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Mercredi 6 octobre 2010

**Standing Committee on
Regulations and Private Bills**

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

Chair: Michael Prue
Clerk: Katch Koch

Président : Michael Prue
Greffier : Katch Koch

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LEGISLATIVE ASSEMBLY OF ONTARIO

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**STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLS**

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D'INTÉRÊT PRIVÉ**

Wednesday 6 October 2010

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The committee met at 0901 in room 151.

**BIG BAY RESORT
ASSOCIATION ACT, 2010**

Consideration of Bill Pr38, An Act respecting Big Bay Resort Association.

The Chair (Mr. Michael Prue): We'll call the meeting to order. There's one item on the agenda today, and that is Bill Pr38, An Act respecting Big Bay Resort Association.

I want to be fair to the applicants. In the order of business, we hear from the applicants first and then other interested parties. We have received five letters from people, and I think there may be some additional people in the audience who are going to be asking for an adjournment to another date in order to be heard. I leave it to you.

I'm going to call you now. You can make your deputation today or, if you wish, if there is an adjournment granted, you can make it on the following date. I leave that to you.

We're calling the bill to order. The sponsor was to have been Julia Munro, but it's Mr. Martiniuk who has vacated his seat in order to be down here to sponsor the bill. Mr. Martiniuk, the floor is yours. Would you introduce the applicant?

Mr. Gerry Martiniuk: Yes. If I may, on behalf of my colleague Julia Munro, I'd like to introduce to you Jeffrey P. Shankman, secretary of the Big Bay Resort Association, the applicant in this case; Robert Comish, legal counsel; and Shauna Dudding of Geranium Corp. Also interested in the audience is J. Mark Joblin, barrister and solicitor for the town of Innisfil. I will leave it to the applicants to make their presentation.

The Chair (Mr. Michael Prue): If the applicants could introduce themselves for the purpose of Hansard so that Hansard knows which one is speaking.

Mr. Jeffrey Shankman: I will introduce myself first. I'm Jeff Shankman—

The Chair (Mr. Michael Prue): You don't have to stand. Please, you have to sit, otherwise the mike can't pick it up.

Mr. Jeffrey Shankman: As introduced—and I wish to thank you, Mr. Martiniuk, for your introduction—my name is Jeff Shankman. On the record, it's Jeffrey P.

Shankman. I am appearing before you today as the secretary of Big Bay Resort Association. Mr. Chairman and members of the committee, thank you for affording me and my colleagues the opportunity to appear before you today.

I would address in preliminary remarks the remarks of the Chairman that you now have some five letters on file. I have seen two as of this morning, about 15 minutes ago. I have not seen any more than two.

The Chair (Mr. Michael Prue): The others are being photocopied. If you'd like, you can have a recess to read them.

Mr. Jeffrey Shankman: If I may, I will make the presentation today. If the need arises, I'll make argument as to why it should be dealt with today and why there is no need for an adjournment. If the committee so desires, I and my colleague Mr. Comish and solicitor for the town, if need be, will address each of these issues raised in correspondence, with the intention of assuring you that what we are doing today is procedural; what we are doing today is allowing a governance model for a fully planned and approved-of resort. So I'll address those concerns during the morning once I've had an opportunity to see the balance of the correspondence, if I may.

The Chair (Mr. Michael Prue): Surely. So you are asking for a recess in order to read the correspondence?

Mr. Jeffrey Shankman: At the appropriate time, when it arrives. I'm prepared to make my presentation in any event.

The Chair (Mr. Michael Prue): There has been a request. Is there a motion to recess for a few minutes to allow the correspondence to be read?

Mr. Kim Craitor: So moved.

The Chair (Mr. Michael Prue): Moved by Mr. Craitor. Any discussion?

All those in favour? Opposed? That is carried.

We are in recess to allow you to read the correspondence.

The committee recessed from 0905 to 0913.

The Chair (Mr. Michael Prue): We'll call the meeting back to order. The deputant is now ready. Mr. Shankman, the floor is yours.

Mr. Jeffrey Shankman: Thank you, Mr. Chairman and members of the committee. We've had a brief recess so that my colleague and I could receive and review some letters that arrived today, and we have done so.

We've been informed that other people may wish to speak today in support of these pieces of correspondence. May I suggest a procedure to the Chair: I will make my presentation, and if there are those who wish to comment and the Chair and the committee wish to hear from them, whether in support or in opposition, that they then be heard, and that my colleague and I then get to respond to what the committee has heard in whole.

The Chair (Mr. Michael Prue): In fact, that's the way we proceed with all hearings. But I want to caution you that there may be a motion not to conclude today but to adjourn for an additional day to hear those who could not be present. That's what I was trying to convey to you. The route we follow is to hear from you and then from anyone else on the agenda; we hear from the parliamentary assistant; there are questions from committee members; and then we proceed to the—

Mr. Jeffrey Shankman: What I've specifically asked for, that you didn't include in that, is a response. Then, if a motion is brought, I'll be able to deal with the motion once I've heard what that motion is. Is that an acceptable procedure, Mr. Chair?

The Chair (Mr. Michael Prue): That's exactly what happens.

Mr. Jeffrey Shankman: Okay. Thank you.

Once again, I thank Mr. Martiniuk for introducing me and my colleague to the committee. I'll repeat that I am appearing as the secretary of Big Bay Resort Association. It is a not-for-profit company that was incorporated under the laws of this province on October 2, 2009. Mr. Comish is a practising lawyer. He's appearing as counsel.

I'm going to make a brief presentation to you in the nature of, firstly, an overview of the components of the resort development; secondly, its current development status; and thirdly, its economic impact for the region and all levels of government. I have provided to the clerk a handout, which is an executive summary of some of the points I'm going to cover, for your ease of reference. There are some illustrations contained in that document that I'll be referring to as well. Mr. Comish will provide you with an overview of the components of the proposed act.

The Big Bay Resort Association wishes to be continued as a special act corporation. Precedents for this model can be found in Bill Pr14 of 1999, the Blue Mountain Village Association Act, and Bill Pr8 of 2006, the Red Leaves Resort Association Act. Both of these are statutes of this province, so there is precedent for what we're seeking today. The Blue Mountain Village Association has been in operation for a number of years now, and Mr. Comish can speak to that.

The bill is supported and approved of by both the county of Simcoe and the town of Innisfil. We have previously submitted to the committee, as part of our compendium of background information, schedule A, being the rationale for the special act corporation.

The Big Bay resort is planned to become a premier four-seasons destination resort that will represent a significant new addition to the tourism landscape in

Simcoe county and the province of Ontario. The resort is designed to be a marina-focused tourist village offering the following: a modern, full-service marina for as many as 1,000 boat slips; 1,480 resort residential condominium units, consisting of townhouses and apartments in three- and four-storey buildings; and two hotels, intended to be a four-star hotel and a three-star hotel, containing a total of up to 520 condominium hotel suites including restaurants and spa facilities. The resort will also contain up to 53,800 square feet, or 5,000 square metres, of conference facilities; 8,000 square metres, or 86,000 square feet, of retail/commercial uses, including shops, boutiques, galleries, restaurants and cafes, all aligned along a boardwalk overlooking the marina.

