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Official Report of Debates (Hansard)

Thursday 7 April 2011

Journal des débats (Hansard)

Jeudi 7 avril 2011

**Standing Committee on
Justice Policy**

Strong Communities through
Affordable Housing Act, 2011

**Comité permanent
de la justice**

Loi de 2011 favorisant
des collectivités fortes
grâce au logement abordable

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
JUSTICE POLICY**

**COMITÉ PERMANENT
DE LA JUSTICE**

Thursday 7 April 2011

Jeudi 7 avril 2011

The committee met at 0902 in committee room 1.

**STRONG COMMUNITIES THROUGH
AFFORDABLE HOUSING ACT, 2011
LOI DE 2011 FAVORISANT
DES COLLECTIVITÉS FORTES
GRÂCE AU LOGEMENT ABORDABLE**

Consideration of Bill 140, An Act to enact the Housing Services Act, 2011, repeal the Social Housing Reform Act, 2000 and make complementary and other amendments to other Acts / Projet de loi 140, Loi édictant la Loi de 2011 sur les services de logement, abrogeant la Loi de 2000 sur la réforme du logement social et apportant des modifications corrélatives et autres à d'autres lois.

The Chair (Mr. Lorenzo Berardinetti): Good morning. Let's call this meeting to order. Just to start here, this is the clause-by-clause consideration of Bill 140 and this is the Standing Committee on Justice Policy on Thursday, April 7, 2011.

Just before we start, I want the committee to know that Ms. Savoline is stuck in an elevator and she's on her way. We don't know how long it will take, but I just wanted to ask for unanimous consent to hold down the first three sections of the bill, 1, 2 and 3. There are no amendments here, but as a courtesy to hold those down and go straight into schedule 1 and deal with the amendments that are there. Is that okay?

Ms. Cheri DiNovo: So where are we going to be starting?

The Chair (Mr. Lorenzo Berardinetti): We would be starting with the first NDP motion.

Ms. Cheri DiNovo: Okay.

The Clerk Pro Tem (Mr. Trevor Day): Because sections 1, 2 and 3 are more the enacting, with the consent of the committee, we're going to move to the schedules to deal with them first. So we'd be starting with section 1 of schedule 1.

Ms. Cheri DiNovo: Which motion are we dealing with?

The Clerk Pro Tem (Mr. Trevor Day): Right now, there is no amendment to that particular section. The first amendment deals with section 2 in schedule 1. So once we get through section 1 of schedule 1, then we'd move to section 2.

Ms. Cheri DiNovo: Okay.

The Chair (Mr. Lorenzo Berardinetti): So we'll start with schedule 1, section 1, and I'll ask if there's any debate on schedule 1, section 1.

Ms. Cheri DiNovo: Again, could you direct us to which amendment, which motion—

The Clerk Pro Tem (Mr. Trevor Day): There's no amendment to that section.

Ms. Cheri DiNovo: Okay.

The Clerk Pro Tem (Mr. Trevor Day): Right now, currently, there's no amendment to section 1, schedule 1.

The Chair (Mr. Lorenzo Berardinetti): We're only going to focus on the schedule.

The Clerk Pro Tem (Mr. Trevor Day): We'd be actually voting on whether to carry that section in the schedule.

The Chair (Mr. Lorenzo Berardinetti): Is there any debate? Ms. Cansfield?

Mrs. Donna H. Cansfield: I'm just getting clarification.

The Chair (Mr. Lorenzo Berardinetti): Again, we're dealing only with the schedules for now until either Mrs. Savoline or Mrs. Elliott gets here, as a courtesy. So we would start, then, with the sections inside the schedule. There are no amendments to section 1 of the schedule. Is everyone clear? We'll get to schedule 1, section 2, in a moment, but I just wanted to deal with schedule 1, section 1. There are no amendments to this section.

Shall section 1 of schedule 1 carry? All those in favour? Carried.

Now we go to schedule 1, section 2. This is our first amendment. It's an NDP amendment. It's on page number 1. Ms. DiNovo.

Ms. Cheri DiNovo: I wanted to start by quoting from a letter from a special rapporteur from the United Nations—

The Chair (Mr. Lorenzo Berardinetti): Sorry, I have to interject.

Ms. Cheri DiNovo: Shall I move the amendment first?

The Chair (Mr. Lorenzo Berardinetti): Yes.

Ms. Cheri DiNovo: Okay. Fair enough.

I move that section 2 of schedule 1 to the bill be amended by adding the following definition:

“‘accessible housing’ means housing that accommodates the needs of persons with disabilities, as required by the Human Rights Code and by the Convention on the Rights of Persons with Disabilities, based on the

principles of identifying and eliminating obstacles and barriers to accessibility and of providing access to appropriate support services for community living;”

The Chair (Mr. Lorenzo Berardinetti): If you want to speak to it—

Ms. Cheri DiNovo: Absolutely. I wanted to quote from a letter from a UN special rapporteur on housing. It’s not every day that a provincial government is found in contradiction to the obligations under international human rights law, but that is what the rapporteur is saying—without amendments that indicate very directly and speak to the issue of housing as a human right. This is one of them; it’s not the only amendment. This letter, and I’m happy to copy it for everyone, essentially says that without these amendments, Ontario will be in defiance of the UN’s codes on human rights, international human rights law, to ensure the right to adequate housing.

I think that’s embarrassing; I think it’s outrageous. Not only are we, then, a national embarrassment, since we spend less on housing than in any other province, but we also become an international embarrassment. That is essentially why this amendment was tabled, and there are a few others along the same lines. And, of course, it was asked for by a number of our stakeholders, from registered nurses, a recommendation from a recent Senate report headed by Art Eggleton, and many others. So that is the backdrop to this.

The Chair (Mr. Lorenzo Berardinetti): Any further debate?

Mrs. Donna H. Cansfield: We will not be supporting this particular motion. We believe that accessibility is proposed to be included in the regulations; that accessibility for housing for persons with disabilities is also addressed through the Accessibility for Ontarians with Disabilities Act, 2005; and that the Human Rights Code has specific provisions relating to accommodations with persons with disabilities, including the right to equal treatment with respect to the occupancy of accommodation and the right to freedom from harassment by landlords, etc.

We also know that, if passed and once approved, there is a housing policy statement, and accessible housing will be addressed, among other considerations, in that policy statement if, in fact, it’s approved.

The Chair (Mr. Lorenzo Berardinetti): Any further debate?

Ms. Cheri DiNovo: Again, this is one of many amendments, as you have in front of you, from the New Democratic Party along the lines of the UN recommendations. Certainly, again, I would direct the committee’s and other stakeholders’ attention to the fact that we are in breach of United Nations law in this province.

Despite what you’ve just heard, part of the problem with this entire bill is that there are no targets. There’s not one dollar for new housing in this bill; there’s not one new rent supplement in this bill; there’s not one new unit in this bill. So this is a framework for a housing bill, but it’s not a housing bill, and that’s essentially what has

been picked up by the United Nations, who also would want a recounting.

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Miloon Kothari says, “I also intend to keep my colleague, Raquel Rolnik, the current special rapporteur on adequate housing, informed of these developments. She will also be keenly following progress on this bill with a view to including it in the follow-up report she will be preparing on my mission to Canada for the UN Human Rights Council on the implementation of my recommendations.”

This letter—from the United Nations, no less—is available to all who would like to see it.

It’s a very sad day when we vote down this amendment.

The Chair (Mr. Lorenzo Berardinetti): Any further debate?

All those in favour of the amendment? All opposed? The amendment does not carry.

We’ll move, then, to the second motion, which is an NDP motion. Ms. DiNovo.

Ms. Cheri DiNovo: I move that section 2 of schedule 1 to the bill be amended by adding the following definition:

“‘affordable housing’ means housing that is available at a cost to a household, after taking into consideration any financial assistance available to the household, that does not compromise the household’s ability to meet other needs;”

The Chair (Mr. Lorenzo Berardinetti): Would you like to speak to it?

Ms. Cheri DiNovo: Absolutely. I point out the very simple fact that nowhere in this bill are the words “affordable housing” mentioned. This is presumably a housing plan, developed quite late, after months of deputations, yet we have no definition of affordable housing. We have no affordable housing in the bill, literally and figuratively speaking.

Certainly, this is an amendment that has been asked for by many stakeholders, including CERA, and in light of the UN censure here, it’s very important.

The Chair (Mr. Lorenzo Berardinetti): Further debate?

Mrs. Donna H. Cansfield: We will not be supporting this motion. The proposed definition is inconsistent with the definition of affordable housing which is most commonly used in the housing sector now. This inconsistent definition of affordability actually does not provide an objective test of affordability, and it would be extremely difficult to measure, so we will not be supporting this amendment.

Ms. Cheri DiNovo: With all due respect, it would be interesting to know, then, what the government’s definition of affordability is, because it’s not in the bill. There is no definition of “affordable.” It’s difficult to know, for housing stakeholders, how to proceed when there’s no clearly defined affordable housing concept.

Again, this speaks to the lack of targets and deadlines, the lack of any real housing being covered by this bill,

and speaks to the fact that this government is in violation of United Nations human rights conventions.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? None? We'll put it to a vote.

All those in favour of the amendment? Opposed? That does not carry.

The next amendment, number 3, is an NDP amendment. Ms. DiNovo.

Ms. Cheri DiNovo: I move that section 2 of schedule 1 to the bill be amended by adding the following definition:

“‘Crown ward’ means a person who is a crown ward under part III of the Child and Family Services Act;”

The Chair (Mr. Lorenzo Berardinetti): Would you like to speak to it?

Ms. Cheri DiNovo: Yes. We heard very clearly and quite movingly, I think, a deputation from the Provincial Advocate for Children and Youth, who has indicated that Bill 140 provides an opportunity to enshrine simple changes that protect Ontario's children in law. These are about definitions, obviously, at this stage of the game. Later on, you'll see these fleshed out in other amendments.

Crown wards are definitely one of the more vulnerable populations in Ontario and need special attention. That's what we're asking for in this amendment, in light of what was asked for not only by the Provincial Advocate for Children and Youth, but by other youth advocates.

The Chair (Mr. Lorenzo Berardinetti): Any further debate?

Mrs. Donna H. Cansfield: Again, we will not be supporting this motion. The reason is that specifying crown wards would be fundamentally inconsistent with the approach in the housing strategy and Bill 140, which actually seeks to recognize the needs of local service managers.

There's absolutely nothing in this bill that would preclude a local service manager from actually making those priorities in their local situations, so we will not be supporting it. They actually can put crown wards in, seniors, whomever, but we believe very much that it's a local decision.

The Chair (Mr. Lorenzo Berardinetti): Any further debate?

Mrs. Joyce Savoline: I'm going to be supporting this because I think it is in the provincial interest to recognize crown wards and youth, in particular, who are struggling, at risk and challenged, because it is the responsibility not only of the province but of the local municipalities. I think we should shoot an arrow across their bow to let them know that the province has a particular interest in making sure that the young people who have, for whatever reason, been put in this vulnerable position are recognized and will receive some recognition through this housing report—I know it's not really a strategy, but I think that, at local levels, there is some concern for youth who are at risk. That's why, in a later amendment, I use the word “youth” rather than specify “crown ward,”

because I think it's broader than just a crown ward. So I will be supporting this recommendation.

The Chair (Mr. Lorenzo Berardinetti): Ms. DiNovo.

Ms. Cheri DiNovo: After listening to the comments from the parliamentary assistant, it seems to me quite galling that, really, this ministry is walking away from its responsibility to make guidelines available to service managers, to even take an active role in directing any sort of housing policy. That's the problem with Bill 140, but it's rich in miniature around this issue of crown ward or anything else, for that matter.

If the ministry isn't going to step up in its role—and again I hearken back to the United Nations here—to actually give some directives regarding housing, then why do we have one? Why do we have a Ministry of Housing?

Again, a particularly vulnerable population: They were spoken to and we heard from them. These are young children who have gone through the system, who are still in school—we hope—who may not be in school, if they don't have housing, and all they're asking for is some priority and some direction from the housing minister, which clearly is not going to be forthcoming.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? None? I'll put the question: All those in favour of the amendment? Opposed? That does not carry.

We'll move on to the next one. On page 4, there's an NDP motion. If you could read that, Ms. DiNovo, I'd appreciate it.

Ms. Cheri DiNovo: I move that section 2 of schedule 1 to the bill be amended by adding the following definition:

“‘right to adequate housing’ means the right to adequate housing as guaranteed under international human rights law ratified by Canada, including the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of Persons with Disabilities;”

The Chair (Mr. Lorenzo Berardinetti): Thank you. Any debate?

Ms. Cheri DiNovo: Again, I draw everyone's attention—everybody should have a copy of this letter in front of them—to Miloon Kothari's letter from the United Nations talking about the potential breach here under international human rights law.

This is serious stuff; this is very serious. When the United Nations focuses on Canada, and Ontario in particular here in this letter, asks for amendments, says that without these amendments Ontario will be in breach of international human rights law, I think we, as a population, need to take this very seriously.

Again, like the first amendment, this fleshes that out. It asks for a very simple move on behalf of the housing ministry, and that is simply to really put their weight behind the right to adequate housing.

Again, if they're not willing to do that, one might ask, why have one? Why have a housing ministry at all?

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The Chair (Mr. Lorenzo Berardinetti): Any further debate? None? Shall the motion carry? All those in favour? Opposed. That does not carry.

That takes us to the question: Shall section 2 of schedule 1 carry? All those in favour? Opposed? That carries.

We'll move to schedule 1, section 4, and there's an NDP motion number 5.

Ms. Cheri DiNovo: I move that subsection 4(1) of schedule 1 to the bill be amended by adding the following clauses:

“(a.1) complies with Ontario’s obligations to respect, protect, promote and fulfill the right to adequate and affordable housing within available resources and by all appropriate means;

“(a.2) ensures that housing that is both accessible housing and affordable housing is available to persons with disabilities;”

The Chair (Mr. Lorenzo Berardinetti): Would you like to speak to it?

Ms. Cheri DiNovo: Again, we're hearkening back to the UN and what the province's obligations should be under UN charters, and this is part of that. This has also been asked for by CERA, another of our stakeholders, again in light of the fact that in Bill 140 we do not have this. So if this province is really going to be in contradiction to United Nations human rights law, then sadly, we in the New Democratic Party—and not the New Democratic Party alone, but housing stakeholders across the province and around the world—are appalled, and clearly that's the direction in which this government is taking us.

I expect that this will be voted down, as have the other motions regarding the same thing, which is a very, very sad day in Ontario and a very, very sad day for the 152,000 families who are waiting an average of 10 to 12 years or more for affordable housing, a very sad day for those who didn't get a rent supplement, didn't get a new unit of housing, a very sad day for those who have yet to see the bills promised in 2003 by Dalton McGuinty and the Liberals—a very sad day.

We are now the worst of the worst in Canada in terms of providing housing, and all we're doing here with these motions and amendments is trying to fight for some semblance of concern on behalf of the McGuinty Liberals.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Any further debate? None.

All those in favour of the motion? Opposed? That does not carry.

On page 6, the next amendment is a government motion. Mrs. Cansfield, if you want to read that in.

