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## **Official Report of Debates (Hansard)**

**Wednesday 2 March 2011**

## **Journal des débats (Hansard)**

**Mercredi 2 mars 2011**

**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

**STANDING COMMITTEE  
ON REGULATIONS  
AND PRIVATE BILLS**

Wednesday 2 March 2011

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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

Mercredi 2 mars 2011

*The committee met at 0900 in room 151.*

**The Chair (Mr. Michael Prue):** This meeting will be called to order. We have two items on the agenda today: Bill Pr40 and Bill Pr43.

S.L. McNALLY CONSULTING  
SERVICES INC. ACT, 2011

Consideration of Bill Pr40, An Act to revive S.L. McNally Consulting Services Inc.

**The Chair (Mr. Michael Prue):** The first bill, Pr40, is An Act to revive S.L. McNally Consulting Services Inc. Mr. Caplan, you have the floor. Would you please proceed?

**Mr. David Caplan:** Thank you very much. It's actually a very straightforward matter. Ms. Sherry McNally is here to speak to it, so I'll turn it over to Ms. McNally.

**The Chair (Mr. Michael Prue):** The floor is yours.

**Ms. Sherry McNally:** Thank you. I opened up my company in 2003 to do IT consulting for Royal Bank of Canada. I consulted there as an independent contractor for approximately five or six years. Then I had a death in the family, so I moved back to Manitoba.

My sister, being my accountant, dissolved my corporation because even though there were no earnings in the corporation for a couple of years, she still had to file corporate tax returns and financial statements, so she decided to dissolve the business.

Then I decided to come back to Toronto and consult again with Royal Bank of Canada, so that is what this act is for, to reopen my corporation.

**The Chair (Mr. Michael Prue):** Okay. I thank you very much. Any further comments from Mr. Caplan? None?

**Mr. David Caplan:** None.

**The Chair (Mr. Michael Prue):** Are there any other interested parties to this application? Seeing none, parliamentary assistant, are there any comments from the government?

**Mr. Dave Levac:** No.

**The Chair (Mr. Michael Prue):** No comments from the government. Are there any questions that the committee members have of the applicant? No questions—

**Mr. Paul Miller:** Just one. Is this a singular operation or are there partners?

**Ms. Sherry McNally:** No, there's just myself. I'm the president of the company.

**Mr. Paul Miller:** So you're a one-lady show.

**Ms. Sherry McNally:** That's it.

**Mr. Paul Miller:** Okay.

**The Chair (Mr. Michael Prue):** Any other questions? Seeing none, are the members ready to vote?

*Interjection.*

**The Chair (Mr. Michael Prue):** You have a question?

**Interjection:** No.

**The Chair (Mr. Michael Prue):** All right. Then we'll proceed right to it.

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Agreed.

Thank you very much. Case finished.

**Ms. Sherry McNally:** Thank you so much.

**The Chair (Mr. Michael Prue):** I bet you can't believe how fast it was.

URSULINE RELIGIOUS  
OF LONDON ACT (TAX RELIEF), 2011

Consideration of Bill Pr43, An Act respecting the Ursuline Religious of the Diocese of London in Ontario.

**The Chair (Mr. Michael Prue):** We now have Bill Pr43, An Act respecting the Ursuline Religious of the Diocese of London in Ontario. Mr. Hoy, the floor is yours.

**Mr. Pat Hoy:** Good morning, committee, and thank you for hearing about Bill Pr43. I'm joined by two guests who can explain what this is about and answer any questions. They'll introduce themselves for Hansard.

**The Chair (Mr. Michael Prue):** Okay. You have no other comments other than that? That's it? Fine, thank you very much. If the applicants could introduce themselves for the purpose of Hansard by full name.

**Mr. Jerry O'Brien:** I'm Jerry O'Brien, a lawyer acting on behalf of the Ursuline Sisters, and this is Sister Joan Stafford, who is with me today.

**The Chair (Mr. Michael Prue):** Terrific. The floor is yours.

**Mr. Jerry O'Brien:** Thank you. I believe the material in our compendium spells out the situation, and I think this is a problem that's come to this committee on other occasions, involving Hamilton, Peterborough and London.