In addition, there will be an up-to-3,000-square-metre, or 32,280-square-foot, sports and fitness facility, a 300-seat performing arts theatre, and a 200-acre nature preserve.

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Other amenities are the 18-hole, Doug-Carrick-designed golf course and clubhouse, and substantial acreage that will be set aside and devoted to public lands and amenities, including a trail system, landscaped and street-scaped areas, and recreation facilities.

At this point, to give you a little more context, I would ask you to please open the material that I gave you today and proceed to the coloured illustrations. I'd like to take you through those, briefly.

The first illustration, as you'll note, is basically the Golden Horseshoe from the Niagara region through Oshawa and up north, including Barrie and Orillia. You'll see, if you can read the fine print in red—Mr. Rinaldi—

Mr. Lou Rinaldi: Sorry.

Mr. Jeffrey Shankman: That's fine. I'll wait for you to find that illustration, sir.

I'm taking you through the first illustration, sir, and members of the panel. I'm asking you to note where the proposed Big Bay Point Resort development is. It's right at the tip of Kempenfelt Bay, Barrie being seated in the far left side of Kempenfelt Bay. Lake Simcoe, you're familiar with, and, of course, Cook's Bay, down in the southern region. You'll note its proximity to the GTA and the Golden Horseshoe.

I'll ask you to please turn to the second illustration. This illustrates the fully planned, fully designated and zoned community. On the far left, you'll see the proposed golf course. In the middle section, you'll see the 200-acre nature preserve. On the far right, you'll see the dense marina village, which will contain all of the housing, retail shops and amenities. On the far right-hand side is the opening to the mouth of the marina, which connects with Lake Simcoe.

I'd ask you to please turn to the next illustration. This is the illustration of the village itself.

I'll start on the far right-hand side at the very bottom. You'll see the mouth of the marina itself, where it will connect to Lake Simcoe. Immediately to the north of that is the location for the two hotel sites. You'll see, just to

the left of the hotel sites and in the marina, a public pool illustrated there.

You'll note the marina basin with the boat slips. You'll also note these fingers of land that are part of the marina, which will contain residential townhouse units, with boat slips immediately in front of the units and parking to the rear. As you move around the basin to the left, at the far left side, these are three- and four-storey structures which are more apartment-style than townhouse.

Then you move into the north part of the village. You'll have a very dense community around the boardwalk, which goes onto the main docks of the marina. There's a public square on the main dock of the marina. You will note another swimming pool illustrated here on the left-hand side of the north side of the marina basin. The shops—retail and boutiques—will be along this marina boardwalk.

Then, as you move back from the water, we'll start with more densely populated apartment-style condominium residences. Eventually, as you move further north and to the west, you'll see that there's a townhouse community there—all of this designated to be a walking village, with everybody within five to 10 minutes of the downtown core.

It's a new, urbanistic style. It's very dense. It uses the land extremely wisely. Left available, as I said, are a 200-acre nature preserve and the golf course.

To give you some idea of what it will look like someday, we have three illustrations following that.

The first one would be a view from the marina waters onto the boardwalk area, showing a bevy of sights. You can imagine the sounds and the activities that will be there around the marina basin, with all the shops and boutiques, with people strolling back and forth, with the marina being in full operation and boaters coming in and out.

The next illustration is of the boardwalk itself, with the café style. People will go into the shops to make their orders and will enjoy them out on the boardwalk, enjoying all of the sights and scenes. The third one is another illustration of another feature on the boardwalk.

It's designed to be a walking village. When people arrive here, they will put their cars away and they'll be able to walk to every amenity in the village, as I've said, within a short period of time.

The Big Bay Resort has, as I've said, been fully planned and approved of as a four-seasons resort development. The initial application for rezoning was filed in 2002. Since then, the town of Innisfil, county of Simcoe, province of Ontario and two ratepayer groups have entered into written minutes of settlement, and the Ontario Municipal Board granted final approval of the official plan amendments, draft plan of subdivision and zoning bylaws, which paved the way for the development and construction of this unique and compelling project.

Additional municipal and environmental approvals are applied for and will be obtained from time to time in accordance with the approved-of planning instruments

and the development's timetable. During this year, stage 1 tree clearing on the site was completed. Stage 2 tree clearing will be completed by the end of this year, and further site clearing and preparation, as approved by the local authorities, will commence in 2011. The resort is on its way.

The developer continues to work on preparation for the launch of its sales and marketing program for both residential and commercial resort units, as well as its engineering and construction plans for construction of the marina and golf course amenities. A lot of effort, time and money is being poured into the resort, and we are not delaying or waiting. We're continuing to go through the process with the town and the county in accordance with all of the approvals.

The developer is looking forward to the initiation of the marina and golf course construction next year and to the launch of its sales and marketing program in the near future, and that is the reason that we are before you today, because we would like this structure in place, and it must be in place, so that the resort association itself can enter into negotiations and contracts with the town of Innisfil and perhaps the county of Simcoe, which are part of the development and planning process that has been approved of by all levels of government and the Ontario Municipal Board.

In terms of the public interest, as you know, the resort site is located in a unique location within the town of Innisfil in the county of Simcoe. It's just south of and minutes away from the city of Barrie, all its amenities and facilities. The resort is within an hour of metropolitan Toronto and within an hour and a half to two hours of most of the GTA and the Golden Horseshoe areas, encompassing a population of at least six million. My driving times may not be rush hour, but I hope you'll give me a little bit of leeway there.

The Chair (Mr. Michael Prue): It might be 2 in the morning that that'll work.

Mr. Jeffrey Shankman: Yes. It's a 24-hour resort, by the way, as well.

The site is readily accessible by road, rail, air and water, including Highways 11 and 400, the GO train at the south end of Barrie, the GO bus terminal in downtown Barrie, Toronto international airport, the local Barrie airport, Lake Simcoe, the Trent-Severn waterway and indeed the Great Lakes.

The resort represents a huge investment in Ontario's tourism infrastructure. In total, almost \$630 million will be spent on this project. The resort will offer an extensive array of sport, recreation and outdoor activities, as well as arts, culture and wellness programs, on a year-round basis. Sports will include a championship golf course, tennis and a variety of summer and winter activities and events related to the lake, including boating, fishing, ice-fishing, snowmobiling etc.

The 200-acre nature preserve will present opportunities for education and hands-on experiences with nature, including tours, information sessions, hiking, jogging, biking, and observation of nature and its preservation.

In the public interest as well are the vast economic benefits that will be derived from the resort. As I mentioned, total construction expenditures are going to be in the neighbourhood of \$630 million. The resort will generate the following economic benefits over its development period: 8,161 person-years of much-needed employment and more than \$128.7 million in much-needed government revenues. Of that, some \$23.6 million will flow into the treasury of the province of Ontario. In addition to that, there will be collected harmonized sales tax of \$50 million, less input tax credits—not an insignificant amount. On a full build-out, the resort operations will generate the following economic benefits on an ongoing basis: 2,485 permanent jobs and more than \$30 million in government revenues annually. Of that, some \$8.2 million will flow to the government of Ontario. In addition to that, HST will be collected of \$15 million annually, less the input tax credits. A portion of that, of course, will be revenue to Ontario.