Mrs. Donna H. Cansfield: I move that clause 4(1)(b) of schedule 1 to the bill be struck out and the following substituted:

“(b) addresses the housing needs of individuals and families in order to help address other challenges they face;”

The rationale for supporting this motion is that the stakeholders felt the current language implies that individuals and families must be housed first and then receive any necessary supports in terms of service supports, so the language should be clarified to enable providing shelter and support services at the same time.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? Shall the motion carry? All those in favour? Opposed? That carries.

We go to the next motion, which is number 7. Ms. DiNovo.

Ms. Cheri DiNovo: I move that subsection 4(1) of schedule 1 to the bill be amended by adding the following clause:

“(b.1) provides a housing benefit for all low-income families who pay more than 30 per cent of their income for rent;”

The Chair (Mr. Lorenzo Berardinetti): Would you like to speak to it?

Ms. Cheri DiNovo: Yes, thank you, Mr. Chair.

Certainly this has been asked for by ACTO, Housing Network, Daily Bread Food Bank and others who have asked for a housing benefit for those who are on social assistance and those low-income families who, as we say, pay more than 30% of their income for rent, which has long been a standard held in this country. So, again, it's simply asking for the basics of any adequate housing policy.

The Chair (Mr. Lorenzo Berardinetti): Any further debate?

Mrs. Donna H. Cansfield: We will not be supporting this motion, as the housing benefit is currently being assessed as part of the government's commitment to review social assistance and transform Ontario's benefit program. It would be premature to go ahead before that review has been completed.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? Ms. Savoline.

Mrs. Joyce Savoline: I'll be supporting this. I feel that a housing benefit is something that adds to the emotional stability of a family's being able to carry on their normal, daily life without worrying about whether there's a roof over their head, being able to engage in meaningful employment, and being able to stay near support systems in a place where they can be supplemented for their rent. I think it's a far better way to go than to continue building more structures in places people have to move to, and away from the familiarity of their local community and support system. I think it's a good amendment, and I'll be supporting it.

The Chair (Mr. Lorenzo Berardinetti): Ms. DiNovo.

Ms. Cheri DiNovo: Certainly this government, which has tried to indicate to the public that it's interested in reducing poverty by 25% in five years, has had eight years to do something and in fact has done nothing. In fact, poverty rates are probably up 25% since they've been in government and show no abatement whatsoever, and we're now the child poverty capital of Canada and

one of the have-not provinces, as we all know. Certainly, this has been asked for by all anti-poverty activists across Ontario, and been asked for for years.

The fact that it's premature with five or six weeks left on the legislative timetable before an election after eight years in government seems a little rich, quite frankly, particularly to those families who are struggling on ODSP, \$1,000 a month, and those on social assistance, \$500 and something a month. Imagine trying to live in the city of Toronto and paying rent on that without a housing benefit.

Again, a very, very sad day for housing activists and for those who have to live in the province of Ontario and pay for housing. The situation has never been this bad since the Depression, and continues to grow worse under the McGuinty Liberals.

The Chair (Mr. Lorenzo Berardinetti): Any further debate?

I'll put the question. Shall the motion carry? All those in favour? Opposed? That does not carry.

Next is a replacement motion, 8R. Does everyone have 8R? It's an NDP motion. Ms. DiNovo, did you want to read it into the record?

Ms. Cheri DiNovo: Yes. There is a typo in this: This is clause 4(1)(b.2), not (b.1), schedule 1.

I move that subsection 4(1) of schedule 1 to the bill be amended by adding the following clause:

"(b.2) provides a housing benefit for all low-income individuals who pay more than 40 per cent of their income for rent;"

The Chair (Mr. Lorenzo Berardinetti): Did you want to speak to it?

Ms. Cheri DiNovo: Yes. Again, where we were talking about families in the last amendment, we're now talking about individuals who also pay more than 40% of their income on rent.

It's interesting to note that 50% of all tenants in Ontario now pay more than 50% of their income on rent. We're dealing with calamitous circumstances. Clearly, if you're paying more than 50% of your income on rent, the chances of ever owning a home, saving up for retirement or any of the above are virtually negligible. So again, we're talking about a housing benefit being an absolute necessity to being able to get off the social assistance rolls and an absolute necessity if this government is really serious, which clearly they are not, about doing something about poverty rates.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? None?

I'll put the question. All those in favour of the motion? Opposed? That does not carry.

The next motion, on page 9, is an NDP motion. Ms. DiNovo.

Ms. Cheri DiNovo: I move that clause 4(1)(c) of schedule 1 to the bill be struck out and the following substituted:

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"(c) has a role for non-profit corporations and housing co-operatives and ensures that social housing is owned and managed on a non-profit basis;"

The Chair (Mr. Lorenzo Berardinetti): Would you like to speak to it?

Ms. Cheri DiNovo: This speaks to a critical lack in this bill and a critical lack in the so-called housing policy of this province. What we're seeing here, and we're certainly seeing that in the city of Toronto these days, is a move to privatization of our public housing stock. Virtually every deputation who came before us asked that some provisions be made to ensure that public housing stock remains public: from co-ops, to TCHC, to others. We have to send a very clear message that this remains in public hands. If it doesn't, if it goes private, the chances of ever getting it back are extremely remote. Again, from just about every deputation we heard a call for this. This is a place for the housing ministry, we believe, to step up and to make it very clear that they're on the side of co-ops, non-profit housing and the public interest in non-profit housing.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? Ms. Savoline.

Mrs. Joyce Savoline: Yes, I'll be supporting this. I am concerned about the housing stock in the non-profit sector, and I think that this amendment moves some protection for that stock. I know that in the for-profit sector, the rules are so punitive, against small landlords especially, that we are fast losing units because they're just getting out of the business and nobody wants to take part in the kind of red tape and tangle that you have to go through and dance through in order to provide reasonable, affordable housing in small apartment buildings, extra units in a house and that kind of thing. It has been so punitive to small landlords that I think a move to protect the non-profit sector is a good one.

The Chair (Mr. Lorenzo Berardinetti): Ms. DiNovo, or—

Ms. Cheri DiNovo: I just wanted to praise Mrs. Savoline and Mrs. Elliott on this and other supports. It's an interesting day—I just want to point it out for the record and for those who are in attendance here—when the Progressive Conservatives are indeed more progressive than the so-called Liberals. So again, it's interesting to note, and we should certainly take this to heart.

The Chair (Mr. Lorenzo Berardinetti): Ms. Cansfield?

Mrs. Donna H. Cansfield: If I may, I would like to point out that not all social housing is currently operated on a non-profit or co-operative basis. By suggesting this, we would preclude the rent supplements that are paid to private landlords on behalf of those renters or low-income individuals. I'd just like to share that.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? None? Shall the motion carry? All those in favour? Opposed? That does not carry.

We move, then, to page 10. This is a government motion. Ms. Cansfield.

Mrs. Donna H. Cansfield: I move that clause 4(1)(c) of schedule 1 to the bill be struck out and the following substituted:

"(c) has a role for non-profit corporations and non-profit housing co-operatives;"

This is a technical motion. The current language in the legislation actually referred to co-operatives, and that was inadvertently used in the preparation and the drafting of the bill. We are just clarifying the term “non-profit housing co-operatives,” as set out in the Co-operative Corporations Act.

The Chair (Mr. Lorenzo Berardinetti): Any discussion or debate? Ms. DiNovo.

Ms. Cheri DiNovo: Yes, we’re going to support this. But I wanted to point out that this in no way protects the housing stock that we have. So just in case there’s any confusion on that score, it is just technical and the same problem exists.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? None? Shall the motion carry? All those in favour? Opposed? That carries.

We’ll move, then, to page 10.1.

Mrs. Donna H. Cansfield: Thank you, Mr. Chair—

The Chair (Mr. Lorenzo Berardinetti): I’m sorry; this is the NDP motion. It was an added—does everyone have a copy of it, 10.1?

Does everyone have a copy now? Okay, so it’s an NDP motion. Ms. DiNovo.

Ms. Cheri DiNovo: Sorry; it obviously came in late last night, but it’s something that I’ve recommended. I’m pleased to see it here.

I move that subsection 4(1) of schedule 1 to the bill be amended by adding the following clause:

“(d.1) requires a minimum of 10,000 new affordable housing units be built each year;”

The Chair (Mr. Lorenzo Berardinetti): Would you like to speak to it?

Ms. Cheri DiNovo: Yes. Again, in light of the UN recommendations, in light of the absence of any new housing stock in this bill or any units or any new rent supplements; in fact, in the absence of any housing in this housing bill, we in the New Democratic Party want really to hold the government to account. This is something they promised way back in 2003 and have not delivered. Essentially, we’re trying to hold their feet to the fire and say, “Let’s start delivering.” We need infrastructure investment. We need new bills. This is a way of stimulating the economy; not giving huge breaks to large corporations but investing at the ground—in a sense, trickle-up rather than trickle-down. This government, of course, is committed to giving large breaks to banks and insurance companies and not to building housing. We think that’s the wrong way to go. So, again, a hopeful amendment that within the housing bill we can see some housing.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? Ms. Savoline?

Mrs. Joyce Savoline: I won’t be supporting this, as much as I understand that there needs to be a combination of both rent supplement programs and some new build. The problem is, the province is broke. There’s no costing in this. We need, I think, to look at how to manage the vacant stock that’s available on the market right now that can be used, through rent supplement programs,

to house people who need housing before we look into the expensive new builds. For that reason, I won’t be supporting this today.

The Chair (Mr. Lorenzo Berardinetti): Any further debate?

I’ll put the question: Shall the motion carry? All those in favour? Opposed? That does not carry.

We move to number 11. It’s a government motion. Ms. Cansfield.

Mrs. Donna H. Cansfield: I move that clause 4(1)(e) of schedule 1 to the bill be amended by striking out “between different levels of government” and substituting “among governments”.

Again, a technical to address the levels of government.

The Chair (Mr. Lorenzo Berardinetti): Any debate? None? Shall the motion carry? All those in favour? Opposed? That carries.

We’ll move on to the next motion, on page 12. This is a PC motion. Ms. Savoline.

Mrs. Joyce Savoline: I move that subsection 4(1) of schedule 1 to the bill be amended by adding the following clause:

“(f.1) has a role for youth-specific programs;”

That goes back to the point I made when we talked about crown wards. I think that this very vulnerable group needs to be identified somewhere so that the message goes to the service managers when they’re developing their local plans because, after all, this isn’t a plan. We’ve asked the local providers to develop and execute a plan. But I think that they need to know that there’s an intent on the part of the provincial government to highlight that there’s a vulnerable group of people, and they are youth at risk—challenged youth; youth that have been, for whatever reason, displaced, and have nowhere to live to be able to get their lives together. That’s why we’ve submitted this amendment.

0940

The Chair (Mr. Lorenzo Berardinetti): Any further debate? Ms. DiNovo.

Ms. Cheri DiNovo: Yes. We’re going to be supporting this motion. What we can’t get for crown wards, hopefully we can get for all youth.

I just wanted to add a personal anecdote. I was one of those youth who needed a housing supplement, who existed on welfare when I was a teenager and, under the Progressive Conservative government in Ontario of the day, could actually live on welfare, pay my rent, go to high school and finish high school and the early years of college. That was a far happier time than the one that our youth, who are homeless right now or on social assistance, are facing. Right now, as we’ve heard from the advocate here and from youth themselves, times are very dire, and it’s very difficult to pull yourself up when you simply cannot afford to live, certainly in our major metropolitan areas. So certainly, we’ll be supporting this.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion? Ms. Cansfield.

Mrs. Donna H. Cansfield: I understand the intent, but again, the flexibility within the bill for the service

managers is what the service managers themselves have asked for. In discussion with those service managers, they've asked for the flexibility to be able to provide the programs locally to meet their local needs, whether it be youth, seniors, the vulnerable—whatever. Right now, it's too prescriptive and too siloed, and they asked for that flexibility. In fact, this bill does provide the flexibility for the service managers, although, as I say, I understand the intent. So we will not be supporting the motion.

The Chair (Mr. Lorenzo Berardinetti): Ms. DiNovo.

Ms. Cheri DiNovo: Again, here is a basic philosophical divide. This is a housing ministry that doesn't want to say anything or do anything about housing. It doesn't want to give directives to service managers as to how that money should be spent, yet gives them money. This is really stepping back from the duties of their ministry.

We need a minister and a ministry that will step up and give directives to service managers on behalf of the citizens of Ontario, rather than leaving everything in local hands. Again, for that reason alone, we'll support this motion.

The Chair (Mr. Lorenzo Berardinetti): I'll put the question, then: Shall the motion carry? All those in favour? Opposed? That does not carry.

We'll go to page 13. It's a government motion. Ms. Cansfield.

Mrs. Donna H. Cansfield: I move that clause 4(1)(i) and (j) of schedule 1 to the bill be struck out and the following substituted:

“(i) allows for a range of housing options to meet a broad range of needs;

“(j) ensures appropriate accountability for public funding;

“(k) supports economic prosperity; and

“(l) is delivered in a manner that promotes environmental sustainability and energy conservation.”

The Chair (Mr. Lorenzo Berardinetti): Would you wish to speak to it?

Mrs. Donna H. Cansfield: We recommend supporting this motion because the proposal will actually broaden the provincial interest to capture additional principles of importance to the government.

The language will be amended in two additional provincial interests, including supporting economic prosperity as well as promoting environmental sustainability and energy conservation.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? Ms. DiNovo.

Ms. Cheri DiNovo: Yes. We will be supporting this in the New Democratic Party, mainly and mostly because it was asked for by a stakeholder who, I think, knows what they're doing, and that's the organization of non-profit housing in Ontario. So we will be supporting it.

The Chair (Mr. Lorenzo Berardinetti): Any further debate?

I'll put the question, then: All those in favour of the motion? Opposed? That carries.

The next question is: Shall section 4 of schedule 1, as amended, carry? All those in favour? Opposed? That carries.

We'll move to schedule 1, section 5. It's the government motion on page 14. Ms. Cansfield.

Mrs. Donna H. Cansfield: I move that section 5 of schedule 1 to the bill be amended by adding the following subsections:

“Review

“(5) The minister shall, at least once every 10 years, undertake a review of the policy statement.

“Consultation

“(6) In the course of the review of a policy statement, the minister shall consult with any persons the minister considers appropriate.”

Currently, the bill does not require the minister to review or consult, and the language would be amended to require the minister to undertake this sort of periodic review and to do consultation.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? Ms. DiNovo.

Ms. Cheri DiNovo: I have a question of the government on this: why 10 years and not five years? Where did the number 10 come from? Is this astrological, or is there some—it seems to us in the New Democratic Party that that's a pretty long time to hold a ministry to account. We'd rather see something like five years, in which case we'd support it. We may support it anyway, as the best of a worst-case situation, but we would prefer to see that length of time shortened.

Mrs. Donna H. Cansfield: The service manager local provision plans are 10 years, so it's just consistent with those.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? All those in favour of the motion? Opposed? That carries.

Shall section 5 of schedule 1, as amended, carry? All those in favour? Opposed? That carries.

