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Mercredi 3 novembre 2010

**Standing Committee on
Regulations and Private Bills**

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

Chair: Michael Prue
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LEGISLATIVE ASSEMBLY OF ONTARIO

**STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLS**

Wednesday 3 November 2010

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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

Mercredi 3 novembre 2010

The committee met at 0902 in room 151.

**SISTERS OF ST. JOSEPH
OF PETERBOROUGH ACT
(TAX RELIEF), 2010**

Consideration of Bill Pr37, An Act respecting The Sisters of St. Joseph of the Diocese of Peterborough, in Ontario.

The Chair (Mr. Michael Prue): We'll call the meeting to order. We are here this morning with one bill, Bill Pr37, An Act respecting The Sisters of St. Joseph of the Diocese of Peterborough, in Ontario. The sponsor of the bill is Mr. Leal, and the applicant, who I understand is with him today, is Stephen P. Kylie, barrister and solicitor; is that correct?

Mr. Stephen Kylie: Good morning, Mr. Chair. That's right.

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

Mr. Jeff Leal: I'm delighted to be here with Stephen Kylie this morning, who has been the legal counsel for the Sisters of St. Joseph for many years.

The Sisters of St. Joseph have been in Peterborough for well over 100 years. My association goes back a long ways. They actually taught me in elementary school at St. John the Baptist in the south end of Peterborough, and then I had the pleasure of being on the St. Joseph's hospital board for a decade when I was a member of Peterborough city council.

As I said, I've had a long, long relationship with the Sisters of St. Joseph. The current Superior General, Sister Dorothy Ryan, is a good friend and was a great basketball star in her high school days in Peterborough, and is now doing an outstanding job as the leader and Superior General of the Sisters of St. Joseph.

As I said, Mr. Kylie has been their solicitor for a long time.

This is a fairly straightforward bill, I believe, at this time.

The Chair (Mr. Michael Prue): Thank you. Mr. Kylie, do you have any comments?

Mr. Stephen Kylie: Just some brief comments, because I think the material's pretty self-explanatory. Jeff has also spoken to it.

I've acted for the sisters as a solicitor for a long time, but I've also worked with them as a volunteer and in fact

sat on a board with Jeff for many years—a couple of boards actually. So I've worked with the sisters in Peterborough for probably close to 30 years, either as a lawyer or a volunteer.

Their previous mother house in Peterborough on Monaghan Road was a massive structure. It was quite old. They had acquired the property at four different stages. It was too large for them, and also in terms of maintenance it was becoming a bit of a pressure point for them. So they decided they wanted to downsize and build a new building with all the environmental criteria. They actually severed off a small part of the property they owned and they built a much smaller, state-of-the-art residence. It had the same uses that we had in the previous mother house. It was a residence. There was an infirmary, offices, a chapel and opportunities for outreach programs for the residents in the city and county of Peterborough.

That was a strategic directive that they wanted to follow after doing a lot of soul-searching on it. For 120 years in that original mother house, they had never been assessed for any realty tax or education tax. With the move into the new, much smaller building, with the same basic uses that they made of the original mother house, MPAC, for some reason, decided that we're going to have to revisit the sisters' situation.

To be honest, I don't know where that authority came from, but because it was a new building, they were going to have to revisit the assessment, and they decided that other than the chapel that was located in the new building, this was going to be a taxable property. It made no sense to the sisters because, again, for 120 years they had never paid any tax of any kind on their property here.

There is a precedent, Mr. Chair. The sisters in London went through—

Mr. Jeff Leal: I just made note of that, Steve.

Mr. Stephen Kylie: Jeff's already—he's on that, too.

So the precedent has already been established where MPAC has intervened, probably not appropriately. I think handling it with a private member's bill is a better strategy than trying to amend the Assessment Act by dealing with religious organizations.

The city of Peterborough is supportive of what we're doing, and that's in the material, I believe, as well. The city has passed a resolution that if this bill is passed by the Legislature, the city will pass the appropriate bylaw waiving any realty or education tax imposed on the sisters. So they're already supportive. They're ready to

do what they can do and will do when the Legislature gives them that authority.

I would like to just say in closing, thank you to the clerk and Ms. Klein for all their help in us getting to this point, as well as Jeff's office—a lot of tremendous support for the sisters and my office in terms of moving the bill forward. I would also—

Mr. Paul Miller: I'm not feeling well. Keep it up.