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In conclusion, Mr. Chairman and members of the committee, the Big Bay Resort is a unique, exciting and premier four-season destination resort which will represent a significant contribution to the tourism landscape in Simcoe county. It will attract owners and visitors from the Golden Horseshoe area, other parts of Ontario, other provinces in Canada, the United States of America and beyond. It will generate a significant contribution to Ontarians, much-needed job creation and much-needed revenues. They will accrue to the municipal, provincial and federal governments, all sharing alike.

For all the aforementioned reasons, we request that you proceed to refer this piece of legislation to the House for second and third readings. As I've mentioned, the resort association needs to be in place now so that we can continue our negotiations and discussions with both the town of Innisfil and, through them, the county of Simcoe so that we can enter into the development agreements that they need to enter into with the resort association itself.

Ladies and gentlemen, Mr. Chair, thank you for giving me this opportunity. I know there will be some questions and comments later, which I'd like to address. If you have any now, I'll be happy to deal with them. If not, I will be turning the microphone over to Mr. Comish.

The Chair (Mr. Michael Prue): Mr. Comish, the floor is yours.

Mr. Robert Comish: Thank you, Mr. Chair, members of the standing committee. My name is Robert Comish, and I'd like to spend just a few minutes to focus on some of the highlights of the bill and the rationale for the bill.

The resort association model that's reflected in the bill is, in fact, a model that's used throughout North America for destination resorts. A destination resort is a unique type of resort. It has essentially three major characteristics. First of all, a destination resort is a major resort usually having capital expended in excess of half a billion dollars and can be well in excess of \$1.5 billion. These resorts are always designed to operate year-round

and they provide a variety of activities, events, and arts and culture programs. The second criterion is that they usually consist of a variety of recreational residences, recreational facilities, a commercial village and a conference facility. The third is that the components of the resort are always owned and operated by a number of individuals and corporations. We'll get in a minute to the reasons why the resort association itself is so critical to this type of destination resort.

As mentioned by my colleague, the bill is modelled on and is almost identical to the two special acts that have already been passed by the Ontario Legislature: the Blue Mountain Village Association Act and the Red Leaves Resort Association Act. The Blue Mountain act was, in fact, passed 10 years ago. I'm still involved and connected with that association. I can tell you that it has functioned extremely well over the 10 years and has provided the essential glue that's necessary to bring all the stakeholders of a destination resort together to help coordinate how the resort operates on an ongoing basis.

The special act will apply to all persons who purchase or lease real property at the resort, all persons who carry on a business at the resort and persons who apply for membership. This would be a category of some business persons who are, in fact, outside the resort but who want to have an association with the resort itself. An example at Blue would be a spa called Le Scandinave, which is a mile and a half away, but they want to have an association with the resort in order to develop their business, so they are also members. All these different membership classes, of course, pay fees to the resort association, which in turn are used to support the resort operations.

Because of the variety of recreational residences, commercial operations and the recreational activities that go on, as well as the multiple owners and operators, it's really important that there be one organization that is there to represent and manage the various interests of the stakeholders.

The principle functions of the resort association are to enable the members to provide some general direction on how the resort should operate at a very high level. It also provides a governance model that enables all of the stakeholders to have some input into how the resort association itself carries out its functions. It also creates a revenue-generating mechanism that in turn provides funds for the resort, maintenance of all the public areas, carries on the events and activities and resort marketing.

This special act will apply to all stakeholders in the resort through a notice that's registered on title to all resort lands. Upon acquiring an interest in a resort land, a person automatically, pursuant to the act, becomes a member of the resort association and is subject to the act and the bylaws of the association.

The bill has some very unique features that are deemed essential for the operation of the resort association. First of all, the bill permits a very broad spectrum of resort association activities that are essential to the successful operation of a destination resort. These activities include the management and maintenance of the

public lands and public facilities, the creation of events, the provision of recreational activities and arts and culture programs.

The resort association also markets the resort and it interfaces with various levels of government on matters that touch upon the interests of the members of the resort association.

The bill also facilitates a governance model which reflects the way the resort itself is created. First of all, it enables the membership to be split into membership classes so that all major stakeholder groups can be represented on the board of directors and have a say in what goes on at the association through their representative.

The board acts as the governing body. Because it is reflective of each of the major stakeholder groups, it is really a coordinating function that enables each stakeholder group—who obviously quite often have different interests in how the resort should be operated and marketed—to bring those interests together in a way that allows for some decision-making process that ultimately ensures the resort is successfully operated.

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The association also will have a varied fee structure. The fees are based on the economic interest that the various membership classes have. Similarly, the voting rights that are provided in the bylaw are somewhat unique because they're based on the level of funding that each membership class provides to the association. The association also has the right under the special act to lien any properties of its members that fail to pay its fees.

In summary, the bill creates a vehicle that is specifically designed to meet the operating needs of a destination resort and to ensure its long-term successful operations.

I also would be more than happy to answer any questions that you might have with regard to the bill.

The Chair (Mr. Michael Prue): Thank you. We will leave the questions for a moment. We have to follow the order here, as set out. I have one interested party listed: J. Mark Joblin, barrister and solicitor, town of Innisfil. Would you come forward please?

Mr. J. Mark Joblin: Good morning. As you said, my name is Mark Joblin, first initial J., for the record. I'm a solicitor with the firm Loopstra Nixon LLP. We are the representatives of the town of Innisfil, where the resort is to be located.

I'd just like to very briefly state today that the town has had an extensive opportunity for review and comments on the drafts of the bill as it has been put together and the town is in support of the passage of the private bill in its current form and at this time.

I'll just make one further comment with respect to the letters that we received this morning. I've been able to review them quickly and I just want to say that the town has, through our discussions with the proponents of the resort, reviewed similar issues to those that are set out in the letters. We're comfortable, at this time, that those concerns and the rest of the concerns of the town have been addressed in the current version of the bill.

The Chair (Mr. Michael Prue): Okay. Are there any other interested parties? If anybody else wishes to speak today, please do.

Ms. Leemor Valin: Should I just take a seat?

The Chair (Mr. Michael Prue): Absolutely.

Ms. Leemor Valin: My name is Leemor Valin. I'm an associate with Donnelly Law. Donnelly Law is counsel for the Innisfil District Association. Mr. Donnelly is away at hearings in Collingwood this week and so I'm here in his place. If you would permit me, I'd like to just read from the letter that we've submitted:

"We act as counsel for the Innisfil District Association. In this capacity, we wish to address your committee regarding the above-noted bill being heard by your committee"—and there's a slight typo in this letter; it's supposed to be "this week."

"The residents of Innisfil, Ontario, have not been consulted about this proposal that will affect their community and therefore I object to the Legislature being used to further this project at this time. From my preliminary review of the bill, it will let the association board declare any property in Innisfil as resort property if the owner applies to the association, as it states in the preamble of the bill:

"Big Bay Resort Association has applied for special legislation to require all persons having a real property interest in the area to be developed as a resort to be members of the association and to be bound by its bylaws and to give the association a right to enforce members' financial obligations to the association..."

"This sentiment is echoed in section 4 of the bill which states that, '(1)Every owner of resort'"—land, I believe it's supposed to be—"is a member of the association." This is not in the public interest.