We move to section 6 of schedule 1 on page 15. It's an NDP motion.

Ms. Cheri DiNovo: This is sort of a foregone conclusion that this will be voted down, but anyway, I move that clause 6(2)(a) of schedule 1 to the bill be struck out and the following substituted:

“(a) an assessment of current and future housing needs within the service manager's service area, including an assessment of the current and future housing needs of crown wards;”

Again, we're very concerned in the New Democratic Party about this most vulnerable of populations, as evidenced here very strongly by their advocates and by themselves, and are concerned that they not only be defined but be included.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? None.

Shall the motion carry? All those in favour? Opposed? That does not carry.

We go to page 16. It's a PC motion. Ms. Savoline.

Mrs. Joyce Savoline: Having come from a municipality, I understand what the hardship would be to turn all this around in about—what?—seven months, maybe six months by the time all this is said and done. AMO has also suggested that we extend the timeline to 2013—

The Chair (Mr. Lorenzo Berardinetti): Sorry to interrupt. Did you read this motion into the record?

Mrs. Joyce Savoline: Oh, I'm sorry. I did not.

I move that subsection 6(7) of the bill be amended by adding "which shall not be before January 1, 2013" at the end.

I'm sorry about that. Right now, it reads "2012." The work plans for municipalities have been set, and for them to now go back to do a plan of this magnitude, that takes this kind of consideration, the detail—you've got to get it right—there has to be some public consultation. Just a few months is not enough. I think that it's also a consideration of how much money a municipality will have to apply to create this plan; it won't just happen. Some municipalities may not have the in-house staff to be able to develop a plan of this magnitude and importance, and they may have to look for outside help.

So, given all those timelines, I think that it would behoove us to understand that this is a big ship to turn around for municipalities and that 2013 is a much more appropriate date.

The Chair (Mr. Lorenzo Berardinetti): Any further debate?

Mrs. Donna H. Cansfield: If I may, just for the record, actually the plans for the service managers have to be in place one year after proclamation of the act, not 2012, so in fact we will address this not in legislation but through regulation. So we will not, obviously, be supporting the motion.

The Chair (Mr. Lorenzo Berardinetti): Ms. DiNovo.

Ms. Cheri DiNovo: Unfortunately, we in the New Democratic Party will not be supporting this. We're just a little concerned about the possibility of repeal of what little good—and there is little good in this bill. We're concerned that it be pushed off even further, so we will not be supporting this.

The Chair (Mr. Lorenzo Berardinetti): Is there any more debate? None.

Shall the motion carry? All those in favour? Opposed? That does not carry.

Shall section 6 of schedule 1 carry? All those in favour? Opposed? That carries.

0950

There's a new section, 6.1, which comes after section 6. It's on page 17. Ms. DiNovo, would you like to read it into the record?

Ms. Cheri DiNovo: I move that schedule 1 to the bill be amended by adding the following section:

"Ontario housing and homelessness plan

"6.1(1) The minister shall, within one year after the coming into force of section 6, convene a conference of representatives of the government of Canada, the government of Ontario, Ontario municipalities, aborig-

inal communities, non-profit and private sector housing providers and civil society organizations, including those that represent groups in need of adequate housing, in order to develop the principles and requirements of an Ontario housing and homelessness plan to reduce and eliminate homelessness and to respect, protect, promote and fulfill the right to adequate and affordable housing in Ontario.

"Contents

"(2) The Ontario housing and homelessness plan must,

"(a) include clear targets and timelines to reduce and eliminate homelessness and implement programs to ensure that these commitments are fulfilled;

"(b) give priority to ensuring the availability of adequate housing to those without housing and to groups particularly vulnerable to homelessness, including groups facing discrimination;

"(c) include a plan to ensure that accessible housing is available to all persons with disabilities;

"(d) include processes for,

"(i) the independent review of complaints about possible violations of the right to adequate housing,

"(ii) addressing and reporting such complaints, and

"(iii) reviewing and following up on concerns and recommendations from United Nations human rights bodies with respect to the right to adequate housing relevant to Ontario.

"Compliance at local level

"(3) Every service manager shall ensure that its plan to address housing and homelessness required under subsection 6(1) reflects and is consistent with the Ontario housing and homelessness plan."

The Chair (Mr. Lorenzo Berardinetti): Would you like to speak to it?

Ms. Cheri DiNovo: Yes, thank you. What this does, really, is put a housing plan into Bill 140. What it does is to put in what is absent, which is any kind of guidelines, targets, and, in fact, would put Bill 140 in compliance with the United Nations human rights law.

I'll just quote again from the letter from Miloon Kothari from the United Nations, who says the same thing:

"A housing strategy must:

"—prioritize the needs of groups most vulnerable ... aboriginal people and people with disabilities;

"—include firm goals and timetables for the elimination of homelessness ...;

"—provide for independent monitoring ...;

"—ensure meaningful follow-up to concerns and recommendations from UN human rights bodies."

I'm just pointing out that this provincial government is in breach of that and certainly will not fulfill United Nations human rights law by passing Bill 140 without this amendment. Certainly, this amendment and others have been supported by the special rapporteur.

Again, what we're looking for in Bill 140, which isn't there, is a real housing plan.

The Chair (Mr. Lorenzo Berardinetti): Is there any further debate? None? I'll put the question.

Shall the new section 6.1 carry? All those in favour? Opposed? That does not carry.

There are no amendments to section 7, so I'll put the question.

Shall section 7 of schedule 1 carry? All those in favour? Opposed? Carried.

We'll move to section 8 of schedule 1, and that's on page 18. It's an NDP motion. Ms. DiNovo.

Ms. Cheri DiNovo: I move that section 8 of schedule 1 to the bill be struck out and the following substituted:

"Approval of housing and homelessness plan by minister

"8(1) A service manager's housing and homelessness plan is of no force or effect unless and until it is submitted to and reviewed and approved by the minister.

"Consultation with other ministers

"(2) Before deciding whether to approve a proposed housing and homelessness plan, the minister shall submit the proposed plan to all other ministries for the purpose of soliciting comments and recommendations with respect to the proposed plan, and the other ministries shall review the proposed plan and provide their comments and recommendations to the minister within the time required by the minister.

"Minister to consider comments and recommendations

"(3) The minister shall take into consideration all comments and recommendations received from other ministries in determining whether to approve the plan or to return it to the service manager to make changes as directed by the minister before approving the plan.

"Compliance with housing and homelessness plan

"(4) All ministries shall abide by the provisions of a housing and homelessness plan approved by the minister as far as the provisions affect local agencies that receive funding from the government of Ontario."

This was asked for by the organization of non-profit housing providers. We feel it's very important that this government take a lead in affordable housing in the province of Ontario and not leave everything up to the municipalities' service managers. This also requires of them that they get buy-in from their own cabinet around these issues.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? None? Shall the motion carry? All those in favour? Opposed? That does not carry.

We move to page 19. It's an NDP motion. Ms. DiNovo.

Ms. Cheri DiNovo: I move that subsection 8(1) of schedule 1 to the bill be struck out and the following substituted:

"Plan approval

"(1) Before approving its housing and homelessness plan, a service manager shall,

"(a) consult with the minister by providing the minister with a copy of the proposed plan; and

"(b) ensure that the proposed plan contains a specific strategy that supports crown wards and former crown wards."

The Chair (Mr. Lorenzo Berardinetti): Did you wish to speak to the motion?

Ms. Cheri DiNovo: Sure. Again, the inclusion of crown wards, the special group requiring special consideration, but also requiring the minister to step up around housing and give some directives to service managers. We're very concerned about the possibility of privatization of affordable housing units and what might happen should service managers run the housing policy of the province of Ontario, and that's clearly what's happening. Again, a build on the last amendment.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? None? Shall the motion carry? Those in favour? Opposed? That does not carry.

Shall section 8 of schedule 1, carry? All those in favour? Opposed? Carried.

There are no amendments to sections 9 and 10 of the schedule, so I'll put them together. Shall sections 9 and 10 of schedule 1 carry? All those in favour? Opposed? Carried.

Now we're on section 10.1. It's a new section. Ms. Savoline.

Mrs. Joyce Savoline: I move that schedule 1 to the bill be amended by adding the following section:

"Eviction review

"10.1 Within five years after this section comes into force, the minister shall conduct a review of eviction policies in housing to which this act applies, and take appropriate action."

I've learned through my critic's role listening to stakeholders, both tenants and landlords, that the eviction process is very cumbersome; in fact, it's a mess, quite frankly. There's a lot of money needlessly being spent on that process rather than being spent in maintaining buildings, upgrading buildings, doing things that the money is really meant to be used on.

There has to be some kind of monitoring done and mentioned in this bill to identify the real experience that both tenants and landlords have been having with this process. We need a process that's more predictable, that's far less financially burdensome and that is fair to both the tenant and the landlord. Nothing is happening with regard to that, and given that this bill is our opportunity to highlight this very important issue, that's why we submitted this amendment.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion?

Mrs. Donna H. Cansfield: The proposed motion is actually not within the scope of this section. The provision is not required as the Residential Tenancies Act, 2006, deals with eviction-related matters, and the minister can review this act, including eviction policies at any time. So no, we will not be supporting this.

The Chair (Mr. Lorenzo Berardinetti): Any further—Ms. Savoline.

Mrs. Joyce Savoline: The process is broken. It's miserably broken, and there has to be a statement made somewhere that leads you back to the Residential Tenancies Act so that people are alerted to the fact that

something needs to be done. I just see this as an opportunity to raise people's awareness, to get into that process, clean it up so that we're not into a process that costs so much money, both for the tenant and the landlord, and that we can clean this up. It's an opportunity, and I hope that the government understands where I'm coming from. There's a mess, and nobody is doing anything about it.

1000

The Chair (Mr. Lorenzo Berardinetti): Ms. DiNovo?

Ms. Cheri DiNovo: I would absolutely agree that it's a mess. There are all sorts of problems at the Landlord and Tenant Board as far as tenants' rights are concerned. I'm just a little sceptical about opening it up in this venue. I would hate to see it become worse for tenants, so we, in the New Democratic Party, are going to abstain from this.

The Chair (Mr. Lorenzo Berardinetti): I'll put the question: Shall the motion carry? All those in favour? Opposed? It's lost.

There are no amendments to sections 11 and 12, so I'll put the question. Shall sections 11 and 12 of schedule 1 carry? All those in favour? Opposed? Carried.

We'll move to section 13 of our package. It's on page 21. It's a government motion. Ms. Cansfield?

Mrs. Donna H. Cansfield: I move that subsection 13(1) of schedule to the bill be amended by striking out "administer" and substituting "establish, administer".

The Chair (Mr. Lorenzo Berardinetti): Any debate?

Mrs. Donna H. Cansfield: If I may, it's just that it's a technical and non-contentious proposed motion. It's just to clarify that the service manager has the authority to establish, administer and fund housing in homelessness programs, and to make it consistent with the Social Housing Reform Act of 2000.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? Ms. DiNovo.

Ms. Cheri DiNovo: We're going to vote for this. I'm just a little concerned. At least it's establishing affordable housing, one hopes, and not privatizing it, so we will support it, hoping that the government has good intentions behind this.

The Chair (Mr. Lorenzo Berardinetti): Shall the motion carry? All those in favour? Opposed? That carries.

The next motion is on page 22. It's an NDP motion. Ms. DiNovo.

Ms. Cheri DiNovo: I move that section 13 of schedule 1 to the bill be amended by adding the following subsection:

"Service manager shall not reduce number of non-profit units

"(1.1) A service manager shall not carry out its objectives in a manner that reduces the number of units of each size and type within the service manager's area that are owned by non-profit corporations or housing cooperatives."

The Chair (Mr. Lorenzo Berardinetti): Any discussion?

Ms. Cheri DiNovo: Yes. Certainly, this speaks to our real concern and fear being realized as we speak, that non-profit housing units may be privatized. The housing minister needs to step up and make it very clear that we need stability in housing stock. In fact, we need more housing stock—as I've made particularly clear—not less.

We're very frightened that by stepping away from their mandate at the housing ministry and letting the service managers make mandates as they go, privatization is going to happen. That's the backdrop of this.

It has also, of course, been supported by a number of stakeholders who have come before us. I'm thinking of the co-op housing providers of Canada and Ontario and others. Again, it's a very necessary motion, we feel, under the current circumstances.

The Chair (Mr. Lorenzo Berardinetti): Further debate? Ms. Savoline.

Mrs. Joyce Savoline: We can't support this, mainly because the situation isn't a one-size-fits-all, and this imposes a one-size-fits-all scenario. I don't think it leaves enough flexibility for the service managers.

The Chair (Mr. Lorenzo Berardinetti): Further debate? Ms. Cansfield?

Mrs. Donna H. Cansfield: I concur. We certainly heard from the service managers, for example, about the plethora of bachelor units; they're not in a family unit. They would like to reduce the bachelor to make family. This would preclude that occurring, so we will not be supporting.

The Chair (Mr. Lorenzo Berardinetti): Further debate? None?

Shall the motion carry? All those in favour? Opposed? That does not carry.

Shall section 13 of schedule 1, as amended, carry? All those in favour? Opposed? That carries.

There are no amendments between sections 14 and 26, so I'll just put the question.

Shall sections 14 to 26 carry? All those in favour? Opposed? Carried.

That takes us to section 27. There's a government motion on page 23. Ms. Cansfield.

Mrs. Donna H. Cansfield: I move that section 27 of schedule 1 to the bill be amended by adding the following subsection:

"Application of rules to entity that is not a local housing corporation

"(5) The rules may provide that they apply to an entity described in paragraph 1 or 2 of subsection 30(1) that owns a housing project that was previously transferred to a local housing corporation by a transfer order under part IV of the former act, but the rules may apply to the entity,

"(a) only in respect of the housing project; and

"(b) only with respect to the period of time in which the entity owns the housing project."

The Chair (Mr. Lorenzo Berardinetti): Any debate or discussion?

Mrs. Joyce Savoline: With all due respect, I just need more clarification to understand what this is going to actually do.

Mrs. Donna H. Cansfield: Certainly. What this would do is ensure that the housing project continues to be operated in accordance with the same rules, and that under certain circumstances, the housing projects of a local housing corporation can be transferred without the requirement of ministerial consent. The amendment would ensure, in such cases, that the housing project continues to be operated within the same rules. A similar provision currently exists under the social housing act.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? None? Shall the motion carry? Carried.

Shall section 27 of schedule 1, as amended, carry? All those in favour? Opposed? That carries.

We move to our next motion, on page 24, which addresses section 28. Ms. Cansfield.

Mrs. Donna H. Cansfield: I move that section 28 of schedule 1 to the bill be amended by adding the following subsection:

“Same

“(2) An entity described in paragraph 2 of section 29 or paragraph 2 of subsection 30(1) is entitled to a subsidy under subsection (1) in respect of a housing project that was previously transferred to a local housing corporation by a transfer order under part IV of the former act and is owned by the entity, but only with respect to the period of time during which the entity owns the housing project.”

This amendment would ensure that the funding for the operation for the project would remain the same after the transfer has taken place, and, again, is consistent with the social housing act.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? None? Shall the motion carry? All those in favour? Opposed? Carried.