Mr. Stephen Kylie: Just great, great service. I also appreciate the deferral from the last time I was here. I was otherwise engaged with a board meeting as a result of a provincial appointment, something I didn't think I could miss. So I appreciate the deferral to today, Mr. Chair, and I'd be open for any questions.

0910

The Chair (Mr. Michael Prue): Before we get to that, are there any other interested parties who wish to speak to this? I see one gentleman here. You're not here to speak to this? Okay.

The parliamentary assistant is not here. Is there any comment from—Mr. Levac.

Mr. Dave Levac: Thanks for your presentation, Jeff and Stephen. Just a quick comment in support: I went through this with a private bill for the Sisters of St. Joseph in Hamilton, who have domain in the riding of Brant. Very similarly, what we found historically is that Sisters of St. Joseph, regrettably, is shrinking. I think my colleague across the way knows that in terms of the influence of the Sisters of St. Joseph in Hamilton, the size of the building and the property they once owned was huge. It shrunk; the membership shrunk and they just could not sustain and they did not have the same kind of influence on the numbers as they used to have. What we did is we basically went through the same exercise. They downsized, they modernized, and unfortunately, because of the change, once you change, MPAC's requirement is to re-evaluate and make the decision. We went through the same process and we found the private bill passed with all-party support.

I'm hoping the same thing can happen here. I really do respect and admire the Sisters of St. Joseph, wherever they land, for all the work they do. I too have somewhat of a history with the sisters that my friend and colleague Jeff Leal has indicated. I think this is actually a good way to do it, because it does provide us with an opportunity to make it quite clear that the work that they've done is never done for the profit-driven motive and it was always to give back to the communities. The sisters have always operated in a way to give, not to get.

This would crush them; there's no question about it. If you did a statistical analysis of this, if they had to pay the taxes on the entire property other than the chapel, it would crush them. They would not exist. I would not be the one who votes to have that removed, so you have my full endorsement and I'm sure the rest of ours here.

I thank the sisters for their work.

The Chair (Mr. Michael Prue): I take it that was the statement from the parliamentary assistant or his—

Mr. Dave Levac: Shall we say yes?

The Chair (Mr. Michael Prue): Okay. Then I will ask at this point, are there questions? I have a question first from Mr. Martiniuk, then from Mr. Miller and then from Mr. Ruprecht.

Mr. Gerry Martiniuk: I certainly support the bill, but I am curious—I would like you to explain to me why the judgment was made under the Assessment Act that these lands should not be exempt.

Mr. Stephen Kylie: Well, that's an MPAC decision. Looking at the strict interpretation of the legislation, it talks about premises being used for religious purposes. It seems to limit the exemption to just the place of worship.

We've done a little legal research on it. The courts have tried to kind of bend the rules there a little bit by recognizing that churches and religious communities do other things than just participate at a place of worship, but MPAC wasn't prepared to accept that ruling and they basically—I wouldn't say they backed us into a corner, but we had to appeal the assessment for this year just to make sure we were protected, because they weren't going to change the position.

It was an interpretation of the legislation, and that's what I mentioned at the outset. We could collectively—the sisters in all the communities—look at an amendment to the Assessment Act, but I'm not sure that would be the way to go. I think because the history has already been established, this is a better approach.

Mr. Gerry Martiniuk: And this act will act retroactively to solve the problem?

Mr. Stephen Kylie: Yes.

Mr. Gerry Martiniuk: Thank you.

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

Mr. Paul Miller: I'd certainly concur with Mr. Levac's observations. We did this in Hamilton. It is a shrinking organization like anything else. The Legions, the Masonic Order and all kinds of organizations are certainly down in their membership. As long as we can keep this alive and going better, I think it's for the betterment of the children and the people in our communities, because they're a great organization and they certainly do a lot of good work in their communities.

I have no problem supporting this, but there's one hinge: I want Jeff Leal to go in the confession booth and apologize for abusing the NDP on a regular basis. If he could do that, I think I could swing this.

Mr. Jeff Leal: Mr. Miller, what I can do for you is that if this bill is passed today, I'll talk to the Mother Superior and—

Mr. Paul Miller: And say a prayer for us?

Mr. Jeff Leal: —and put you on the prayer list.

Mr. Paul Miller: Thank you.

Mr. Jeff Leal: Divine intervention is always helpful.

Just, if I might digress, it's interesting that the sisters in Peterborough had over an acre of property at one time that they used to farm, and they used to take all the produce from that and provide it to people who were less fortunate in the community. That went on for many, many decades, until they got to a point where they just didn't have the physical resources to keep that going. But

it was very unique in Peterborough that that went on for many decades. It was really a unique thing that they—

Mr. Paul Miller: And no chemicals in the food, too. That was good stuff.