"The Big Bay Point proposal would feature 2,000 hotel and condominium units, retail space, a 300-seat theatre and an unprecedented 1,000-slip mega-marina. Constructing this marina would require digging a 30-acre hole in the shoreline and destroying 100 acres of forest. Both the Lake Simcoe Protection Act and Conservation Authorities Act prohibit the digging and hardening of the shoreline at Big Bay Point.

"Furthermore, until all the outstanding lawsuits against the opponents of the Big Bay Point mega-marina and 'resort' are resolved, it is inappropriate to expect members of the public to feel free to criticize this project.

"Given our client's very strong interest in protecting Lake Simcoe, and the historic opposition of Campaign Lake Simcoe to this project, I would like to suggest that the clerk give notice to the affected public and circulate some information concerning the bill. Despite the Innisfil District Association being directly involved in the issues surrounding the proposed project, they never received any information regarding the project."

I think that the tone of the letter and what we're trying to say is that people would just like to be given a chance to respond and speak to this issue, and that the matter be adjourned to a later date.

The Chair (Mr. Michael Prue): Are there any other persons present who wish to make a deputation today?

Before I ask the committee in terms of questions, we have four additional letters from people asking to make deputations at a later date, and a request from the last deputant from Donnelly Law to adjourn the matter to a new date. I am in the committee's hands. What does the committee wish to do?

Mr. Lou Rinaldi: Just a question of clarification: Were all the committee procedures followed as far as notification on how this committee works?

The Chair (Mr. Michael Prue): I'm sure they were, but this being a private bill, we don't follow all the same procedures that the Legislature follows with its other committees.

Mr. David Caplan: Perhaps the clerk could outline what the procedure was?

The Chair (Mr. Michael Prue): The clerk could outline. I don't know whether there were notifications in newspapers and that kind of thing.

The Clerk of the Committee (Mr. Katch Koch): In order for a private bill to proceed, a number of requirements must be met. The applicant in this case has a published notice in accordance with standing order 82(e) and has forwarded to the clerk a statutory declaration of the publication. The committee has received a cheque for \$150 payable to the assembly with the application. We have Mrs. Munro, who has agreed to sponsor the bill. With the bill, we have also received the compendiums. In short, all the requirements for the bill to move forward have been met by the applicant.

Mr. Jeffrey Shankman: Chair, advertisements were contained in four local newspapers—the Barrie Examiner/Innisfil Examiner, the Bradford Times, the Innisfil Scope and the Barrie Advance/Innisfil Journal—on four different dates: January 28, February 4, February 11 and February 18. It was slightly different for the Innisfil Scope: February 3, February 10, February 17 and February 24. Four different newspapers, four different times.

The Chair (Mr. Michael Prue): About this hearing today?

Mr. Jeffrey Shankman: Yes. And I swore this affidavit, and it's part of my compendium.

Interjection.

The Chair (Mr. Michael Prue): I'm being advised by the clerk that these advertisements were not about the hearing today.

Mr. Jeffrey Shankman: We don't advertise hearing dates. We were asked to advertise that we made a request for a special act. So the advertisement cannot give the date. We don't know the date.

It was also in the Ontario Gazette, of course.

The Chair (Mr. Michael Prue): Mr. Caplan.

Mr. David Caplan: Did this appear on a council agenda? Perhaps the lawyer for the town could let us know.

Mr. J. Mark Joblin: This bill has gone to town council in a public meeting, and my recollection is that the Innisfil District Association made comments on it to the town council at that time.

The Chair (Mr. Michael Prue): Were other deputants there at the town council, both in favour and opposed?

Mr. J. Mark Joblin: I don't have a record with me at this time of who made comments on that. I can try to get that information for you, if it would be helpful.

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The Chair (Mr. Michael Prue): Mr. Craitor.

Mr. Kim Craitor: Thanks, Mr. Chair. I have just a couple of short questions. As a former councillor in Niagara Falls—if I have this correctly, the development came through, it goes through the planning process, there's those who oppose it and those in favour of it, and the council makes the decision. It appears the council supported it. I assume that the applicants who are opposed to it went through the other process, the OMB and all of those processes, and they weren't successful there. Now you come here simply to ask for a piece of legislation that normally would just go through.

I think what I'm understanding is those who are opposed to it have decided that they'll try to use this venue as a way of trying to stop the development from going forward. I read a few of the letters, and they talked about their concerns about the development. That's where we're at.

Mr. Jeffrey Shankman: Mr. Craitor, you are absolutely correct.

Mr. Kim Craitor: Okay.

Mr. Jeffrey Shankman: It's a nine-year process, just about. The IDA has been there every step of the way, and they've participated in every public forum. It's been approved, as I mentioned before, by the town, the county and the province of Ontario—several ministries of the province in fact.

We're here today asking you for a governance model. We're not here for planning principles.

Mr. Kim Craitor: I have just one last question to the staff. I haven't seen this before, but this is not new. We've had this kind of request before. By approving this, are we approving something that's never existed before?

Interjection.

The Chair (Mr. Michael Prue): The question is to staff. This is the first time I've ever seen it in my years on this committee.

Ms. Susan Klein: There were a couple of acts that this was modelled on that were passed. I have them here: Blue Mountain—

Mr. Robert Comish: I mentioned them before, the Blue Mountain Village Association Act and the Red Leaves Resort Association Act.

Ms. Susan Klein: Yes. Blue Mountain was 1999. Red Leaves was 2006. There are slight variations, but they're very similar.

Mr. Kim Craitor: So, we're being asked to approve something that has been approved previously a little bit different than this one? I'm just trying to get it clear. We have the authority to approve this. We're approving something that you've come before us with and have inside of it what you would like. It would haven't have

come here if it was inappropriate. That's the bottom line. Do you have to accept—

Ms. Susan Klein: If I had thought it was inappropriate for private legislation, it would not have come here.

Mr. Kim Craiton: Okay. That's it. Thank you.

The Chair (Mr. Michael Prue): Mr. Miller.

Mr. Paul Miller: It sounds like an exciting project—certainly beneficial to the coffers of the province, the town and everyone else involved.

I've got some concerns. Is this project in any way, shape or form a time-share facility? Is it tied into companies like RCI and things like that?

Mr. Jeffrey Shankman: It is not planned to be a time-share facility.

Mr. Paul Miller: That wasn't my question. It's not planned to be—

Mr. Jeffrey Shankman: Sorry, I mean the developer's plan. I didn't mean the official plan. The developer does not plan for this to be a time-share facility. It's going to be individual ownership.

Mr. Paul Miller: Can that change during the process to a time-share facility?

Mr. Jeffrey Shankman: It's not the developer's intention to change that whatsoever. So, if you're asking me—

Mr. Paul Miller: I'm not sure I'm getting an answer here.

Mr. Jeffrey Shankman: Well, I'm going to answer you on both levels. The developer does not intend for this to be a time-share facility—

Mr. Paul Miller: At this time.

Mr. Jeffrey Shankman: Ever. It'll be marketed and sold—

Mr. Paul Miller: Okay. That's good. Question two—

Mr. Robert Comish: Can I just also add to that? My understanding is that one of the conditions of approval that was worked out with the town is that all of the real estate units are going to have to be condominium units. I think that's firm.