Shall section 28 of schedule 1, as amended, carry? All those in favour? Opposed? Carried.

For sections 29 to 31, there are no amendments.

Shall sections 29 to 31 carry? Carried.

We move to section 32. That’s government motion number 25. Ms. Cansfield.

Mrs. Donna H. Cansfield: I move that clause 32(a) of schedule 1 to the bill be amended by striking out “related service manager” and substituting “minister”.

If I may, the recommendation in this amendment is part of a number of amendments that would reinstate certain ministerial consent requirements. This particular amendment would require that the ministerial consent is required before shares in a local housing corporation could be issued to the private sector. The current language gives the service manager the authority, but we are now requiring ministerial consent.

1010

The Chair (Mr. Lorenzo Berardinetti): Any debate? Ms. DiNovo.

Ms. Cheri DiNovo: We in the New Democratic Party are going to support this. We think it’s the right thing to

do. It has been asked for by the co-op housing federation and, certainly, it’s a step in the right direction and a step in saying, yes, the housing minister should act like a housing minister and do housing.

The Chair (Mr. Lorenzo Berardinetti): Further debate? I’ll put the question. Shall the motion carry? That carries.

Shall section 32 of schedule 1, as amended, carry? All those in favour? Opposed? Carried.

We’ll move to section 33 of the bill and the amendment on page 26 of our package. Ms. Cansfield.

Mrs. Donna H. Cansfield: I move that clause 33(1)(a) of schedule 1 to the bill be amended by striking out “related service manager” and substituting “minister”.

The explanation is that the proposed government motion would require ministerial consent before any transfer of shares to a local housing corporation could take place.

The Chair (Mr. Lorenzo Berardinetti): Any discussion? Ms. DiNovo.

Ms. Cheri DiNovo: We in the New Democratic Party are going to vote for this. Again, it’s asked for by the co-op housing federation, and we think it’s important that the housing minister take responsibility in this regard.

I just want to point out to the government that I do vote for your amendments; I just wish you’d return the favour.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? None? Shall the motion carry? All those in favour? Opposed? That carries.

Shall section 33 of schedule 1, as amended, carry? All those in favour? Carried.

We move to section 34. It’s government motion 27. Ms. Cansfield.

Mrs. Donna H. Cansfield: I move that clause 34(a) of schedule 1 to the bill be amended by striking out “related service manager” and substituting “minister”.

The reason, again, is that it would require ministerial consent before an amalgamation involving a local housing corporation could take place.

The Chair (Mr. Lorenzo Berardinetti): Any debate? Ms. DiNovo.

Ms. Cheri DiNovo: We in the New Democratic Party are going to support this for the same reasons we supported the two other amendments.

The Chair (Mr. Lorenzo Berardinetti): Shall the motion carry? All those in favour? Opposed? It carries.

Shall section 34 of schedule 1, as amended, carry? All those in favour? Opposed? That carries.

We’ll go to section 35 of schedule 1. It’s a government motion. Ms. Cansfield.

Mrs. Donna H. Cansfield: I move that clause 35(a) of schedule 1 to the bill be amended by striking out “related service manager” and substituting “minister”.

The explanation of this proposed motion would again require ministerial consent before the voluntary windup or dissolution of a local housing corporation could take place.

The Chair (Mr. Lorenzo Berardinetti): Any debate? None? Shall the motion carry? All those in favour? Opposed? Carried.

Shall section 35 of schedule 1, as amended, carry? All those in favour? Opposed? That carries.

We'll go to page 29. It's a government notice. Is there any debate on this section? I'll put the question on this section. Shall section 36 of schedule 1 carry? All those in favour? Opposed?

Interjection.

The Chair (Mr. Lorenzo Berardinetti): I'll ask the question again, and I just need to see hands.

Shall section 36 of schedule 1 carry? All those in favour?

Interjection.

The Chair (Mr. Lorenzo Berardinetti): Maybe Trevor can provide a quick explanation.

The Clerk Pro Tem (Mr. Trevor Day): There's a parliamentary convention that you don't have an amendment to strike down a section; you simply vote against the section. In your amendment packages, number 29, you're seeing a notice. It's not so much an amendment as a notice that certain parties wish to vote down this section. Again, when the question goes on the section itself, it's a notice or a reminder that they will be voting against the section, as opposed to an amendment to strike it out completely.

We're not actually voting on 29; we're voting on the section itself.

The Chair (Mr. Lorenzo Berardinetti): Ms. Cansfield, yes?

Mrs. Donna H. Cansfield: It might be helpful: Because we have amended sections 32, 33, 34 and 35, we don't need 36 and 37.

The Chair (Mr. Lorenzo Berardinetti): I'll put the question again. Shall section 36 of schedule 1 carry? All those in favour? Opposed? The section is lost.

We're on page 30 now, and it's the same basic question that I'm going to put. Shall section 37 of schedule 1 carry? All those in favour? Opposed? The section is lost.

Our next motion is on page 31. It's an NDP motion. It's a new section, section 37.1. Ms. DiNovo.

Ms. Cheri DiNovo: I move that schedule 1 to the bill be amended by adding the following section:

"Prohibition against encumbrance that reduces number of units

"37.1(1) A local housing corporation shall not transfer or encumber any of its assets if the result of the transfer or encumbrance would be a reduction in the number of units of each size and type owned by the corporation.

"Invalidity of actions contrary to subs. (1)

"(2) A transfer or encumbrance carried out in contravention of subsection (1) is invalid and of no force or effect."

Again, it's similar to our last amendment where we're trying to emphasize the dire situation of possible privatization of the housing stock and the importance of keeping our housing stock.

The Chair (Mr. Lorenzo Berardinetti): Any discussion?

Mrs. Donna H. Cansfield: We will not be supporting this because we've actually removed this in the previous sections.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion? None? Shall the motion carry? All those in favour? Opposed? The motion is lost.

Between sections 38 and 42 there are no amendments, so this will be the final question I'll put this morning. Shall sections 38 to 42 carry? All those in favour? Opposed? That carries.

We're going to break and come back either at 2 o'clock or after routine proceedings. We do have the Japanese ambassador coming to address the Legislature today. We're in recess until that time.

The committee recessed from 1018 to 1413.

The Chair (Mr. Lorenzo Berardinetti): I call this meeting back into order. This is the Standing Committee on Justice Policy. We're back to clause-by-clause consideration in regard to Bill 140. We're on schedule 1, section 43, and the motion is on page 32. It's a government motion. Ms. Cansfield.

Mrs. Donna H. Cansfield: I move that paragraph 1 of subsection 43(1) of schedule 1 to the bill be amended by striking out "have at least" and substituting "have, in total, at least".

The reason for the proposed government motion is that it would clarify that the required number of modified units set by the province for the service manager area will relate to the overall housing portfolio and not to individual housing projects.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? None? Shall the motion carry? All those in favour? Opposed. Carried.

Shall section 43 of schedule 1, as amended, carry? All those in favour? Opposed? Carried.

We'll move to section 44. On page 33, we have an NDP motion. Ms. DiNovo.

Ms. Cheri DiNovo: I move that subsection 44(2) of schedule 1 to the bill be struck out and the following substituted:

"Priorities and limits

"(2) For the purposes of subsection (1),

"(a) the prescribed provincial eligibility rules must recognize the need for and provide special priority for housing for crown wards; and

"(b) the local eligibility rules made by the service manager must,

"(i) recognize the need for and provide special priority for housing for crown wards, and

"(ii) be limited to only prescribed matters."

This follows from the discussion this morning. We had, of course, the provincial advocate and their crown wards making recommendations to this committee that priority be given to these young people who have literally been cast onto the street on occasion. The government, of course, voted that down. They don't see the necessity of

looking after youth in terms of housing. I assume that this is more or less out of order, because it follows from that.

The Chair (Mr. Lorenzo Berardinetti): I will let it stand and we'll put it to a vote. All those in favour of the motion? Opposed? It's not carried.

Shall section 44 of schedule 1 carry? All those in favour? Opposed? Carried.

The clerk just reminded me: He does the hand count and he's asking me if everyone would kindly put their hands up if they're either in favour or opposed.

Then we move to the next motion—first we'll go through sections 45, 46, 47 and 48. There are no amendments. Shall those sections carry? All those in favour? Opposed? Carried.

We'll move to schedule 1, section 49. That's page 34. It's an NDP motion. Ms. DiNovo.

Ms. Cheri DiNovo: Sorry, Mr. Chair; I just realized I've left some papers back in the office. We're on section 34?

The Chair (Mr. Lorenzo Berardinetti): Page 34.

Ms. Cheri DiNovo: Thank you. Got it.

I move that subsection 49(2) of schedule 1 to the bill be amended by adding the following clause:

“(a.1) priority rules for households waiting for rent-geared-to-income assistance that gives priority to seniors;”

We heard from seniors' organizations in the deputation stage. Again, seniors are waiting 10 to 12 years, on average, for affordable housing on wait-lists of 152,000 families in Ontario, 70,000 in the GTA. They are literally dying on the waiting lists, and they ask that some priority be given to seniors for affordable housing. I certainly think that's simply the compassionate thing to do, given the broader picture that we don't have nearly enough housing and that this government has no housing in this bill.

I want to draw everybody's attention to this letter, because I know they all have it now, the letter from the special rapporteur from the United Nations who has called Ontario in breach of international law, and that unless this sort of amendment is passed, they will continue to be in breach of international human rights law with our lack of housing strategy, timetable or target in this province. So yes, seniors need housing.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? None? All those in favour of the motion? Opposed? That does not carry.

We'll move on to page 35. It's an NDP motion. Ms. DiNovo.

Ms. Cheri DiNovo: Again, this follows from the need of certain individuals.

I move that clause 49(2)(b) of schedule 1 to the bill be struck out and the following substituted:

“(b) priority rules for households waiting for rent-geared-to-income assistance,

“(i) that recognize the need for special priority for housing for crown wards, and

“(ii) that permit crown wards to maintain their place in priority on waiting lists if they move between service areas; and”

Again, flowing through the provincial advocate speaking about children who are most at risk, most vulnerable. I gave my own example as one, that there used to be a situation in the province of Ontario where you could live on student welfare and pay rent. That is no longer the case. So you have our most vulnerable children again not being given priority on housing waiting lists.

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The Chair (Mr. Lorenzo Berardinetti): Any further discussion? Ms. Savoline.

Mrs. Joyce Savoline: Just quickly, Mr. Chair, thank you. I don't want to make it look like I'm contradicting what I voted for this morning. My whole concern with these last couple of amendments is that we call it “special priority.” I think that takes the flexibility away from each individual municipality that needs to develop its local plans because, in some cases, their priorities may be different, and their special priorities may be different. That's the reason I voted against the last one and this one.

The Chair (Mr. Lorenzo Berardinetti): Ms. DiNovo.

Ms. Cheri DiNovo: Yes, with all due respect to my colleague, it's for exactly that reason that we think the housing ministry needs to step up and give guidelines to service managers and service providers at the municipal level: because if they don't do that, exactly what's happening will continue to happen, that is, crown wards and seniors will be just in the general mix—and that is what's happening. We think that the housing ministry has a leadership role to play here, and clearly it's not playing it in Bill 140 as it's structured. It's exactly to that leadership role that this speaks.

The Chair (Mr. Lorenzo Berardinetti): Ms. Cansfield.

Mrs. Donna H. Cansfield: I just want to recognize that the province actually has established a single priority, and that is to protect those experiencing domestic abuse, and to reiterate how important it is to provide for the flexibility at the local level, as individual service managers meet the needs of their communities, which are not the same in each community. That's the purpose of giving this flexibility.

The Chair (Mr. Lorenzo Berardinetti): We'll then vote on the motion. All those in favour of the motion? Opposed? That does not carry.

Shall section 49 of schedule 1 carry? All those in favour? Opposed? Carried.

There are no amendments to sections 50 and 51. All those in favour of sections 50 and 51? Opposed? Carried.

Interjection.

The Chair (Mr. Lorenzo Berardinetti): The clerk's shaking his head. We'll do it one more time because he's taking the votes down. Schedule 1, section 50 and schedule 1, section 51: Those two sections have no amendments to them, so they stand as they were presented. All in favour of those two sections? Opposed? Carried.

We'll move to the next motion, which is motion 36. Ms. DiNovo.

Ms. Cheri DiNovo: I move that section 52 of schedule 1 to the bill be amended by adding the following subsection:

“Scholarships received by crown wards not part of income

“(2.1) The requirements prescribed for the purposes of subsection (2) must provide that scholarships received by crown wards attending post-secondary educational programs on a full-time or part-time basis are not considered income for the purposes of determining the amount of rent payable by crown wards.”

It’s again something that the provincial advocate for youth has recommended. It’s absolutely abhorrent, I think, that scholarships to university for the most vulnerable youth are considered part of their income. Again, I know what I’m going to hear from the government side: that they want to leave this up to service managers; they want to leave this up to local authorities. It’s too important, I would say, to be left up to municipalities and local authorities. This is where guidance is really required at the provincial level, and this is where we seek guidance from the housing ministry.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? Ms. Cansfield.

Mrs. Donna H. Cansfield: Just for clarification: The rules governing rent-geared-to-income calculations are currently prescribed in regulation.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? Ms. Savoline.

Mrs. Joyce Savoline: I’m going to support it just to make the statement, because I think that anything we can do to pass the message along that we want rules put in place that do not discourage these young people from giving up—that we want to encourage them to continue to and make productive citizens of themselves and contribute back to society is what our primary responsibility to these kids is. We heard those heart-wrenching stories of the young folks who came before us. It’s admirable that they were making a go of it, but for every one of those, I’m sure there are 100 or more who didn’t make it. Any message that we can send is a good one in this respect, so I will be supporting it.

The Chair (Mr. Lorenzo Berardinetti): Okay. We’ll vote on the motion then. All those in favour of the motion? Opposed? That does not carry.

Shall section 52 of schedule 1 carry? All those in favour? Opposed? That carries.

We’ll move on to section 53. Page 37 is a government motion. Ms. Cansfield.

Mrs. Donna H. Cansfield: I move that section 53 of schedule 1 to the bill be amended:

“(a) by adding ‘or forgive’ after ‘defer’ in subsection (1);

“(b) by adding ‘or forgiveness’ after ‘deferral’ in subsection (2); and

“(c) by adding ‘or forgiveness’ after ‘deferral’ in subsection (a).”

As an explanation, currently service managers can, at their discretion, defer rent when a household is tempor-

arily unable to pay their rent, but often in practice the service managers sometimes forgive the rent instead of deferring it. This proposed motion simply enshrines the current service managers’ practice but would now explicitly provide service managers with the ability to both defer and forgive.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? Ms. DiNovo.

Ms. Cheri DiNovo: Yes, just to show that I’m a team player, we in the New Democratic Party will be supporting this. Forgiveness is divine. We would like to see rent forgiven far more often. So, absolutely, we’re going to support this.

The Chair (Mr. Lorenzo Berardinetti): Ms. Cansfield.

Mrs. Donna H. Cansfield: Mr. Chair, I think I made an error. It should say in (c) at the end, “in subsection (4).” I actually said “(a).”