Mr. Jeff Leal: And it was all blessed food.

The Chair (Mr. Michael Prue): Mr. Ruprecht?

Mr. Tony Ruprecht: It's just amazing what you find out when you attend the Standing Committee on Regulations and Private Bills. I had no idea that Mr. Leal had this very close association with the Sisters of St. Joseph.

Mr. Dave Levac: Now we know why he's—

Mr. Tony Ruprecht: Now we know why he's successful.

Let me just simply say for the record, notwithstanding the fact that there's going to be some prayers said for Paul from Hamilton—and I don't know if we should agree with that or not, but that's a side issue. But for the record, Mr. Chair, I want Mr. Kylie to know that Mr. Leal has already done all the homework and all the groundwork for you just before you arrived, so all the credit should go to him.

Mr. Stephen Kylie: I very much appreciate all of Jeff's efforts.

The Chair (Mr. Michael Prue): Okay, that is the end of questions.

Mr. Sousa, in your absence and as we went ahead, Mr. Levac gave the position of the government on your behalf. I trust you're satisfied with that and we can proceed.

Mr. Charles Sousa: I'm sure Mr. Levac would have stated exactly what our position was.

Mr. Dave Levac: I think I memorized your text.

Mr. Charles Sousa: Thank you so much.

The Chair (Mr. Michael Prue): There being no further questions, are the members ready to vote?

Interjection: Yes.

The Chair (Mr. Michael Prue): Mr. Leal, you'll have to take your seat if you wish to vote on this. I can't recognize you from there.

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

Mr. Dave Levac: Sensing a unanimous vote, can I ask for a recorded vote, please?

The Chair (Mr. Michael Prue): You want a recorded vote? There are many votes. A request for a recorded vote, so all votes will be recorded.

Shall section 1 carry?

Ayes

Leal, Levac, Martiniuk, Paul Miller, Ruprecht, Sousa.

The Chair (Mr. Michael Prue): Carried.

Shall section 2 carry?

Ayes

Leal, Levac, Martiniuk, Paul Miller, Ruprecht, Sousa.

The Chair (Mr. Michael Prue): Carried.

Shall section 3 carry?

Ayes

Leal, Levac, Martiniuk, Paul Miller, Ruprecht, Sousa.

The Chair (Mr. Michael Prue): Carried.

Shall section 4 carry?

Ayes

Leal, Levac, Martiniuk, Paul Miller, Ruprecht, Sousa.

The Chair (Mr. Michael Prue): Carried.

Shall section 5 carry?

Ayes

Leal, Levac, Martiniuk, Paul Miller, Ruprecht, Sousa.

The Chair (Mr. Michael Prue): Carried.

Shall the preamble carry?

Ayes

Leal, Levac, Martiniuk, Paul Miller, Ruprecht, Sousa.

The Chair (Mr. Michael Prue): Carried.

Shall the title carry?

Ayes

Leal, Levac, Martiniuk, Paul Miller, Ruprecht, Sousa.

The Chair (Mr. Michael Prue): Carried.

Shall the bill carry?

Ayes

Leal, Levac, Martiniuk, Paul Miller, Ruprecht, Sousa.

The Chair (Mr. Michael Prue): Carried.

Shall I report the bill, as amended, to the House? Yes, thank you.

I understand, Mr. Leal, you have a motion you wish to make at this point concerning the waiving of fees.

Mr. Jeff Leal: I do, Mr. Chair. I move that the committee recommend that the fees and actual cost of printing at all stages be remitted on Bill Pr37, An Act respecting The Sisters of St. Joseph of the Diocese of Peterborough, in Ontario.

The Chair (Mr. Michael Prue): We have a motion made by Mr. Leal. Is there any discussion? Seeing no discussion, all those in favour of the motion put forward by Mr. Leal?

Interjection.

The Chair (Mr. Michael Prue): It hasn't been requested recorded.

Interjection: No.

The Chair (Mr. Michael Prue): No? Okay. All those opposed? That's carried.

Thank you for attending.

Mr. Stephen Kylie: That's very generous, Mr. Chair. I appreciate that. Thank you for your time and the support of the committee. I'll relay that information back to the sisters. They'll be appreciative of the support they get.

The Chair (Mr. Michael Prue): All right. That is the only item for today, so the meeting is adjourned.

The committee adjourned at 0917.

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