Mr. Paul Miller: That helps. They can also do time-share in condominiums, too.

I read here in the submissions about the lawsuits. It appears that the number, \$100 million in what they call "strategic lawsuits against public participation"—what is the status of that \$100 million? Who sued whom?

Mr. Jeffrey Shankman: Well, I'm happy to address that. I have detailed personal knowledge of each and every action that's in any way, shape or form connected with this project. I can assure you, sir, Mr. Chairman and the rest of the panel, that there are no lawsuits with any of these public bodies. Every last one of them has been resolved. There are two outstanding lawsuits: one where we're being sued and we're suing a local Barrie law firm, and—sorry. I wish to rephrase that: not the firm; several lawyers individually in a firm for inappropriate actions, and that's on the public record. But they were not objectors. They were not participants. They were not ratepayers, and they have sued us as well.

We have one action with an adjoining landowner who was a participant at the Ontario Municipal Board. The name of the company is Nextnine, and that's a land dispute. They're claiming a right of way over our property. That's been before the Ontario Superior Court of Justice. There's been a ruling and a decision in our favour that there is no such right of way. That entity has chosen to appeal. But that has nothing to do with objecting to the resort; it's a land dispute.

I can assure you that any other actions that anybody would have referred to as a SLAPP action have been resolved to the knowledge of the Donnelly law firm.

Mr. Paul Miller: Okay, next question: Why does the town of Innisfil have a representative on the board if the person cannot vote? What's the purpose of that?

Mr. Jeffrey Shankman: I think I can address it, and then Mr. Joblin can address it also.

The town of Innisfil wants to observe and note what's going on with the resort association. It does not want to incur any responsibility or liability. As a director of an entity such as this, there is a prospect of being held accountable for your actions. The town does not intend to be held accountable for doing anything at the resort association itself, but it does want to observe.

Mr. Paul Miller: So it's basically just a plant to see what's going on kind of thing?

Mr. Jeffrey Shankman: In a nice way, a plant. An invited plant.

Mr. Paul Miller: Okay, just wondering.

Mr. Robert Comish: I'd like to add to that. The concept of allowing a director representative from the town on the board is included in both of the other resort associations as well. The underlying thought is to create a liaison between what's going on at the resort and what's going on at the town, because the resort actually ends up operating very much like a small mini-municipality. There's a lot of interest in what's going on between the two municipalities, and this is the bridge that keeps the communications open the entire time.

Mr. Paul Miller: How many—asking the town of Innisfil representative—public meetings did you have, actual public meetings other than council meetings in the areas affected? How many public meetings did you have with different opponents and things like that?

Mr. J. Mark Joblin: With respect to this legislation?

Mr. Paul Miller: With respect to this project.

Mr. Jeffrey Shankman: Sorry; the whole project, he said.

Mr. J. Mark Joblin: Oh, with respect to the whole project. I don't have that information before me, but there was extensive public consultation with—there were some design charettes as well as—

Mr. Paul Miller: Hosted by you?

Mr. Jeffrey Shankman: No. These are town—these are public meetings. Some of them are information sessions, but you asked for public meetings.

Mr. Paul Miller: Okay.

Mr. Jeffrey Shankman: Over the nine years I would guess that it was a dozen or more.

Mr. Paul Miller: Okay. My last question. I'm a little concerned about this section 4. The special act enables the association to lien the property of any member who defaults on his fee obligations. I'd like you to expand on that. What do you mean by fee obligations? Do you mean his condominium fees for the year, or the cost of the property? Are they locked in to pay for the whole property if someone passed away? What's the story on that?

Mr. Robert Comish: I'd be happy to answer that. First of all, each building structure is a condominium, so there would be a condominium fee that's paid to operate and manage the condominium building. What we're talking about here are resort association fees, so the resort association itself, each of the homeowners and each of the business operators is a member. They pay a fee to the resort association that reflects their economic interest in the resort. That fee then goes into the general revenue, which in turn is used to support all of the resort activities that are undertaken by the resort association. The—

Mr. Paul Miller: I don't want to interrupt, but what I'm saying is, if I was an individual condominium owner in your resort and I pay, I don't know, whatever, \$1,100 a year for condominium fees—is that what you're talking about? If I don't pay it, you go after me?

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Mr. Robert Comish: No, because we have no right to interfere with the obligations that you may have with the condominium corporation. The association only has a legal obligation, and a legal right, with regard to fees that are owed to it. The fees—

Mr. Paul Miller: Is that part of my condo fee—

Mr. Robert Comish: No, it's not. It's a totally separate fee, because you're a member of a separate organization. We require a lien right, just as a condominium corporation has a lien right—

Mr. Paul Miller: This isn't spelled out very well. This should be spelled out a lot better than it is. There's too much of a grey area here. I don't like this particular part. You should make it quite clear in your contracts to the people who buy the condos or people who are going to be involved in the association—to stipulate the difference between their responsibilities to your association or to the Condominium Act. This is very, very grey, and I'm not too thrilled about it.

Mr. Robert Comish: The disclosure documents that are given to each purchaser prior to them signing a purchase and sale agreement will contain copies of the condominium documents themselves plus copies of the association documents. Plus, there'll be an overall description of their rights and obligations vis-à-vis the condominium corporation and the resort association. So this will be very, very carefully addressed.

Mr. Paul Miller: Not in fine print, I hope.

Mr. Robert Comish: No, it has to be in readily understandable language.

Mr. Jeffrey Shankman: If I may assist you as well, Mr. Miller, the wording we've used is not entirely dis-

similar to the wording used in the Condominium Act for enforcing lien rights.

Mr. Paul Miller: That's not exactly perfect either.

Mr. Jeffrey Shankman: Well, that's a fair comment by you. But we're following a procedure and process that's already established within the province of Ontario. We're not trying to reinvent the wheel. Our friends at the town took a great deal of comfort in the fact that the association had some teeth in the legislation, had the ability to carry on and had the ability to collect monies that were properly due and owing to it.

As my colleague said, disclosure statements will make reference, in the sales and marketing brochures and materials—under the Condominium Act, they will make full and frank disclosure and there will be disclosure about the association and what it stands for—

Mr. Paul Miller: How about taxes? I don't see the word "taxes" in there.

Mr. Jeffrey Shankman: We're not a taxing authority.

Mr. Paul Miller: No, but it's part of your condo fees.

Mr. Robert Comish: We're not a condominium. This is a—

Mr. Paul Miller: This is the problem I'm having. You're an association, a condo—I'm not quite sure what's going on.

Mr. Robert Comish: There are two separate organizations within every destination resort. There's the condominium corporation, which you would be a member of by virtue of owning a condominium unit. In addition, you are a member of the resort association, which has a totally different function. It has nothing to do with your building.

Mr. Paul Miller: Am I paying two fees here?

Mr. Robert Comish: You are. Two separate fees.

Mr. Paul Miller: You were smiling. I am paying two fees. I'm paying the condo fee, and I'm paying to the association too. So it's costing me double bubble.

Mr. Robert Comish: Not at all. You're getting benefits from both organizations. One is to service the condominium building. The other is to manage and maintain the resort and to operate the resort as a destination resort. They're totally different functions.