Basically, the sisters' mother house has been a place of spiritual growth and education since 1860. It has always been tax-exempt, and when they sought to move they inquired of MPAC and the city of Chatham about whether their tax-exempt status would continue. They were actually told that it would. Then, after they completed the new construction of their smaller building, unfortunately, in ways that seem more mysterious than we can quite figure out, MPAC took a different position and the mother house became taxable. So this legislation is simply to restore to them the exemption they've had since 1860 so they can continue on with their good work.

We'd like to thank very much Mr. Hoy's office and his staff for their assistance in dealing with this problem, the clerk's office and staff, and Susan Klein for her efforts in helping us through this process. I can tell the Chair and the members that it has been a very confusing and complex situation for the sisters. They've tried to do the right thing all along, but this seems to be the only way that they can correct the situation.

Subject to any questions that you might have, that's all we have to say.

**The Chair (Mr. Michael Prue):** I just have to ask, though—I don't see anyone in the room to do it, but it has to be asked: Are there any other interested parties to this item, anyone else to speak?

Seeing none, parliamentary assistant, are there any comments from the government?

**Mr. Dave Levac:** I'll pass it over to you, Mr. Leal. I need to say something first, but I'll pass it over. I'll yield the floor once I make my comments.

The government does not have any objections to this. They note that the municipality is in favour. Working together, we believe that this is the appropriate direction to take to make sure that the sisters receive the work that they do, and we are thankful for the work that they do in the community.

I'll pass it over to Jeff.

**Mr. Jeff Leal:** There is a pattern now across the province—I think this may have been number 4 or 5: A number of religious orders have built rather large convents at one time, and as things change, they get into building new, smaller quarters.

From an MPAC perspective, I wonder: Does this committee send a note through to the president of MPAC, Mr. Carl Isenburg, to suggest that a pattern has developed and maybe MPAC should be looking at this, perhaps in the light of: We come here and we get the change made, but maybe they should make the change from their perspective? There could be several down the road that would find themselves in the same position, and then the sisters have to engage distinguished lawyers to represent

them. I wonder if there's a way that we could resolve this through some notification to Mr. Isenburg, the president of MPAC. It's just a thought, sir.

**The Chair (Mr. Michael Prue):** I think so, but then we are usurping the rights of the municipality and of the school boards who have to comment on it first, so I don't know how we get around that.

If you want to make such a motion to the committee, I'm sure, at the conclusion of this, we could consider that debate. But, again, I don't know how we get around all of the legal niceties with the municipality, the school board, the interested parties—

**Mr. Jeff Leal:** I can't speak for other municipalities, but I can speak for the city of Peterborough. When they saw that, they rubber-stamped a motion to get this approved, because they sensed that this was just the right thing to do. But I can't speak for other communities on this.

**The Chair (Mr. Michael Prue):** And we would not see those other communities that said no.

**Mr. Jeff Leal:** Fair enough.

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

**Mr. David Caplan:** As I understand it, this special act allows the city of Chatham-Kent to pass a bylaw. Have they done so already, or are they intending to after this has passed?

**Mr. Jerry O'Brien:** They passed a motion unanimously that agreed that this legislation could go forward, and they've indicated their intention to us that they will pass such a bylaw.

**Mr. David Caplan:** So they'll pass such a bylaw. Okay.

**Mr. Jerry O'Brien:** And the school boards have both agreed to it, as well.

**The Chair (Mr. Michael Prue):** I have Mr. Martiniuk and then Mr. Miller.

**Mr. Gerry Martiniuk:** Perhaps Mr. O'Brien could refresh our memories in regard to the Assessment Act and the particular sections that MPAC seems to be caught up on.

**Mr. Jerry O'Brien:** It's not actually clear to us, because they've told us different things. Originally, they told us that the tax exemption would continue with the move, and then, after the building took place and the move took place, they actually taxed the residential portion and left the mother house alone. When the sisters called and said, "No, we should be paying tax on the residential portion," they said, "No, no, you're tax-exempt there." Then, all of a sudden, they got a bill—without any explanation whatsoever—for three years in arrears for the mother house. I can't actually explain to you their conduct, because I don't understand it.

**Mr. Gerry Martiniuk:** Let my position be clear: I support this bill, and hopefully it will pass today.

I would also support, however, a letter from this committee, if a motion might be made, requesting clarification from MPAC and their problem. Then, once we have that, perhaps we can do something fruitful.