The Chair (Mr. Lorenzo Berardinetti): Thank you. Any further debate? None? We’ll vote on the motion. All those in favour of the motion? Opposed? That carries.

We’ll move then to the next motion, on page 38. It’s an NDP motion. Ms. DiNovo.

Ms. Cheri DiNovo: I move that section 53 of schedule 1 to the bill be amended by adding the following subsection:

“Housing provider to be compensated

“(5) If the service manager decides to defer all or part of the rent payable by a household receiving rent-geared-to-income assistance, the housing provider shall be compensated for any resulting loss of revenue in the prescribed manner.”

The Chair (Mr. Lorenzo Berardinetti): Any discussion on this motion, Ms. DiNovo?

Ms. Cheri DiNovo: Yes, absolutely. Certainly, this has been asked for for housing providers. We’ve supported the government in the last motion and would hope that they support us in this amendment. Yes, it’s well and good to forgive rent, but housing co-ops and affordable housing are barely making ends meet as it is. We don’t want to take away valuable housing dollars that could be used by forcing them to fill in for default here.

Definitely, this is something that’s been asked for by ONPHA and other stakeholders who have deputed before us. We in the New Democratic Party support it.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? None, so I’ll put the motion to a vote. All those in favour of the motion? Opposed? That does not carry.

Shall section 53 of schedule 1, as amended, carry? All those in favour? Opposed? That carries.

There are no amendments to section 54, so I’ll put the question. Shall section 54 of schedule 1 carry? All those in favour? Opposed? Carried.

Moving on to section 55, it’s an NDP motion on page 39. Ms. DiNovo.

Ms. Cheri DiNovo: I move that subsection 55(1) of schedule 1 to the bill be amended by adding the following paragraph:

“4.1 A decision of a service manager under section 53 to deny an application to defer all or part of the rent payable by a household receiving rent-gear-to-income assistance.”

Again, this has been asked for by the organization of non-profit housing providers. Our research—I’ll just read our research notes here as it’s pretty straightforward.

“Both the household and housing provider should be provided with written notice regarding decisions on the deferral of geared-to-income rent, the household for obvious reasons and the housing provider because subsection 53(4) binds the housing provider to decisions made.”

This really requires the service manager to give a housing provider written notice of a decision to defer. Again, I just heard some troubling news: Another 47 units of Toronto community housing are probably going to be privatized. As we lose more and more affordable housing in this province, of which we have precious little to begin with, we have to make it easier, not more difficult, for housing providers in the non-profit sector to provide housing.

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The Chair (Mr. Lorenzo Berardinetti): Any further debate? Ms. Cansfield.

Mrs. Donna H. Cansfield: We will not be supporting this, because we actually had a previous motion where we spoke to forgiveness as well. If we look forward to government motions 40 and 41, they are more appropriate and consistent with what we’ve already passed.

The Chair (Mr. Lorenzo Berardinetti): Further debate? None? We’ll vote on the motion. All those in favour of the motion? Opposed? That does not carry.

We’ll go to page 40. It’s a government motion. Ms. Cansfield.

Mrs. Donna H. Cansfield: I move that paragraph 6 of subsection 55(1) of schedule 1 to the bill be struck out and the following substituted:

“6. A determination, under subsection 53(1), as to whether or not rent will be deferred or forgiven.

“7. A decision prescribed for the purposes of this paragraph.”

The Chair (Mr. Lorenzo Berardinetti): Any discussion?

Mrs. Donna H. Cansfield: If you like, the explanation is that it would require service managers, in instances when they decide to defer or forgive, to notify the household.

The Chair (Mr. Lorenzo Berardinetti): Ms. DiNovo, did you have—

Ms. Cheri DiNovo: Yes. It’s substantially similar to ours, and we will be supporting this. Again, I would like it stronger, but we’ll be supporting this in the New Democratic Party.

The Chair (Mr. Lorenzo Berardinetti): We’ll put the motion to a vote. All those in favour? Opposed? That carries.

We’ll move to page 41. That’s an NDP motion. Ms. DiNovo.

Ms. Cheri DiNovo: I move that subsection 55(2) of schedule 1 to the bill be amended by adding the following paragraph:

“2.1 Notice of a decision of the service manager under section 53 to defer all or part of the rent payable by a household receiving rent-gear-to-income and information on the maximum size and type of unit permissible for the household.”

Again, this was asked for by our housing providers in the non-profit field. It just speaks to the obvious: They need to receive notice of the size and type of unit permissible for households receiving RGI assistance, to ensure compatibility with that entitlement. That’s what it speaks to.

The Chair (Mr. Lorenzo Berardinetti): Any discussion?

Mrs. Donna H. Cansfield: Just to reiterate, we will not be supporting this because, in fact, it’s inconsistent with what we’ve done on the issue of defer or forgiveness. We look to item 42.

The Chair (Mr. Lorenzo Berardinetti): We’ll then put the motion to a vote. All those in favour of the motion? Opposed? It does not carry.

We’ll go to page 42. It’s a government motion. Ms. Cansfield.

Mrs. Donna H. Cansfield: I move that paragraph 3 of subsection 55(2) of schedule 1 to the bill be struck out and the following substituted:

“3. A determination described in paragraph 6 of subsection (1) that rent is being deferred or forgiven.

“4. A decision prescribed for the purposes of this paragraph.”

Again, this is for consistency for defer or forgive, to notify the householder.

The Chair (Mr. Lorenzo Berardinetti): Any discussion?

Ms. Cheri DiNovo: We’re so nice in the New Democratic Party. We’re going to support this. Again, I would encourage the government side, instead of voting in lockstep with what their corner office commands, to actually be independent and to occasionally look at our amendments and motions and support some of them.

The Chair (Mr. Lorenzo Berardinetti): We’ll put the motion to a vote. All those in favour of the motion? Opposed? That carries.

I’ll put the question, then, regarding section 55. Shall section 55 of schedule 1, as amended, carry? All those in favour? Opposed? That’s carried.

We’ll move, then, to section 56 of schedule 1. We have a government motion on page 43. Ms. Cansfield.

Mrs. Donna H. Cansfield: I move that paragraph 6 of subsection 56(1) of schedule 1 to the bill be struck out and the following substituted:

“6. Information about the provincial eligibility rules prescribed for the purposes of paragraph 1 of subsection 44(1).

“7. Information about the provincial priority rules prescribed for the purposes of paragraph 1 of subsection 50(2).

“8. Any information or documents prescribed for the purposes of this paragraph.”

In essence, the proposed government motion would require that service managers make the provincial eligibility and priority rules available to the public.

The Chair (Mr. Lorenzo Berardinetti): Any discussion?

Ms. Cheri DiNovo: We in the New Democratic Party are all for transparency, so I'm going to support this motion.

The Chair (Mr. Lorenzo Berardinetti): We'll put the motion to a vote, then. All those in favour? Opposed? Carried.

Shall section 56 of schedule 1, as amended, carry? All those in favour? Opposed? Carried.

There are no amendments on a couple of these sections—section 57, section 58, section 59 and section 60. Shall sections 57 to 60 of schedule 1 carry? All those in favour? Opposed? Carried.

The next motion is on page 44.

Ms. Cheri DiNovo: I move that section 61 of schedule 1 to the bill be amended by adding the following subsection:

“Seniors

“(2) The prescribed provincial eligibility rules for special needs housing must provide that seniors are eligible for special needs housing.”

I've spoken about this before in the other amendment, and I'm thinking in particular here—and we all were here when the African Canadian Social Development Council came and deputed before us—extremely articulate and moving—and argued for the fact that, yes, our seniors are literally dying on housing waiting lists and so they need to be given some kind of priority. Again, that speaks to an absence of the leadership role of the Ministry of Housing, willing to download that responsibility to municipalities in a way that we don't think is compassionate. So here's an instance of that.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? No? We'll put the motion to a vote. All those in favour? All opposed? It does not carry.

Shall section 61 of schedule 1 carry? All those in favour? All opposed? That carries.

We'll move on to the next motion. It's a government motion. Ms. Cansfield.

Mrs. Donna H. Cansfield: I move that subsections 62(2) and (3) of schedule 1 to the bill be struck out and the following substituted:

“Contents of application

“(2) An application must include,

“(a) the prescribed information and documents; and

“(b) the information and documents required by the special needs housing administrator.

“Limitations on required information and documents

“(3) The information and documents the special needs housing administrator may require under clause (2)(b) are subject to the prescribed limitations.”

The proposed amendment actually would ensure consistency regarding the province's ability to prescribe

application contents for both the rent-geared-to-income and special needs housing.

The Chair (Mr. Lorenzo Berardinetti): Any further debate?

Ms. Cheri DiNovo: Yes, just to say that we in the New Democratic Party are going to support this amendment. It allows for some flexibility, and that's a good thing.

The Chair (Mr. Lorenzo Berardinetti): We'll put the motion to a vote.

Mr. Ted McMeekin: I'm going to support it too.

The Chair (Mr. Lorenzo Berardinetti): All those in favour? Opposed? Carried.

Shall section 62 of schedule 1, as amended, carry? All those in favour? Opposed? Carried.

There are no amendments from section 63 all the way to section 68, so I'll put the question. Shall sections 63 to 68, inclusive, carry? All those in favour? Opposed? That carries.

The next section is 69, and it's a government motion.

Mrs. Donna H. Cansfield: I move that paragraph 4 of subsection 69(1) of schedule 1 to the bill be struck out and the following substituted:

“4. Information about the provincial eligibility rules prescribed for the purposes of section 61.

“5. Information about the provincial priority rules prescribed for the purposes of subsection 65(2).

“6. Any information or documents prescribed for the purposes of this paragraph.”

The amendment would actually include requirements to make information on priority rules and special needs housing public.

The Chair (Mr. Lorenzo Berardinetti): Any debate? Ms. DiNovo.

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Ms. Cheri DiNovo: Yes, we are going to support this. In the New Democratic Party, we are all for making things public, and certainly, one of the things we're trying to make public here today is the absence of one new unit of housing, one new rent supplement or any dollars to housing in this housing bill. In fact, we've cut the housing budget by 10% this year in the budget and we already have the worst record in all of Canada for Ontario investment in public housing. We'd like to make that public too.

The Chair (Mr. Lorenzo Berardinetti): We'll vote on the motion, then. All those in favour? Opposed? That carries.

Shall section 69 of schedule 1, as amended, carry? All those in favour? Opposed? That carries.

There are no amendments for sections 70 to 76. I'll put the question, then: Shall sections 70 to 76 of schedule 1 carry? All those in favour? Opposed? That carries.

We'll move to page 47. It's a government motion. Ms. Cansfield?

Mrs. Donna H. Cansfield: I move that subsection 77(1) of schedule 1 to the bill be amended by striking out the portion before clause (a) and substituting the following:

“Operating rules for projects

“(1) A housing provider shall operate a Part VII housing project and govern itself in accordance with,”

The reason for this amendment is that it actually would allow the province to establish, through regulation, general rules that apply to the housing provider itself and not just rules related to the operation of housing projects. It would also allow the service managers’ local rules to address such matters: For example, to require housing providers to remain non-profits in good standing. It could include conflict of interest rules for directors and officers or the minimum number of board meetings to be held each year, as examples.

The Chair (Mr. Lorenzo Berardinetti): Any discussion? Ms. DiNovo.

Ms. Cheri DiNovo: Yes, we’re going to support it. We see it as a relatively minor word change.

But after hearing the explanation from the parliamentary assistant, I have to say that in general, we’re very concerned about the amount of regulatory leeway—let’s put it that way—and not statute legislation that happens in this government. Particularly, where housing is concerned, we’d like to see certain rights enshrined in the statute, in Bill 140, and so would, as I pointed out, the United Nations—we’re not alone in that—instead of leaving such a great latitude up to regulations. So, that’s just a general caveat and concern.

The Chair (Mr. Lorenzo Berardinetti): We’ll vote on the motion. All those in favour of the motion? All those who are opposed? Okay, the motion carries.

I’ll put the question, then: Shall section 77 of schedule 1, as amended, carry? All those in favour? Opposed? That carries.

There are no amendments to section 78, so I’ll put the question: Shall section 78 of schedule 1 carry? All those in favour? Opposed? That carries.

The next section is 79, and there is an NDP motion, number 48. Ms. DiNovo?

Ms. Cheri DiNovo: Surprise, surprise, eh? I move that subsection 79(5) of schedule 1 to the bill be struck out and the following substituted:

“Changes by service manager

“(5) The service manager may change a target without the agreement of the housing provider, subject to the following:

“1. The service manager shall consult with the housing provider before making the change.

“2. The service manager gives written notice to the housing provider of the change.

“3. The change is not greater than 10 per cent of the target.

“4. The change is subject to the prescribed restrictions.

“Right to appeal

“(5.1) If a service manager fails to consult with a housing provider as required by paragraph 1 of subsection (5) or changes a target by more than 10 per cent without the consent of the housing provider, contrary to paragraph 3 of subsection (5), the housing provider may apply to a judge of the Superior Court of Justice for an

order reversing the change in the target or for any other order that the court considers reasonable.”

This is, again, a request from the not-for-profit housing providers to maintain the 10% of RGI units restriction so as not to fundamentally alter the community and character of each building without the housing provider’s agreement. This would prevent what we fear: some heavy-handed municipal opportunities to take away the little housing stock and little rent-geared-to-income housing stock that’s available right now, and we see evidence of it happening before our eyes; as I say, not only the 20 units that have just been privatized, but another 47 that are up for privatization. This is a frightening turn of events and it demands a response, we believe, from this government.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion? None? We’ll put the matter to a vote, then. Shall the motion carry? All those in favour? Opposed? That does not carry.

Shall section 79 of schedule 1 carry? All those in favour? Opposed? That’s carried.

There are no amendments to sections 80 to 84, so I’ll put the questions together. Shall sections 80 to 84 of schedule 1 carry? All those in favour? Opposed? Carried.

We’ll move, then, to section 85. We have a government motion on page 49. Ms. Cansfield.

Mrs. Donna H. Cansfield: I move that paragraphs 9, 10 and 11 of section 85 of schedule 1 to the bill be struck out and the following substituted:

“9. The housing provider incurs an expenditure that is, in the opinion of the service manager, substantial and excessive.

“10. The housing provider incurs an accumulated deficit that is, in the opinion of the service manager, substantial and excessive.

“11. In the opinion of the service manager, the housing provider has failed to operate a designated housing project properly.”

The government motion would enable service managers to determine when certain triggering events have occurred, but it has also strengthened the test on those triggers to “substantial and excessive” in order to make it more difficult for the triggering events to be too broadly interpreted. The motion applies to the following triggering events: substantial and excessive housing provider expenditures, a substantial and excessive accumulated deficit, or a failure to properly operate a designated housing project.

The Chair (Mr. Lorenzo Berardinetti): Any discussion?