Mr. Jeffrey Shankman: You might want to think of it this way, Mr. Miller: A condominium building can only own the condominium's assets, and that means the grounds in front of the condominium that are part of its legal description—

Mr. Paul Miller: I'm aware of that.

Mr. Jeffrey Shankman: Well, if you're aware of that, then you know where the money is going when you pay your condominium fees.

As I've told you, this resort association encompasses much more than one condominium building and includes many, many more amenities. It will be responsible for owning, maintaining, repairing its own separate amenities and its own separate properties.

Mr. Paul Miller: So what you're saying is, I'm a member in a club.

Mr. Jeffrey Shankman: Yes, exactly, and—

Mr. Paul Miller: What if I choose not to be?

Mr. Jeffrey Shankman: That's why this legislation is here. We and the town do not want anybody who owns an interest in the resort to not be a member—

Mr. Paul Miller: That's what I was getting to. Really, if you're going to apply to be a member of this association or this board, and you want to live in that community—if I choose to go in there and I'm 80 years old, and I just want to live in a condo because I like the ambience, I like the resort, I like the town, I like where I am, I still have to pay your association.

Mr. Jeffrey Shankman: Sir, you do that because, as you said, you choose to be there, and you choose to be there for the amenities, we hope, and not just because—

Mr. Paul Miller: Okay, thank you.

Mr. Jeffrey Shankman: Thank you.

The Chair (Mr. Michael Prue): Okay. I don't want us to get too far—I've allowed this because the speaker started. I was trying to determine whether there was any appetite in the committee by asking questions on whether or not we should adjourn to another day in order to allow deputations. Before I invite further questions, I also have two other things to do. So, is there any appetite from the committee to adjourn to another date?

Mr. Gerry Martiniuk: I had a question.

The Chair (Mr. Michael Prue): Questions on that?

Mr. Gerry Martiniuk: Based on that, yes. That's why I raised my hand: because I wanted to ask a question.

The Chair (Mr. Michael Prue): And Mr. Leal has questions based on that? Your questions are based on the adjournment or the possibility of an adjournment.

Mr. Jeff Leal: Yes.

Mr. Gerry Martiniuk: Yes.

The Chair (Mr. Michael Prue): Okay, please.

Interjection.

The Chair (Mr. Michael Prue): Mr. Leal and then Mr. Martiniuk on the adjournment.

Mr. Gerry Martiniuk: One of the letters we've received is from Donnelly Law, and it's dated October 5, 2010. It was read by the young lady. Could you tell me what it means when he says it's "privileged and confidential"? Does that mean we, as a committee, cannot use this letter or the contents thereof?

Ms. Leemor Valin: I think my best answer to that is that we put together this letter late yesterday and not everything on it might be exactly perfect, so I would just say that that's part of our standard letterhead. We were rushing to prepare these letters. I don't think that that's necessarily what it would usually mean.

Mr. Gerry Martiniuk: Are you telling this committee that there could be some matters stated in this letter that are incorrect?

Ms. Leemor Valin: No, I don't believe that's what I'm saying.

Mr. Gerry Martiniuk: Well, what did you say?

Ms. Leemor Valin: Sorry. Can you repeat the initial question?

Mr. Gerry Martiniuk: Very simply, I don't know what "privileged and confidential" is. Does this mean that this communication cannot be used by this committee in any manner? If so, of course, then it shouldn't be before this committee. So I'm asking you what "privileged and confidential" means.

Ms. Leemor Valin: What I'm saying is that this "privileged and confidential" heading—we put together the letter late last night, and we weren't careful to see if maybe we should be putting on the letterhead today for today's purposes specifically. So I think that the content of the letter was meant to be used by the committee; it should be used by the committee. That's the best I can answer your question with. I'm sorry.

Mr. Gerry Martiniuk: That's not a sufficient answer, but in any event.

I have a question for Mr. Comish, please. I've read each of the letters. Now, just to make sure that I've read them all, Miss Mary P. Borthwick is one of them, and that deals with zoning. There's one from Roger Parkinson, I believe, and that again deals with zoning and the use of the property, which is not relevant to the bill before us. The third one is from Don Avery, and that again deals with the marina and the use of the property, which is not relevant.

However, there is a letter from one Tim Crooks; the address is 106 Summerhill Avenue, Toronto, Ontario. In the body of that letter, there is a reference to the possibility that the lands affected by the bill are not owned by the applicant. This person does not state that they are a solicitor or have expertise in title searching. However, they said they've looked at title, and they are concerned that possibly there's a portion of the lands in this application that, in fact, are not owned by the applicant, and I'd like you to answer that.

Mr. Robert Comish: I'll ask my colleague who is responsible for the real estate aspects of this development to respond.

Mr. Jeffrey Shankman: I have personal and detailed knowledge as to all of the ownerships of all of the lands comprising the resort. I can assure you, Mr. Chairman, committee members and Mr. Martiniuk, that the correct legal description was vetted and was contained in the act.

Mr. Gerry Martiniuk: On the basis of the answers I've received, Mr. Chair, I can see no reason to delay this application, and I'm willing to vote on it today.

The Chair (Mr. Michael Prue): Well, if we get that far, okay. Mr. Leal and then Mr. Ruprecht.

Mr. Jeff Leal: This particular issue I guess has been around for a decade, and there would have been a public approval process. I just jotted down here there would originally have been a planning application that would have been put forward.

There probably was a companion official plan amendment required for it. There would have been a zoning bylaw, probably, to accompany it; perhaps a committee of adjustments application for some minor details. I was a former municipal councillor, so I'm just going through the public process.

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Ultimately, it would have been approved by the council of the town of Innisfil and then ultimately, it went to the OMB. So there was a significant public process over that decade and, for that reason, I don't believe there's any reason to delay it.

I just have a quick question. We, of course, approved the Lake Simcoe Protection Act a little while ago. In terms of a water and waste water treatment plant, is there a stand-alone unit to cover this? Because there was a question of nutrient and phosphate—

The Chair (Mr. Michael Prue): If I could, Mr. Leal, I still have other things to do before I get into the body—

Mr. Jeff Leal: Sorry, okay. Thank you, Mr. Chair.

The Chair (Mr. Michael Prue): This is just on the adjournment.

Mr. Jeff Leal: Okay. I've provided my comments on that.

The Chair (Mr. Michael Prue): Mr. Ruprecht, do you have any questions related to whether or not we should adjourn?

Mr. Tony Ruprecht: Yes, I do. I have two questions for Ms. Leemor Valin. One is, are you representing the law firm of Donnelly only here today or are you also representing another organization or some residents? That's the first question; I have one more.

Ms. Leemor Valin: I believe that I'm here representing Donnelly Law. This was a letter sent from our office. However, we are saying that the client we represent and the other public that we've been in touch with do have concerns and would like to speak to this bill, such as issues relating to the Lake Simcoe Protection Act and other issues that will not be able to be spoken to unless someone is here to answer those questions. Right now, you're only getting one answer.

Mr. Tony Ruprecht: So that leads me to my second question, which you partially answered, and that was, you are, then, aware of other interested parties who wish to make deputations?

Ms. Leemor Valin: Yes, we are.

Mr. Tony Ruprecht: How many of these parties are there and which of these parties are you aware of who want to come to make a deputation?