0910

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

**Mr. Paul Miller:** Imagine that—government getting confused, not knowing what the left hand and the right hand are doing. I can't believe it.

Anyways, this is obviously a no-brainer. It's been around for a hundred years or more, 200 almost, so I have no problem with this. I don't know why they put people through aggravation like this, to have to come all the way to Toronto.

I've said this before on this committee. Some of the routine things are like, two seconds, boom, done. There must be something we can do to expedite these processes so that we don't have to put people through time, aggravation and worry. They come here thinking, "Oh my God, I'm in big trouble," and it turns out to be a routine situation.

I'm sure I agree with the other two parties that we should be able to do something to correct this imbalance.

**The Chair (Mr. Michael Prue):** Okay. Understanding that Mr. Leal may have a motion, I think we should have the motion separate and apart from this bill.

**Mr. Jeff Leal:** Absolutely. I'm not trying to complicate—

**The Chair (Mr. Michael Prue):** Are there any other questions on this bill? Seeing no other questions, are the members ready to vote?

Okay, I'll just make sure I get everything that needs to happen here.

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall section 4 carry? Carried.

Shall section 5 carry? Carried.

Shall section 6 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Agreed.

**Mr. Gerry Martiniuk:** Could I make a motion?

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

**Mr. Gerry Martiniuk:** I move that the fees paid by the applicant be waived.

**The Chair (Mr. Michael Prue):** Are you requesting—

**Mr. Gerry Martiniuk:** I think we've done that in—

**The Chair (Mr. Michael Prue):** We have, but I meant that you have to request it first. Are you requesting that the fees be waived?

**Mr. Gerry Martiniuk:** Yes.

**The Chair (Mr. Michael Prue):** Okay, there it is. I would be surprised if you said no.

If I can, Mr. Martiniuk, I'll give you the wording for that. You'd have to move that the committee recommend that the fees and the actual cost of printing at all stages be remitted on Bill Pr43, An Act respecting the Ursuline Religious of the Diocese of London in Ontario. Do you so move that?

**Mr. Gerry Martiniuk:** I so move.

**The Chair (Mr. Michael Prue):** All right.

**Mr. Tony Ruprecht:** I want to second that.

**The Chair (Mr. Michael Prue):** We don't need a seconder in committee.

Any discussion on the motion to waive the fees? No discussion.

All those in favour? Agreed. Fees are waived.

**Mr. Gerry Martiniuk:** Thank you very much.

**The Chair (Mr. Michael Prue):** Further motions?

#### COMMITTEE BUSINESS

**The Chair (Mr. Michael Prue):** We are now finished with this, so we will go on to other business. Mr. Leal, you have a motion.

**Mr. Jeff Leal:** Yes, Mr. Chair. I think it would be appropriate, to ask the present CEO of MPAC, Mr. Carl Isenburg, to look at these provisions that deal with—if I can get some assistance, maybe, from across the aisle; I'm trying to get the right word here—convent houses or—

**The Chair (Mr. Michael Prue):** I think "religious orders."

**Mr. Jeff Leal:** Religious orders. That's it.

Just a bit of a background, and I'm sure there are people around here that have had municipal experience: In the past, prior to the creation of MPAC, when the assessment function was handled by the Ministry of Finance, you could go to your local assessment office in Peterborough. They had staff there, and they would go out and look at something and say, "Yes, this has had a historical thing. We will recommend to the powers that be that it continue." It seems to me that when we moved into MPAC, how it was set up, a lot of the local folks left and took early retirement. The new corporation was created, and a lot of them came from other spots from across Ontario that didn't have this historical knowledge and couldn't give a field decision. When you look at particularly the four or five that have come forward related to religious orders, that certainly has been the situation.

If we could alert Mr. Isenburg to take a look at that, I think it would be particularly helpful.

**The Chair (Mr. Michael Prue):** The motion is? We need a wording; we don't need a speech. We need the wording so we can vote on it.

**Mr. Jeff Leal:** That we send a letter to the CEO of MPAC, Mr. Carl Isenburg, to look at situations related to religious orders in Ontario when they move from one home to another, often due to downsizing.

Sorry about the speech, sir.