Ms. Cheri DiNovo: You bet there is. We strongly oppose the new wording. I’m going to just read from a section of our research:

“As a result of municipal pressure to give service managers more flexibility, they have taken out ‘having regard to the normal practices of similar housing providers’ and replaced it with, in all three paragraphs, ‘in the opinion of the service manager.’ This new wording should be strongly opposed. The previous wording gives

some uniform protection and level of comparable standard to housing providers across the province and ensures some level of due diligence is performed by the municipal authority before issuing a triggering event to the housing provider that could result in very serious remedial actions taken by the service manager. Substituting “in the opinion of the service manager” provides no standards of comparison and leaves it wholly at the discretion of municipal bureaucrats to initiate serious remedial actions.”

That’s the last thing we need in this province. We’re seeing it in action right now with Rob Ford’s Toronto; we don’t want to see it in action anywhere else and anymore in Rob Ford’s Toronto. This is a government in lockstep now with Rob Ford, clearly. This is a frightening development; it’s a frightening amendment. We absolutely oppose it.

The Chair (Mr. Lorenzo Berardinetti): Further debate?

Mrs. Donna H. Cansfield: The language that was previously used, “having regard to normal practices of similar housing providers,” was felt by the service managers themselves to have province-wide information that actually was not available to them, so it was not possible to make those comparisons. That is why the language has changed.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? We’ll put the motion to a vote, then. All those in favour of the motion? Opposed? That carries.

We’ll go on to page 50: NDP motion, Ms. DiNovo.

Ms. Cheri DiNovo: I move that paragraph 10 of section 85 of schedule 1 to the bill be struck out and the following substituted:

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“10. The housing provider incurs an accumulated deficit if the accumulated deficit is substantial and excessive, having regard to the normal practices of similar housing providers.”

There could be, for many housing providers in the non-profit sector, deficits from year to year as a general—I mean, my goodness, this government should know about running deficits; they are running about a \$20-billion one of their own. So why not extend some latitude to housing providers in the non-profit field?

We’re very concerned about this being seen as a triggering event. We’re concerned, of course, about the amendment that was just passed leaving lots of latitude to service managers. This just follows on the heels of that.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? None? We’ll put the motion to a vote. All those in favour of the motion? All those opposed to the motion? That motion does not carry.

I’ll put the question: Shall section 85 of schedule 1, as amended, carry? All those in favour? Opposed? That carries.

We now move on to section 86 on page 51. There is a government motion. Ms. Cansfield.

Mrs. Donna H. Cansfield: I move that subsection 86(1) of schedule 1 to the bill be struck out and the following substituted:

“Assistance before triggering event

“(1) If a housing provider notifies the service manager of a situation that may give rise to a triggering event, or if the service manager otherwise becomes aware of such a situation, the service manager shall use reasonable efforts to assist the housing provider to deal with the situation.”

This motion would require that a service manager, when they become aware of a situation that may result in a triggering event, must make reasonable efforts to assist the housing provider to deal with the situation.

The Chair (Mr. Lorenzo Berardinetti): Further debate? Ms. DiNovo.

Ms. Cheri DiNovo: We’re going to support this. It’s better than nothing, but the reality, as we’ve seen in the last motion, is that we’re letting these bureaucrats run the show in their opinion. It’s questionable, for a housing ministry that doesn’t step up and give guidelines of any sort—“shall use reasonable efforts to assist”; what does that mean if, finally, it’s up to the service manager anyway? What’s the ramification if they don’t use reasonable efforts? There’s none.

At any rate, we’ll support it. It’s better than nothing, but it’s a sad day that we have to support this in a housing bill that doesn’t provide housing.

The Chair (Mr. Lorenzo Berardinetti): Further debate? Ms. Cansfield.

Mrs. Donna H. Cansfield: I’d just like to acknowledge that, actually, this is a very co-operative approach between the service managers and the housing providers to find a way to work together to resolve situations before a triggering event. I actually like the idea of building consensus.

The Chair (Mr. Lorenzo Berardinetti): Do you want to speak to it, Ms. DiNovo?

Ms. Cheri DiNovo: Mr. Chair, just to point out, it’s like building consensus around this table when there are five Liberals, one NDP and one Conservative. I like to build consensus too, but on an equal playing field.

Interjections.

The Chair (Mr. Lorenzo Berardinetti): Order, please. So I put the question: Shall the motion carry? All those in favour? Opposed? The motion carries.

I’ll put the question: Shall section 86 of schedule 1, as amended, carry? All those in favour? Opposed? That carries.

We’ll then go to page 52. Ms. Cansfield.

Mrs. Donna H. Cansfield: I move that section 87 of schedule 1 to the bill be amended:

(a) by striking out paragraphs 4, 5 and 6 and substituting the following:

“(4) The service manager may,

“(i) exercise any of the powers or perform any of the duties of the housing provider under this act, or

“(ii) act as the housing provider with respect to all or part of the assets, liabilities and undertakings of the housing provider, including its housing projects.

“(5) The service manager may appoint an operational advisor for the housing provider.

“(6) The service manager may appoint an interim receiver or interim receiver and manager for the housing provider.”

(b) by striking out paragraph 10.

Overall, the government motion would clarify the authority that the service manager has to exercise a remedy by allowing service managers to perform these duties. The motion also removes the remedy of requiring the training of a housing provider or staff.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion? Ms. DiNovo.

Ms. Cheri DiNovo: From what we heard from our deputants here and again from those who run affordable housing in this province, they were a little concerned with some of the language here. The New Democratic Party is going to support it—better than nothing, as usual—but “may, may, may.” We would like to see, certainly, the least intrusive measures being asked to be used first by service managers if a problem arises, and there’s no real mandate here to do that.

As I say, it’s better than nothing. We’re going to support it.

The Chair (Mr. Lorenzo Berardinetti): We’ll put the motion to a vote. All those in favour of the motion? Opposed? The motion carries.

Shall section 87 of schedule 1, as amended, carry? All those in favour? The clerk is asking for a hand count. Opposed? That carries.

There are no amendments to sections 88, 89, 90 and 91, so I’ll put the question. Shall sections 88 to 91 of schedule 1 carry? All those in favour? Opposed? That carries.

We’ll move to section 92, and there’s a government motion on page 53. Ms. Cansfield.

Mrs. Donna H. Cansfield: I move that section 92 of schedule 1 to the bill be struck out and the following substituted:

“Notice, opportunity to rectify and make submission

“92(1) A service manager may exercise a remedy under section 87 in respect of an occurrence of a triggering event only if,

“(a) the service manager has given the housing provider a written notice that complies with subsection (2);

“(b) the triggering event continues following the last day of the period referred to in clause (2)(c), and the service manager has subsequently given the housing provider a written notice that complies with subsection (4);

“(c) the service manager has given the housing provider an opportunity to make a submission to the service manager in accordance with clause (4)(c); and

“(d) the service manager has considered the submission if a submission is made, made a decision, and provided the housing provider with notice of the decision and the reasons for it.

“Content of notice of triggering event

“(2) The notice referred to in clause (1)(a) must,

“(a) specify the particulars of the occurrence of the triggering event or events;

“(b) specify what if anything the housing provider must do or refrain from doing to rectify the situation that gave rise to the occurrence of the triggering event or events in order to avoid an exercise of a remedy or remedies;

“(c) specify the period within which the housing provider must comply with the notice, which may not be less than 60 days from the date the notice is given; and

“(d) if the notice provides for the submission of a plan by the housing provider, specify the matters that must be addressed in the plan.

“Training requirement

“(3) Without restricting the generality of clause (2)(b), for the purposes of that clause, a service manager may require a housing provider to ensure that any or all of the following persons receive training:

“1. A director, employee or agent of the housing provider.

“2. A person who has contracted with the housing provider to manage a part VII housing project on behalf of the housing provider.

“Content of notice regarding submission

“(4) The notice referred to in clause (1)(b) must,

“(a) specify the particulars of the occurrence of the triggering event or events;

“(b) specify the remedy or remedies that the service manager is considering exercising to address the triggering event or events and the reasons why the service manager is considering them;

“(c) inform the housing provider that it can make a written submission on the service manager’s proposed exercise of a remedy or remedies to the service manager by a date that is not less than 60 days after the date the notice is given;

“(d) inform the housing provider that if no submission is received within the period referred to in clause (c), the service manager will make a decision based on the information that is available to it; and

“(e) if the service manager is considering exercising the remedy under paragraph 4 of section 87, advise the housing provider of which powers the service manager would be exercising, which duties the service manager would be performing and the assets, liabilities or undertakings with respect to which it would be acting as the housing provider.

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“Exceptions

“(5) Subsection (1) does not apply if,

“(a) the triggering event is a contravention of section 162;

“(b) the housing provider is unable to pay its debts as they become due;

“(c) the housing provider has operated a designated housing project in a way that has resulted in,

“(i) significant physical deterioration of the housing project affecting the structural integrity of the housing project, or

“(ii) danger to the health or safety of the residents of the housing project;

“(d) a report of an audit or investigation of the housing provider alleges fraud, criminal activity or a misuse of the assets of the housing provider and the alleged fraud, criminal activity or misuse of assets has been referred to a law enforcement agency;

“(e) a designated housing project of the housing provider is subject to a mortgage guaranteed by the province of Ontario or the Ontario Mortgage and Housing Corporation and the mortgage is in default;

“(f) the number of directors of the housing provider has been less than the quorum needed for a meeting of the board of directors for a period of 90 days and remains less than the quorum; or

“(g) a circumstance exists that is prescribed for the purpose of this clause.

“Opportunity to make submission regarding court appointed receiver

“(6) Where a service manager is entitled to seek the appointment of a receiver or a receiver and manager under paragraph 7 of section 87, or to make an application for an extension of the appointment of an interim receiver or an interim receiver and manager under subsection 97(3), the service manager shall not make a decision to do so unless,

“(a) the service manager has first given the housing provider a written notice that complies with subsection (7);

“(b) the service manager has given the housing provider an opportunity to make a submission to the service manager in accordance with clause (7)(c); and

“(c) the service manager has considered the submission if a submission is made, made a decision, and provided the housing provider with notice of the decision and the reasons for it.

“Content of notice

“(7) The notice referred to in clause (6)(a) must,

“(a) specify the particulars of the occurrence or continuation of the triggering event or events and the circumstances in subsection (5) that are continuing;

“(b) specify that the service manager is considering making an application to seek the appointment of a receiver or a receiver and manager under paragraph 7 of section 87 or extend the appointment of an interim receiver or an interim receiver and manager under subsection 97(3) and the reasons why the service manager is doing so;

“(c) inform the housing provider that it can make a written submission on the service manager’s proposed exercise of the remedy or application for extension by a date that is not less than 60 days after the date the notice is given; and

“(d) inform the housing provider that if no submission is received by the date specified by the service manager under clause (c), the service manager will make a decision based on the information that is available to it.

“Decision not to exercise a remedy

“(8) If the service manager decides not to exercise a remedy specified in a notice referred in clause (1)(b) but the triggering event or events are continuing, the service manager shall not exercise that remedy unless the service

manager has given the housing provider a further written notice that specifies the particulars of the continuation of the triggering event or events and repeats the steps referred to in clauses (1)(c) and (d).

“Limitation

“(9) Subsection (8) does not apply if the service manager has decided to exercise the remedy only if specified events do not occur by a specified date.”

The service manager can move directly to a remedy in certain emergency situations when there’s a triggering event. If the service manager chooses not to proceed with the remedy, it still must give notice if it subsequently decides, in fact, to exercise a remedy. That is the intent of this section.

The Chair (Mr. Lorenzo Berardinetti): Any debate or discussion? Ms. DiNovo.

Ms. Cheri DiNovo: First of all, our deputants have real problems with this section, and I’ll go into the reasons why.

Certainly, it’s strange that a government that is running a \$20-billion deficit and has doubled the debt could conceivably rush into a housing project because they’re unable to pay their debts or because, for example, of the deterioration of the housing project affecting the structural integrity. Guess what? If you don’t fund housing providers enough to keep up the structural integrity, that’s what’s going to happen—or in default of their mortgage.

The problem is, this expands the exceptions, and that’s a real problem. We, I hope, want to work with housing providers as long as we can to keep the housing stock affordable. Instead, what we’re allowing for here, in the midst of all this verbiage, is the increased privatization of housing stock across the province of Ontario. That’s exactly what’s going to happen, particularly in the city of Toronto, where, by the way, we have 70,000 families waiting for affordable housing. This could be a huge loophole that service managers could drive a truck through.

Quorum, for example: My goodness, how many times have we sat in the Legislature and we’ve had to ring the quorum bells?

What we’re doing is, we’re asking housing providers—we’re putting onerous demands on them in a way that gives the clout, yet again, to downloading to municipalities, and we know what’s going to happen. It’s happening. I just heard that 47 units are going to be released. This is a problem and we’re going to oppose it in the New Democratic Party, of course.

The Chair (Mr. Lorenzo Berardinetti): Further debate? Ms. Cansfield.

Mrs. Donna H. Cansfield: I’d just like to identify that in fact this motion would require service managers to look at procedural fairness before using a remedy against a housing provider, and that’s the intent.

The Chair (Mr. Lorenzo Berardinetti): Further debate?

Mrs. Joyce Savoline: While this doesn’t make it perfect, it certainly moves it in the right direction, so I will be supporting it.

The Chair (Mr. Lorenzo Berardinetti): We'll put a vote to the motion. All those in favour of the motion? All those opposed to the motion? The motion carries.

Shall section 92 of schedule 1, as amended, carry? All those in favour? I only see two hands up. Okay. Opposed? The motion carries.

We'll move to page 54, with respect to section 93. Ms. Cansfield.

Mrs. Donna H. Cansfield: I move that section 93 of schedule 1 to the bill be struck out and the following substituted:

"Discontinuation or suspension of subsidy

"93. A service manager shall not discontinue or suspend subsidy payments under paragraph 1 of section 87 unless the service manager is of the opinion that the triggering event is substantial."

This government motion would require the service manager to consider whether a triggering event was substantial before they actually proceed to discontinue or suspend a subsidy payment to a housing provider.

The Chair (Mr. Lorenzo Berardinetti): Any debate on this?

Mrs. Joyce Savoline: I will support this, Mr. Chair. However, I think "substantial" needs to be defined.

The Chair (Mr. Lorenzo Berardinetti): Any further debate?

Ms. Cheri DiNovo: Obviously, we also oppose this. That language of the opinion, leaving it up to the service manager, not defining—again, a huge loophole that a municipality that's interested in privatizing housing stock will drive a truck through. This is McGuinty and Ford in alliance here; make no mistake about it. Anybody who is reading the Hansard here or anybody who is following these proceedings should be shocked and appalled. It's not every day we get a letter from the UN calling a provincial government to account for breaching international human rights law. That's right out of the gate, and then we have this.

I was just handed a note. I was wrong, and I would correct the record. It's not 47 units that are going to be privatized; it's 47 properties. That's what's on the chopping block, and this government is facilitating that. We're absolutely going to oppose it.

The Chair (Mr. Lorenzo Berardinetti): Mr. Zimmer, do you have a comment?

Mr. David Zimmer: No.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? None? So I'll put the motion to a vote. All those in favour? Opposed? The motion carries.

Shall section 93 of schedule 1, as amended, carry? All those in favour? All those opposed? The section carries.