Ms. Leemor Valin: The only parties I personally am aware of are the ones who have sent letters and have provided you with letters today.

Mr. Tony Ruprecht: How many are there?

Ms. Leemor Valin: I believe there are five letters in total.

Mr. Tony Ruprecht: So there are five different parties that have either objections or want to make presentations, is that right?

Ms. Leemor Valin: I don't know if each individual person with a letter is going to make—I'm not sure. My information is I know that these people provided letters and there are different parties who would like to make submissions. I don't know how many there will be exactly.

Mr. Tony Ruprecht: Thank you, Ms. Valin. That's my questioning.

The Chair (Mr. Michael Prue): Any other questions related to a possible adjournment? Is there any motion to adjourn this to another date?

Mr. Paul Miller: I'll move that motion.

The Chair (Mr. Michael Prue): We have a motion to adjourn to allow further deputations on another date. Any discussion on the motion? No discussion. All those in favour of the motion? Opposed? That is defeated. So we will proceed today.

I have Mr. Leal to ask questions on the—

Mr. Jeff Leal: Thank you so much. Because of the bill we have, the Lake Simcoe protection plan, one of the issues that was raised was the nutrient and phosphate loading in Lake Simcoe. Is it the intent to have a stand-alone water/waste water treatment plant to serve this? I take it, through the planning process, it was determined there was enough capacity to handle those two functions?

Mr. Jeffrey Shankman: Yes, sir. Through the planning process it's been determined that the municipal water plant has the capacity and has the capability of expansion. This resort will be serviced by town water and town sewage, and we're meeting or exceeding all of the requirements of the act.

Mr. Jeff Leal: That's very reassuring. Thank you so much.

The Chair (Mr. Michael Prue): Questions of the deputants? Wait a minute, sorry. I've gone too far again, already. There was one thing I had to do first. Excuse me. I have to ask the parliamentary assistant if there are any comments from the government.

Mr. Lou Rinaldi: No comments, Mr. Chair.

The Chair (Mr. Michael Prue): Okay. That's pretty simple. Then back to questions. Anybody have additional questions? Mr. Craitor.

Mr. Kim Craitor: For me, as I said, I do understand what's going on. It's simply that you're trying to find another way of blocking the development and this is an opportunity, because you're coming here, those who are opposed to it are trying to come in—and I know what they'll present. They won't deal with the bill; they'll deal with why it's not a good development. I understand that's what will happen when they come in.

I'm just trying to get this clear in my mind about this bill. That's all I want to get clear.

My colleague Paul asked a good question. If we approve this—for example, there was the question that you asked about the fees. Does that mean that we, by approving this, get pulled into enforcing anything? Are there are obligations by Parliament, because we've passed this and we've given jurisdiction to the bay association to be able to do all of these things that are in this bill? Do we take some responsibility—if someone's not adhering to it, do they then say, "Well, it was the Parliament of Ontario that said you had to do it, so that's the reason it's going forward. You have to deal with the provincial government, because they approved it"? Is that what would be the end result of all of this? Is that too—

Ms. Susan Klein: I'm not sure how that works. The Legislature will enact the bill. There's the provision in the bill, section 13, that talks about the association fees being a debt to the association, and that if they fail to pay them, the association can put a lien on the property. There's interaction between the land titles system and registering liens on title, that sort of thing. There's that kind of an interface with government entity. But the private act doesn't put any obligations on the government to do anything.

Mr. Jeffrey Shankman: If I may address that as well, we have borrowed shamelessly from the condominium structure, and we have tried to align ourselves with the Condominium Act in terms of lien provisions, in terms of notification to people, in terms of fairness. So, again, we are not reinventing the wheel.

Neither the provincial government nor the Parliament gets involved in any lien rights, lien disputes, lien collections under the Condominium Act, and this should be the same experience. It's to self-govern an association and to ensure that people who have committed voluntarily and contractually to pay dues and fees on a regular basis do in fact pay them, and if they don't, they're collectible.

Mr. Kim Craitor: That's well said.

The last comment I'll make is that had the five letter writers come in and talked about their concerns about the bill—but when you read them, their concerns are about the development. They never said that there's something wrong with this bill or that it's not appropriate. That's the reason I keep reiterating: It seems that it's just a way of trying to—hopefully, if this doesn't go through, that may stop the development. I guess that's what they're hoping may happen.

To the solicitor—unless there's something I didn't see, because I read them all and I didn't see anything that talks about the bill, why it's not appropriate or why the legislation that's been proposed is not the right type of legislation.

Ms. Leemor Valin: Sure. I'm here in the place of David Donnelly. I wouldn't characterize it as being only objections towards the development. I think that if people got a chance to speak to the bill, they would be addressing the bill as well. That is the best of my understanding of it. I just want to clarify that, even though you've already had the motion.

Mr. Robert Comish: Mr. Chair, could I add a comment there?

The Chair (Mr. Michael Prue): Sure, go ahead.

Mr. Robert Comish: There is one letter that does actually raise a couple of issues with regard to the bill. It's the letter from Mr. Koch, and he—

The Chair (Mr. Michael Prue): No, no. Mr. Koch is the clerk.

Mr. Robert Comish: Sorry, I'm reading the wrong—it's Mr. Crooks.

Interjection: Just for the record.

Mr. Robert Comish: Yes; Mr. Koch is not sending a letter to himself. He's the addressee.

That letter makes reference to section 7, and points out correctly that an individual can apply to the association to become a member and have his land become part of the resort lands. That is in the act simply to allow for what might often happen with any resort development, where there's some land adjacent to the resort which, for whatever reason, it makes sense for the resort to expand somewhat to cover that land. Similarly, the statute—

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Mr. Jeffrey Shankman: Sorry, Bob. I'm sorry. I'm going to have to clarify. His land doesn't become resort land. It doesn't get rezoned. It doesn't get re-designated. As you mentioned earlier, an off-site spa wished to be a member of the association so that they could benefit from that relationship. It's meant for businesses outside the resort who want to join the association. It will have no impact on rezoning, no impact on the land use. It will not designate them as resort lands. I just wanted to make sure that the committee understands that.

Mr. Robert Comish: Unfortunately—

Mr. Jeffrey Shankman: It allows for the lien rights, perhaps.

Mr. Robert Comish: No, unfortunately, there are two different types. Mr. Shankman is correct in referring to businesspeople who operate businesses outside of resort lands to become members. What we're talking about here is the normal activity of a resort operation, where you want to be able to either slightly expand the resort or contract. There are provisions in there to allow the resort land to be expanded or contracted following the procedure that's set out in the act.

The idea behind both those sections is simply to enable a sensible expansion or contraction where it makes sense from a business perspective. There's nothing sinister about it and it's obviously on a totally voluntary basis. It's determined by the owner of the land and, of course, the resort association board whether they want to expand the resort and increase the size of the property.

The second point is that there's a reference in the last paragraph on the first page to the fact that the act contemplates the establishment of various classes of members. He's absolutely right. I would just point out that the Ontario Corporations Act and the Ontario Business Corporations Act contemplate class membership. It's a normal corporate function that is available for those kinds of corporations, and we're suggesting that it should also be for this special act corporation.

