time high in this province, higher—and this strikes some people as shocking—than it was under Harris's regime. Homelessness is higher than it was under Harris. Addiction issues and mental health issues are still screaming for proper funding for those who would want to help them. We're cutting money, we've just discovered in the House, to children's aid societies. If this government were really serious about doing something about the core issues that this bill purports to address, then it certainly wouldn't be bringing in Bill 106; it would be building housing. It would be increasing the housing budget, which has, by the way, not been increased; it has been decreased. The housing ministry is only one of two ministries that have had their budgets decreased by the McGuinty government. The only reason they show more money is because the federal government has given them some money because we fought for it in Ottawa.

That's what we need to be looking at. We need to be looking at housing. We need to be looking at poverty. We need to raise the rates for ODSP and OW; that's what we need to do. The Harris regime cut those rates dramatically. If we gave people enough money to be able to buy or pay for affordable housing, then, again, this wouldn't be the problem it is. And why do we have this problem? I can tell you: It's poverty. Any study will show you that it's poverty. Poverty produces criminality; poverty produces addiction issues; poverty is the root cause. Why don't we look at the root cause?

Instead, we're wasting committee time, we're wasting taxpayer dollars and we're wasting taxpayers' time on debating amendments to amendments to amendments to a bill that, at its very heart, is really the very face of NIMBYism. That's what this bill is—"not in my backyard"—and that's what this bill purports.

In my riding we have an attitude called YIMBYism, "yes in my backyard," and I want to talk about how that's enacted when I talk about the amendment to the amendment. How YIMBYism is enacted is, you do actions that

are positive in scope, like the problem properties committee that I described a little earlier. It is a tool to provide affordable housing by looking at rental housing stock that's privately owned and making sure that the city is there and the police are there, and the various caregiver and stakeholder groups are there to look at these units and bring them up to speed, to bring units up to being habitable, because a number of the units in Parkdale were not. Some of them were cockroach- and rat-infested. They didn't have proper plumbing. So we looked at that. We also looked at whether there was criminal behaviour going on in those units. We addressed that properly, which is to say by using the Criminal Code, by using the police in the capacity that police should be used. If there was criminal behaviour going on, we addressed it. If there were landlord issues we addressed those, and one by one by one our councillors sat down with the stakeholders and the police, and one by one rehabilitated 800 different units. Does that make our neighbours happier? Absolutely, it does. We don't need draconian measures like this to keep people who are living next door to establishments described here as crack houses safe; we simply need to enact the laws we already have and to do that efficiently and effectively, which is what our councillors and our police are only too happy to do with our help.

The wonderful deputation that came from Waterloo region really spoke to that. It was very clear that the government was—talk about fearmongering—hoping to fearmonger in communities that happen to have addiction issues, mental health issues and, quite frankly, and I hope this isn't so—I've heard from some of the deputants who want to target racialized communities as well, although under this kind of draconian legislation anything is possible. Any neighbour rattling out any neighbour for any reason could be brought before Herr Director here and made to testify.

So inherent in this legislation is this idea that some people are better than other people, that some people are more deserving of housing than other people, that some people who have, let's say, disease issues—let's name them for what they are—are better than other people. So we can target people with mental health issues but we can't target people with cancer. If this was targeting people with cancer, we wouldn't be sitting around this table.

If this bill was substituting crack houses for—I don't know—palliative care homes for people with cancer, we wouldn't be having this discussion, but in fact that's what we're talking about. We're talking about health issues here, people with health issues. Drug issues are health issues. They are health issues and they are recognized as such by the city of Toronto in its four-pronged and very progressive, might I say, drug program.

In Parkdale another step we've taken which has helped dramatically is a drug strategy committee. What we do on that drug strategy committee is that we have the police sit, we have the health care providers sit, we have all of those who provide shelters and meals, and we have addicts who sit on that committee and let us know what

we can do, and, by the way, residents' associations and business improvement associations, and together we talk about the issues that face us and move forward as a community.

We don't pit neighbour against neighbour, which is what this bill does. It pits neighbour against neighbour: neighbours who are sober versus neighbours who are not, neighbours who are loud versus neighbours who are quiet. That's what this does. You heard in all of the deputations, with a few exceptions, of those who came before us those very concerns.

From a human rights standpoint, from a federal standpoint, from a standpoint really on this—it was Liberal. One of the good things the Liberals have done is the Charter of Rights and Freedoms. That's a good thing. It's good that we have that. This bill flies in the face of section 7 of that. It's unconstitutional.

It's ultra vires for the same reasons that my associates to my right here—and that's physical as well as ideological—have put forward. They have said that this really is ultra vires, that really we are giving the director, with this bill, police powers, and as such it steps out of the provincial jurisdictional bounds and is solidly federal in the sense that the Criminal Code is federal. So if we're going to start messing around with the Criminal Code, we can't do it in a provincial bill. It certainly wouldn't be the first time that this government has put forward a badly written bill and had it passed. Again, we've seen evidence of this. I mentioned this before with the speeding bill, which has been struck down by the courts. Does this government really want to put forward this bill that will be struck down by the courts? You know it will be. Are they willing to listen to reason? Are they willing to listen to the deputations? Are they willing to withdraw this bill—badly thought of, badly conceived, conceived out of fear?

How much longer do I have of my 20 minutes, Mr. Chair and timekeeper there?

**The Chair (Mr. Michael Prue):** You have approximately eight seconds.

**Ms. Cheri DiNovo:** I just want to thank you all, then. It's been fun speaking at you. I'll cede the floor now, but thank you for listening.

**The Chair (Mr. Michael Prue):** You're ceding it back to the Chair because according to this clock here, the time has expired. This is the one we are using, provided by the clerk. That one is notoriously not correct.

The time has expired. The House set the maximum limit of time for discussion of this bill for one hour, which concluded at 1 o'clock, which it now is. I have no alternative but to adjourn this till next Wednesday. There will be a new bill next Wednesday. As I told Mr. Leal on his bill last week and as I say to Mr. Naqvi on this bill, should the committee wish and if there is time, we will do everything we can to attempt to get back to it. But as it is, this bill is still there.

This committee stands adjourned and will reconvene for a new bill next Wednesday at 9 o'clock sharp.

*The committee adjourned at 1300.*





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