We move on, then, to the next motion, government motion 55. Ms. Cansfield.

Mrs. Donna H. Cansfield: I move that section 94 of schedule 1 to the bill be struck out and the following substituted:

"Exercise of powers, etc., by service manager

"94(1) This section applies with respect to the exercise of the remedy under paragraph 4 of section 87 to either

exercise powers or perform duties of a housing provider or to act as the housing provider with respect to all or part of the assets, liabilities and undertakings of the housing provider, including its housing projects.

1510

"Time limit

"(2) The maximum period during which a service manager may exercise the remedy in respect of a triggering event or events is two years unless,

"(a) the period is extended by agreement with the housing provider; or

"(b) the service manager has extended the period, for no more than one year for each extension, after having first given the housing provider a further written notice that specifies the particulars of the continuation of the triggering event or events and having repeated the steps referred to in clauses 92(1)(c) and (d).

"Requirement re property managers

"(3) A service manager shall not retain a property manager to act on its behalf in the exercise of the remedy in relation to a housing provider unless the service manager is of the opinion,

"(a) if the property manager is an individual, that the property manager is knowledgeable about this act and the transferred housing program or programs under which the housing provider's housing project or projects operate and,

"(i) if the housing provider is a non-profit housing corporation, the property manager is knowledgeable about the structure and operation of non-profit housing corporations, or

"(ii) if the housing provider is a non-profit housing co-operative, the property manager is knowledgeable about the structure and operation of non-profit housing co-operatives; or

"(b) if the property manager is not an individual, that the staff of the property manager are knowledgeable about this act and the transferred housing program or programs under which the housing provider's housing project or projects operate and,

"(i) if the housing provider is a non-profit housing corporation, the staff of the property manager are knowledgeable about the structure and operation of non-profit housing corporations, or

"(ii) if the housing provider is a non-profit housing co-operative, the staff of the property manager are knowledgeable about the structure and operation of non-profit housing co-operatives.

"Appointment by agreement

"(4) A property manager retained to act on the service manager's behalf in the exercise of the remedy shall be appointed under an agreement between the service manager and the property manager.

"Time limit

"(5) The term of the appointment of the property manager shall be determined under the agreement retaining the property manager.

"Qualification on time limit

“(6) Subsection (5) does not limit the retention of a property manager in respect of a different occurrence of a triggering event.

“Termination, etc.

“(7) Despite anything to the contrary in the agreement appointing a property manager, the service manager may, without the consent of the property manager, terminate or shorten the appointment at any time.

“Copy of agreement to housing provider

“(8) The service manager shall give the housing provider a copy of any agreement appointing a property manager and any amendment to the agreement.

“Powers

“(9) For greater certainty, section 162 applies to a service manager exercising the remedy.

“Powers not included

“(10) The powers of a service manager do not include the power to sell, convey, lease, assign, give as security or otherwise dispose of the assets of the housing provider, including its housing projects, outside of the ordinary course of business.

“Use of powers

“(11) The service manager may only use its powers with the objective of returning control to the housing provider and only for the following purposes:

“1. To carry on the business of the housing provider.

“2. To improve the governance of the housing provider.

“3. To stabilize or improve the financial situation of the housing provider.

“Return of control

“(12) When it is appropriate, in the opinion of the service manager, to return control to the housing provider, the service manager shall cease exercising the remedy.

“Duty to co-operate

“(13) The housing provider shall co-operate with the service manager and any property manager retained by the service manager to act on its behalf in the exercise of the remedy, give the service manager and property manager full access to the housing provider’s books and records, and not take any action to reverse or set aside the acts or omissions of the service manager or property manager.

“Ratification of acts of service manager, etc.

“(14) The housing provider is deemed to ratify and confirm what the service manager and any property manager retained by the service manager to act on its behalf in the exercise of the remedy do during the exercise of the remedy, but only with respect to things done in accordance with this act and the regulations.

“Release of service manager, etc.

“(15) The housing provider is deemed to release and discharge the service manager and the property manager and every person for whom the service manager or property manager is responsible from every claim of any nature arising by reason of any act or omission done or omitted during the exercise of this remedy, other than the following claims:

“1. A claim for an accounting of the money and other property received by the service manager or property manager or another person for whom the service manager or property manager is responsible.

“2. A claim arising from negligence or dishonesty by the service manager or property manager or by another person for whom the service manager or property manager is responsible.

“Expenses of service manager

“(16) If the service manager exercises the remedy,

“(a) the service manager may bill the housing provider for expenses incurred by the service manager in exercising the remedy;

“(b) the housing provider shall pay an amount billed under clause (a) at the time specified by the service manager; and

“(c) an amount billed under clause (a) is a debt owing from the housing provider to the service manager and may be recovered by reducing the amount of any subsidy required under section 80 or by any remedy or procedure available to the service manager by law.

“Remuneration

“(17) For greater certainty, the remuneration of the property manager shall be determined under the agreement retaining the property manager and shall be paid out of the funds of the housing provider.

“Reports to housing provider

“(18) During the period when the remedy is being exercised, the service manager shall give the housing provider, at least every three months, a written report that includes a summary of what the service manager has done in the exercise of the remedy.”

The government motion would expand upon the remedies, allowing the service managers to act as or perform duties of the housing provider, either directly or indirectly through a property manager, by placing limits on the service manager’s use of powers under this remedy; requiring the housing provider to co-operate; prohibiting the service manager from transferring the property; specifying the goal of restoring control to the provider when appropriate; limiting the term of this remedy to two years; and providing a limited release from liability for both the service manager and any property manager.

The Chair (Mr. Lorenzo Berardinetti): That’s a mouthful. Any further debate? Ms. DiNovo.

Ms. Cheri DiNovo: I notice you automatically put my light on, Mr. Chair, before I put my hand up.

The Chair (Mr. Lorenzo Berardinetti): It’s habit.

Ms. Cheri DiNovo: I gather that there are some provisions in this that our co-operative housing federation is looking forward to. There are concerns in the New Democratic Party still about the onerous requests upon those who run non-profit housing in terms of expenses, access to books etc.

I’m going to give the government the benefit of the doubt on this one, but again, a very problematic approach. It seems to me, just generally, that the government has listened extensively to service managers and

perhaps not as extensively to all of those who've deputed for non-profit housing.

The other thing I would like to mention is that we've had 24 hours to look at all of this. I think—what, did we have three days of deputations? The rush with which the government is plowing ahead with this is also problematic.

In short, I'm going to abstain from this. The government is going to pass it anyway.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion? None? Okay, then we'll vote on the motion on page 55. All those in favour of the motion? Opposed? The motion carries.

Shall section 94 of schedule 1, as amended, carry? All those in favour? Opposed? That carries.

The next motion is in section 95. There's an NDP motion on page 56. Ms. DiNovo?

Ms. Cheri DiNovo: I move that section 95 of schedule 1 to the bill be amended by adding the following subsection:

“Purpose of supervisory management

“(1.1) The purpose of supervisory management is to correct governance and other problems of the housing provider so that the housing provider will, in due course, be able to operate independently and in a manner consistent with the normal practices of similar housing providers.”

Certainly, CHF asked for this. I think it's important that the bill state what the actual purpose of supervisory management is at some point. I think that would help guide them. I know the government is going to say they've just done that, but I think it's always helpful to state, in a sense, a mission statement: what this role is supposed to be and how they're supposed to act.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion? None? We'll put the motion on page 56 to a vote. All those in favour of the motion? All those opposed? The motion does not carry.

1520

We have on page 57 a government motion. Ms. Cansfield.

Mrs. Donna H. Cansfield: I move that section 95 of schedule 1 to the bill be struck out and the following substituted:

“Operational advisor

“95(1) This section applies with respect to the exercise of the remedy to appoint an operational advisor for a housing provider under paragraph 5 of section 87.

“Requirement re operational advisors

“(2) A service manager shall not appoint an operational advisor for a housing provider unless the service manager is of the opinion,

“(a) if the operational advisor is an individual, that the operational advisor is knowledgeable about this act and the transferred housing program or programs under which the housing provider's housing project or projects operate and,

“(i) if the housing provider is a non-profit housing corporation, the operational advisor is knowledgeable

about the structure and operation of non-profit housing corporations, or

“(ii) if the housing provider is a non-profit housing cooperative, the operational advisor is knowledgeable about the structure and operation of non-profit housing cooperatives; or

“(b) if the operational advisor is not an individual, that the staff of the operational advisor are knowledgeable about this act and the transferred housing program or programs under which the housing provider's housing project or projects operate and,

“(i) if the housing provider is a non-profit housing corporation, the staff of the operational advisor are knowledgeable about the structure and operation of non-profit housing corporations, or

“(ii) if the housing provider is a non-profit housing cooperative, the staff of the operational advisor are knowledgeable about the structure and operation of non-profit housing co-operatives.

“Appointment by agreement

“(3) The operational advisor shall be appointed under an agreement between the service manager and the operational advisor.

“Purpose

“(4) The purpose of an operational advisor is to provide written recommendations and advice to the housing provider and the service manager on how the housing provider may improve all or part of the operation of its housing project or projects as stipulated in the agreement appointing the operational advisor.

“Time limit

“(5) The term of the appointment of the operational advisor shall be determined under the agreement appointing the operational advisor, but shall not exceed two years unless extended with the agreement of the housing provider.

“Qualification on time limit

“(6) Subsection (5) does not limit the appointment of an operational advisor in respect of a different occurrence of a triggering event.

“Termination, etc.

“(7) Despite anything to the contrary in the agreement appointing the operational advisor, the service manager may, without the consent of the operational advisor, terminate or shorten the appointment at any time.

“Copy of agreement to housing provider

“(8) The operational advisor shall give the housing provider a copy of the agreement appointing the operational advisor and any amendment to the agreement.

“Remuneration

“(9) The remuneration of the operational advisor shall be determined under the agreement appointing the operational advisor and shall be paid out of the funds of the housing provider.

“Duty to co-operate

“(10) The housing provider shall co-operate with the operational advisor, give the operational advisor full access to the housing provider's books and records, and consider any recommendations or advice that the oper-

ational advisor provides to the housing provider on how to improve the operation of the housing project or housing projects.

“Release of service manager and operational advisor, etc.

“(11) The housing provider is deemed to release and discharge the service manager and the operational advisor and every person for whom the service manager or the operational advisor is responsible from every claim of any nature arising by reason of any act or omission done or omitted during the operational advisor’s appointment, other than claims arising from negligence or dishonesty by the operational advisor or by another person for whom the service manager or operational advisor is responsible.”

In essence, the government motion would replace the remedy of a supervisory manager with new provisions to permit the appointment of an operational adviser as a remedy. Under this remedy, the provider’s board of directors would remain in place with continued authority over the operation of the housing project. Operational advisers would be appointed by a service manager, as you heard, for a maximum of two years to provide advice and recommendations to assist the housing provider with operational issues.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion? Ms. DiNovo.

Ms. Cheri DiNovo: Yes. It’s a chance, actually, to talk about co-operative housing. I understand that a number of the changes required by the co-operative housing federation have been incorporated, except some, strangely, have not, including a number of clarifications about the roles of supervisory managers, which do not appear to have been incorporated and were asked for. Suffice to say that we did a housing visioning process at Parkdale, and David Crombie came and talked about what is still the gold standard for housing projects in many places around the world, and that is St. Lawrence Market, and how that came to be. Again, you’ve got mixed use; you’ve got co-ops; you’ve got affordable housing; and it all works together in a wonderful community. He said, it was pointed out, that it all started with a co-op. I think we need, certainly, to do everything we can to make co-operative housing possible. We’ve hampered it severely in recent years. I certainly hope that this government is committed to doing that. It seems there are two steps forward, one step back here. But, as such, we’re going to let it slide and I’ll simply abstain.

The Chair (Mr. Lorenzo Berardinetti): Ms. Savoline.

Mrs. Joyce Savoline: I’m going to support it, but I see this as an interim step moving towards the right direction. If the government were really serious about moving in this way, it would be mandated. I’m hoping for the best, so while it doesn’t exactly say that governance is being returned, it does say the government is working on the problem. Like I say, if there was some real seriousness to this, it would be mandated. But in good faith, I’m going to support it.

The Chair (Mr. Lorenzo Berardinetti): We’ll then vote on the motion on page 57. All those in favour of the motion? Opposed? That carries.

I’ll ask the question, then: Shall section 95 of schedule 1, as amended, carry? All those in favour? Opposed? That carries.

The next motion is a government motion on page 58, Ms. Cansfield.

Mrs. Donna H. Cansfield: I move that section 96 of schedule I to the bill be struck out and the following substituted:

“Restriction on appointment of receiver, etc.

“96. A service manager may appoint an interim receiver or interim receiver and manager under paragraph 6 of section 87, or seek the appointment of a receiver or receiver and manager under paragraph 7 of section 87, only if one of the situations listed in subsection 92(5) is continuing.”

The explanation for this particular motion is that it requires both a triggering event and an emergency situation. The designated emergency situations, for example, could be that the housing provider isn’t solvent; there is significant physical deterioration to the building, structural integrity issues, danger to health and safety; an auditor investigation for alleged fraud; etc. That’s the purpose of this motion.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion? Ms. DiNovo.

Ms. Cheri DiNovo: Again, we’re concerned. Some of our deputants—the co-operative housing federation and others—are concerned about the role of the service manager and concerned about the triggering events, and if that’s significant, who decides, as well as the reasonability of providers to pay anything, quite frankly, in terms of his or her role here. This doesn’t address that. Again, I’m inclined to oppose. I think I’ll abstain. It’s problematic, just generally—the next few amendments.

The Chair (Mr. Lorenzo Berardinetti): Further discussion? None? We’ll put the motion to a vote.

All those in favour of the motion? All those opposed to the motion? The motion carries.

I’ll put the question: Shall section 96 of schedule 1, as amended, carry? All those in favour? Opposed? Carried.

I move to a government motion on page 59 of our package. Ms. Cansfield.

1530

Mrs. Donna H. Cansfield: I move that section 97 of schedule 1 to the bill be struck out and the following substituted:

“Service manager—appointed receiver, etc.

“97(1) This section applies with respect to the exercise of the remedy to appoint an interim receiver or interim receiver and manager under paragraph 6 of section 87.

“Time limit

“(2) The maximum period during which there may be an interim receiver or interim receiver and manager is 180 days.

“Extension by court

“(3) The Superior Court of Justice may, on application of the service manager, extend the maximum period under subsection (2).

“Qualification on time limit

“(4) Subsection (2) does not limit the appointment of an interim receiver or interim receiver and manager in respect of a different occurrence of a triggering event.

“Appointment by agreement

“(5) The interim receiver or interim receiver and manager shall be appointed under an agreement between the service manager and the interim receiver or interim receiver and manager.

“Termination, etc.

“(6) Despite anything to the contrary in the agreement appointing the interim receiver or interim receiver and manager, the service manager may, without the consent of the interim receiver or interim receiver and manager, terminate or shorten the appointment at any time.

“Return of control

“(7) When it is appropriate, in the opinion of the service manager, to return control to the housing provider, the service manager shall terminate the appointment of the interim receiver or interim receiver and manager.