The Chair (Mr. Michael Prue): Further questions? Mr. Miller.

Mr. Paul Miller: Once again, I'd like to thank Mr. Craitor for pointing out one of my concerns. Some people were smiling, but there are some serious concerns.

Looking at "Registration of lien," "Notice to member," "Enforcement of lien," "Subsequent debts"—these all fall within this bill. I'm not sure that we're stepping over our authority. We're not a collection agency and we're not a bank. I'm wondering if this has been looked at by legislative counsel, what we're getting into here.

There are several areas: “Discharge of lien,” “Subsequent debts,” even the word “mortgage” is in there—“may be enforced in the same manner as a mortgage.” I’m hoping we’re not stepping out of our area of authority here. The banking act is federal, so I’m not quite sure why these things are included.

Ms. Susan Klein: I don’t think we’re overstepping anything. These are—

Mr. Paul Miller: I’m sorry; with all due respect, “Debt to association,” is the first one, item 13(1): “If a member of the association”—that’s the other bill you’re paying—“who is an owner of resort land defaults in the payment of any fee owed by the member to the association;” that’s considered a lien.

Ms. Susan Klein: Liens are—

Mr. Gerry Martiniuk: It’s like a condo.

Mr. Paul Miller: Now, Gerry, we’re talking about the association; we’re not talking about condos. What we’re talking about is the association, the other one we were talking about—the membership fee; right? That’s part of it too; right?

Mr. Jeffrey Shankman: There are two separate and distinct concepts—

Mr. Paul Miller: I know that but the association—you can put a lien on somebody if they don’t pay their association fees to the club too, is what you’re saying.

Mr. Jeffrey Shankman: That is absolutely correct and was added at the request of the town of Innisfil through outside counsel who asked specifically for some remedy so that the town could be assured that the association could prevail, be self-sufficient and stand on its own. So you can imagine the concern that was raised, and it was. If nobody in your association pays you any fees and you, the association, have control of some assets that are of benefit to the whole community of the resort, how are you going to sustain yourself?

Outside counsel from a downtown law firm—who’s an expert in condominium law, by the way, and assisted Mr. Joblin in reviewing our proposed draft bill—recommended to the town that we have a similar procedure to that which is entrenched in the Condominium Act. As I say, we borrowed shamelessly from it to satisfy what we thought was an observation and comment from the town that bore some looking into and had a resolution.

So you’re quite correct, sir. The reason I smiled earlier was, I felt that you got the point, and I smiled at your knowledge that you got the point that we’re talking about two separate and distinct entities, one being a condominium structure and one being an association or, as you say, a club. I like the word “club” because, as a member of your condominium unit, you’re also going to be a member of a very special club that owns a lot of nice amenities.

Mr. Paul Miller: Thank you, and thank you for that shrouded compliment. But there are other people in this province who have been members of clubs, and if you’ve recently watched the papers, the health clubs have become a major problem in this province, collecting money they shouldn’t collect for longer periods of time.

You have to take them to court to get your membership fee back. I’m just hoping that you have things in your association that will also protect the consumers from abuse from collection agencies and things like that, because we have a real problem in Ontario.

Mr. Jeffrey Shankman: I can assure you that we’re entirely dissimilar to a health club or a fitness club. I can also assure you that not only did the town of Innisfil review the draft bill and approve of it but they’ve reviewed the bylaws of the association. They’ve had extensive comment on the bylaws, and the town and the county are satisfied with those as well.

The Chair (Mr. Michael Prue): I’m going to have to stop whatever questions are there. The bells are ringing. We are forced under the rules of the House to adjourn this meeting at this time. It will resume on our next hearing date, which is likely to be two weeks from today.

Mr. David Caplan: No, no, no. The House is sitting; we can meet.

Mr. Gerry Martiniuk: We can vote. I ask for a vote right now.

The Chair (Mr. Michael Prue): There are 19 votes to take place on this bill.

Mr. David Caplan: Well, let’s go.

Mr. Gerry Martiniuk: Let’s go.

The Chair (Mr. Michael Prue): Are there any further questions? No further questions. All right. I was trying to get everybody up in the House before it started, but there we go.

Shall schedule 1, as amended, carry? Carried.

Sorry. Excuse me. There’s no amendment. I’ll do it again.

Mr. Paul Miller: Can we have a recorded vote, please?

The Chair (Mr. Michael Prue): Yes. Recorded vote. Shall schedule 1 carry?

Mr. David Caplan: I heard you say, “Carried.”

The Chair (Mr. Michael Prue): No, no. He has asked for a recorded vote.

Ayes

Caplan, Craitor, Leal, Martiniuk, Rinaldi.

Nays

Miller.

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

Shall form 1 carry? That carries.

Shall form 2 carry? That carries.

Mr. Paul Miller: Are you not recording each one individually?

The Chair (Mr. Michael Prue): No, you have to ask for that. Do you want each one individually—

Mr. Paul Miller: Yes, I do. I thought I said that. Okay.

The Chair (Mr. Michael Prue): All right. I’ll do that from this point on.

Mr. Paul Miller: All right.

The Chair (Mr. Michael Prue): Shall form 4 carry, on a recorded vote?

Interjection.

The Chair (Mr. Michael Prue): Oh, sorry. I missed 3. Excuse me.

Mr. Paul Miller: Can you give a title with that, Mr. Chairman? You're just saying, "Form 2," "Form 1." Can you give me a title, just a synopsis of what we're voting on? If we're going to do this and we want to get through it today, let's do it right.

The Chair (Mr. Michael Prue): It is a form within the bill. It's found on page 7 of the bill. Sorry. That was form 1. Form 2 is found on page 8. Form 3, the one we're dealing with now, is on page 9 of the bill.

Mr. Paul Miller: Page 9. "Notice of lien under subsection"—is that the one?

The Chair (Mr. Michael Prue): "Notice of lien under subsection 13(3) of the act" is the notice.

Interjection.

The Chair (Mr. Michael Prue): I'm being advised by the clerk that I must adjourn because question period—this is what is required by the House. This is why we are having the whole debate within one of the committees about members not being present in the House because of the budget. I have to adjourn. It will be adjourned, and I anticipate—

Mr. David Caplan: Under which standing order?

The Clerk of the Committee (Mr. Katch Koch): It was actually in the motion when the House created the committees.

Mr. David Caplan: That what?

The Clerk of the Committee (Mr. Katch Koch): The motion spelled out the times that the committees can meet and the days that the committees may meet.

Mr. David Caplan: Okay, and why does that prohibit us from—

The Clerk of the Committee (Mr. Katch Koch): Because the order of the House indicates that the Standing Committee on Regulations and Private Bills may meet on Wednesday mornings until 10:30.

Mr. David Caplan: It's not 10:30. It says 10:25.

Ms. Marta Kennedy: It says 10:25, yes.

The Chair (Mr. Michael Prue): In any event, I think I have the watch as the Chair. We will resume this on the next date, which I anticipate will be two weeks from today, October 20. We will resume at 9 o'clock in the morning, October 20, for the balance of the hearing.

This meeting stands adjourned for two weeks, and because of the lateness of the hour I guess the sub-committee has to be put over till then as well.

The committee adjourned at 1025.

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