**The Chair (Mr. Michael Prue):** Have you got that? Just want to make sure.

**The Clerk Pro Tem (Sylvia Przedziecki):** That the committee send a letter to the current CEO of MPAC to look at provisions that deal with religious orders when they move from one home to another, often due to downsizing?

**Mr. Paul Miller:** I don't think that's going to cover it.

**Mr. Jeff Leal:** Paul, maybe you can help me here?

**Mr. Paul Miller:** That's confusing. I think you're better to explain the situation, that we constantly have religious orders coming to this committee—

**Mr. Jeff Leal:** That's better.

**Mr. Paul Miller:** —because of the disparity between the communication between MPAC and the community, and that we would like this situation looked at and rectified so that this committee does not have to deal with these common occurrences.

**The Chair (Mr. Michael Prue):** I'm not sure we should do that. I know what is being asked here. How about if you just say that the Chair will write the letter on behalf of the committee?

**Mr. Jeff Leal:** For sure, that's good.

**Mr. Gerry Martiniuk:** Yes, but subject to—I think it's not enough. I get the feeling that the organization does not have the power to alleviate the problem. I would therefore suggest that we end it off by saying that we request that the Chair advise this committee as to any possible amendments to any statutes that may alleviate the problem.

**Mr. Jeff Leal:** Perfect.

**Mr. Paul Miller:** I'm seeing the old lawyer coming out in you again, Gerry.

**The Chair (Mr. Michael Prue):** Okay. We have the motion and we have the general discussion. I will write the letter or the clerk will write the letter. I will sign it and we will—

**Mr. Jeff Leal:** That's all I'm looking for, sir.

**The Chair (Mr. Michael Prue):** Mr. Martiniuk, the clerk wants a little bit of clarification—

**The Clerk Pro Tem (Sylvia Przedziecki):** Can you repeat the wording or the sense?

**The Chair (Mr. Michael Prue):** I think we can get it later from the transcript.

Mr. Ruprecht?

**Mr. Tony Ruprecht:** I recall that last year, we made a similar motion to that effect. What happened to that?

**Mr. Gerry Martiniuk:** Not to MPAC.

**Mr. Paul Miller:** I believe I did that.

**The Chair (Mr. Michael Prue):** I think similar statements were made, but I don't believe there was a request to write to MPAC.

**Mr. Tony Ruprecht:** Not to MPAC, no. But I think either Paul or I made the motion that we should look at that in terms of cutting some of the red tape. There was no follow-up on it. We had a long discussion about this.

**Mr. Gerry Martiniuk:** It wasn't about the religious aspects. That was about some lawyer charters—

**Mr. Paul Miller:** The thing that, yes—coming here all the time for two minutes.

**The Chair (Mr. Michael Prue):** If I could, we do have a letter, and everyone has that letter on your desk today, from the minister, Harinder S. Takhar, dated December 23, in which he says they're looking at the issue, Mr. Ruprecht, that you raised. But that issue was not on religious orders and we did not write to MPAC; we wrote to the minister, and the minister has responded that they're looking at it.

**Mr. Paul Miller:** That was on notices of revival.

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

**Mr. Dave Levac:** When you reach the point where you've crafted the letter, would it be distributed to the committee members before we send it out?

**The Chair (Mr. Michael Prue):** I can do that if that is the request. I can do that at our next meeting. Before it is sent out, would the committee like to see it?

**Mr. Dave Levac:** I think what's happened is we've had a generalized discussion and we're trying to capture the feel of what everyone is agreeing with, but until we see the end result, I think it would be appropriate to see it just before we send it out so that we've all agreed that it's been captured the way in which Gerry mentioned, and I know that Paul and Jeff said some things that would be germane to this. If we can capture it and give it to you as the responsibility—capture what we're saying and show us a draft, and then we send it out.

**The Chair (Mr. Michael Prue):** All right. When is our next meeting? Any idea? Are we having one next Wednesday or no?

**The Clerk Pro Tem (Sylvia Przedziecki):** Yes.

**The Chair (Mr. Michael Prue):** We're having one next Wednesday, so hopefully we can have a draft on the desk for the meeting as well. We'll include that as an additional item.

Everybody's happy with that? Anything else? Meeting adjourned.

*The committee adjourned at 0919.*



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