“Copy of agreement to housing provider

“(8) The interim receiver or interim receiver and manager shall give the housing provider a copy of the agreement appointing the interim receiver or interim receiver and manager and any amendment to the agreement.

“Powers

“(9) The interim receiver or interim receiver and manager has the prescribed powers, subject to subsection (10) and any limits in the agreement appointing the interim receiver or interim receiver and manager.

“Powers continued

“(10) The powers of an interim receiver do not include the power to sell, convey, lease, assign, give as security or otherwise dispose of the assets of the housing provider, including its housing projects, outside of the ordinary course of business of the housing provider.

“Powers are exclusive

“(11) The powers of the interim receiver or interim receiver and manager are exclusive and no other person may exercise those powers during the appointment of the interim receiver or interim receiver and manager.

“Restriction on dealing with housing project

“(12) For greater certainty, section 162 applies to an interim receiver or interim receiver and manager.

“Remuneration

“(13) The remuneration of the interim receiver or interim receiver and manager shall be determined under the agreement appointing the interim receiver or interim receiver and manager and shall be paid out of the funds of the housing provider.

“Duty to co-operate

“(14) The housing provider shall co-operate with the interim receiver or interim receiver and manager and give the interim receiver or interim receiver and manager full access to the housing provider’s books and records.

“Ratification of acts of receiver, etc.

“(15) The housing provider is deemed to ratify and confirm what the interim receiver or interim receiver and manager does during the appointment of the interim receiver or interim receiver and manager, but only with respect to things done in accordance with this act, the regulations and the agreement appointing the interim receiver or interim receiver and manager.

“Release of receiver, etc.

“(16) The housing provider is deemed to release and discharge the service manager and the interim receiver or interim receiver and manager and every person for whom the service manager and the interim receiver or interim receiver and manager is responsible from every claim of any nature arising by reason of any act or omission done or omitted during the appointment of the interim receiver or interim receiver and manager, other than the following claims:

“1. A claim for an accounting of the money and other property received by the interim receiver or interim receiver and manager or another person for whom the interim receiver or interim receiver and manager is responsible.

“2. A claim arising from negligence or dishonesty by the interim receiver or interim receiver and manager or by another person for whom the interim receiver or interim receiver and manager is responsible.

“Reports to housing provider

“(17) Every three months, the interim receiver or interim receiver and manager shall give the housing provider and service manager a written report that includes,

“(a) a summary of what the interim receiver or interim receiver and manager has done during the period covered by the report;

“(b) a summary of what the interim receiver or interim receiver and manager proposes to do in the future;

“(c) a summary of the operations of the housing provider during the period covered by the report; and

“(d) a general description of the financial situation of the housing provider.

“Not bound by proposed actions

“(18) The interim receiver or interim receiver and manager is not required to do anything or prevented from doing anything only because it was included or not included in a report under clause (17)(b).

“Reports to cover entire appointment period

“(19) The interim receiver or interim receiver and manager shall make reports under subsection (17) covering the entire period of the appointment of the interim receiver or interim receiver and manager, even if that requires a report to be made after the end of the appointment of the interim receiver or interim receiver and manager.

“Access by housing provider

“(20) The interim receiver or interim receiver and manager shall give the housing provider access to the books and records of the housing provider at reasonable

times during the appointment of the interim receiver or interim receiver and manager.

“Limit on report requirements

“(21) Subsections (17) and (20) do not require the disclosure of information that, in the opinion of the interim receiver or interim receiver and manager, may relate to fraud or other criminal activity by a director, member or employee of the housing provider.”

“Restriction

“(22) An interim receiver or interim receiver and manager may not be the same person as a property manager retained to act on behalf of the service manager in the exercise of paragraph 4 of section 87 or an operational advisor appointed under paragraph 5 of section 87 in respect of the housing provider.”

The government motion would amend the powers and limitations of an appointed interim receiver or interim receiver and manager. As you heard, it could only be in place for 180 days, unless extended by the courts. Definitely, powers do not include the power to sell property, and the receiver must provide written reports to the provider and the service manager on its actions every three months.

The Chair (Mr. Lorenzo Berardinetti): Any further debate?

Ms. Cheri DiNovo: Yes, I was interested in the explanation, however brief, given by the government. But we in the New Democratic Party have serious concerns with a number of sections in here.

First of all, the goals of receivership aren't very clearly defined in terms of getting this housing back and running as affordable housing and non-profit housing.

The maximum period, 180 days: Why not 60 days? Sixty days seems far more reasonable to us.

Also, yes, it's good that they can't dispose of the property in that 180-day period, but again, we've got this language: “(7) When it is appropriate, in the opinion of the service manager, to return control to the housing provider...” I think this is very scary stuff, particularly in the current political climate.

It's amazing how many rules and regulations and amendments have to do with carving up the last of available affordable housing, and how few—well, there's none; there's no new housing in this bill.

Yes, this scares us. No, we won't be voting for it. We're opposing.

The Chair (Mr. Lorenzo Berardinetti): Ms. Savoline?

Mrs. Joyce Savoline: It's consistent with my previous comments. This is moving to more middle ground. The changes are moderate, but they're in the right direction. At least the 180 days will shorten the process, and it does establish a timeline.

The Chair (Mr. Lorenzo Berardinetti): Any further debate?

Mrs. Donna H. Cansfield: I'd just like to reiterate that this new ability would be extremely scoped, so you know that we'd be protecting the interests of the provider and that that's an important part in regulation.

The Chair (Mr. Lorenzo Berardinetti): We'll take a vote on the motion. All those in favour of the motion? All those opposed? The motion carries.

Now I'll put the question: Shall section 97 of schedule 1, as amended, carry? All those in favour? Opposed? That carries.

There are no amendments to section 98, so I'll put the question: Shall section 98 of schedule 1 carry? All those in favour? Opposed? That carries.

We'll go to section 99. On page 60, there's a government motion. Ms. Cansfield.

Mrs. Donna H. Cansfield: I move that subsection 99(1) of schedule 1 to the bill be amended by striking out “paragraph 6 or 7” and substituting “paragraph 7”.

This is a technical motion that actually would remove a duplicated and unnecessary reference.

The Chair (Mr. Lorenzo Berardinetti): Any debate? None? I'll put the question. All in favour of the motion? Opposed? The motion carries.

1540

Shall section 99 of schedule 1, as amended, carry? All those in favour? Opposed? That carries.

We'll move to section 100 on page 61. This is a government motion. Ms. Cansfield.

Mrs. Donna H. Cansfield: I move that subsection 100(6) of schedule 1 to the bill be amended by striking out “the current directors” at the end and substituting “the current directors, if any”.

The reason for this motion is it clarifies that a service manager can appoint directors to the board of a housing provider in situations where no directors remain on the board of a housing provider, but also, before appointing the director as a remedy, to first consult with the current directors, if any, of the housing provider. It's a technical amendment which merely clarifies that if there are no current directors to consult with, then the service manager could actually just exercise the remedy of appointing directors.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? None? We'll put the motion to a vote. All those in favour of the motion? Opposed? The motion carries.

Now I'll ask the question. Shall section 100 of schedule 1, as amended, carry? All those in favour? All those opposed? That carries.

There's a new section. Ms. Cansfield.

Mrs. Donna H. Cansfield: I move that schedule 1 to the bill be amended by adding the following section:

“Solicitor-client privilege

“100.1(1) Despite subsections 94(13), 95(10) and 97(14), the housing provider is not required to provide the service manager, a property manager, an operational advisor, an interim receiver or an interim receiver and manager with access to any records or documents that are solicitor-client privileged and relate to a proceeding, or bringing a proceeding, involving any such party.

“No waiver

“(2) The provision of access to books and records under subsection 94(13), 95(10) or 97(14) does not

constitute a waiver of any applicable solicitor-client privilege.”

In essence, this motion would provide that the housing provider is not required to provide the service manager with any client-privileged information or records relating. This is to protect.

It also clarifies that when a housing provider does provide access to its records in accordance with the remedy provisions, that it does not constitute a waiver of solicitor-client privilege. In essence, it protects the housing provider on both fronts.

The Chair (Mr. Lorenzo Berardinetti): Any debate on new section 100.1? Ms. DiNovo.

Ms. Cheri DiNovo: Finally, something for the poor, beleaguered housing provider. Yes, we will support this.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? None? I’ll put the question. Shall new section 100.1 carry? All those in favour? Opposed? That carries.

There is a new section, section 100.2, and there is a motion from the government on page 63. Ms. Cansfield.

Mrs. Donna H. Cansfield: I move that schedule 1 to the bill be amended by adding the following section:

“Required review

“100.2 The minister shall, by the prescribed date, undertake a review of sections 84 to 100.1 of this act.”

The government motion would require review of the enforcement provisions by a prescribed date to ensure that they meet the intent of the legislation and remain effective.

The Chair (Mr. Lorenzo Berardinetti): Any discussion? None? I’ll put the motion to a vote. All those in favour of new section 100.2? All those opposed? The motion carries.

There are no motions for sections 101 and 102, so I’ll put the question. Shall section 101 and section 102 carry? All those in favour? All those opposed? That carries.

We’ll move to section 103 on page 64. Ms. Savoline.

Mrs. Joyce Savoline: I’ve put this amendment forward at the request of the municipalities.

Interjection.

Mrs. Joyce Savoline: Sorry; I have to read it in.

I move that subsection 103(1) of the bill be amended by adding “or” at the end of clause (b), by striking out “or” at the end of clause (c), and by striking out clause (d).

As I said, this is at the request of municipalities. They’re liable for any costs in the federal agreement, and this leaves them vulnerable to that cost. We don’t know; it’s unpredictable; it’s an unknown cost. They would have to accept the cost that can be considered a liability in the social housing agreement. Because it’s unknown, it’s like another downloading, especially of an unknown liability.

Having come from a municipality and understanding how vulnerable they are to added costs, it’s not acceptable to me that they accept this section. I’m asking the government to accept this amendment in good faith with their good relationship with municipalities.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion? Ms. Cansfield.

Mrs. Donna H. Cansfield: Under Bill 140, service managers will be able to give consent to the mortgaging of social housing projects, and therefore the service managers’ decisions may impact the province’s contingent liability under the social housing agreement with the federal government. The language of the bill simply clarifies the province’s current ability under the SHRA to recover costs that it incurs under the Canada-Ontario social housing agreement. So we won’t be able to support this amendment.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Any further discussion? Ms. DiNovo.

Ms. Cheri DiNovo: Unfortunately, it’s kind of a confusing motion that we in the New Democratic Party will not be able to support. Again, it was a confusing motion; I agree with the parliamentary assistant on this one. We’re not going to support it.

The Chair (Mr. Lorenzo Berardinetti): Thank you. We’ll put the motion to a vote. All those in favour of the motion? All those opposed? The motion does not carry.

Then I’ll ask, shall section 103 of schedule 1 carry? All those in favour? Those opposed? That carries.

There are no motions from section 104 to section 110, so I’ll put the question: Shall sections 104 to 110, inclusive, carry? All those in favour? Opposed? That carries.

We’ll move on to section 111. That’s motion 65. It’s a government motion. Ms. Cansfield.

Mrs. Donna H. Cansfield: I move that section 111 of schedule 1 to the bill be amended by adding the following subsections:

“Lower-tier municipalities

“(6) Where a municipality described in subsection (1) is an upper-tier municipality, subsections (3) to (5) do not apply with respect to the individual lower-tier municipalities within the upper-tier municipality.

“Interpretation

“(7) For the purposes of this section, ‘lower-tier municipality’ and ‘upper-tier municipality’ have the same meaning as in the Municipal Act, 2001.”

The explanation is, the government motion would clarify that service managers are only required to apportion cost to the upper-tier municipalities in cases where the service area includes municipalities lying outside of the municipal boundaries of the service manager.

The Chair (Mr. Lorenzo Berardinetti): Any debate? None? We’ll put the motion to a vote. All those in favour of the motion? All those opposed? The motion carries.

Shall section 111 of schedule 1, as amended, carry? All those in favour? Opposed? That carries.

We’ll move on, then, to the next motion, which is motion 66. It’s a government motion. Ms. Cansfield.

Mrs. Donna H. Cansfield: I move that section 112 of schedule 1 to the bill be amended by adding the following subsection:

“Billing periods

“(1.1) The billing periods for a service manager shall be determined by the service manager.”

The reason for this motion is that it will allow the DSSAB service managers to set billing periods for the purpose of billing municipalities in their service areas.

The Chair (Mr. Lorenzo Berardinetti): Any discussion? Ms. DiNovo?

Ms. Cheri DiNovo: Yes, we're going to vote for this. It's not a problem. It allows one to make the point that at no time should the housing providers have to foot the bill. Again, very precious and rare housing dollars should not be going to service managers in any way, shape or form.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? We'll vote on the motion. All those in favour of the motion? All those opposed? The motion carries.

There are no amendments from sections 113 all the way until section 154, so I'll put the questions together. Shall sections 113 to section 154 of schedule 1 carry? All those in favour? Opposed? That carries.

We'll move on to section 155. On page 67, there is an NDP motion. Ms. DiNovo.

Ms. Cheri DiNovo: I move that clause 155(3)(a) of schedule 1 to the bill be struck out and the following substituted:

"(a) provision for an independent three-member review body to hear oral appeals, including rules for the appointment and removal of members and their remuneration; and"

This is something that many deputants asked for. Certainly, ONPHA, CFH and ACTO asked for this. It just makes sense. The city of Ottawa does this. We need to have more safeguards. We need reviews of service managers.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? Ms. Savoline.

Mrs. Joyce Savoline: I'll support it. It just puts some meat on the bones.

The Chair (Mr. Lorenzo Berardinetti): I'll put the motion to a vote. All those in favour of the motion? All those opposed? The motion does not carry.

Shall section 155 of schedule 1 carry? All those in favour? Opposed? That carries.

We'll move to section 156. There's a motion on page 68. Ms. Savoline.

Mrs. Joyce Savoline: I move that section 156 of schedule 1 to the bill be amended by adding the following paragraph:

"2.1 A decision with respect to the deferral of rent-geared-to-income payable."

Just notice that under the SHRA, a household could request an internal review with respect to a deferral of RGI rent. I don't know why that isn't present here in this bill. That's why I brought this forward.

The Chair (Mr. Lorenzo Berardinetti): Ms. DiNovo.

Ms. Cheri DiNovo: It's similar to an amendment we're about to put forward as well, again, required by non-profit housing providers. We're going to support it.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? None? I'll put the motion to a vote. All those in

favour of the motion? All those opposed? That does not carry.

The next is an NDP motion on page 69. Ms. DiNovo.

Ms. Cheri DiNovo: I move that section 156 of schedule 1 to the bill be amended by adding the following paragraph:

"4.1 A decision of a service manager under section 53 to deny an application to defer all or part of the rent payable by a household."

It's similar, as I said. It's a sad day when the Progressive Conservatives are more progressive than our Liberal friends.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? Ms. Cansfield?

Mrs. Donna H. Cansfield: Actually, it's preferable that these decisions are at the discretion of the service manager. There's absolutely nothing in this bill that precludes the service manager from voluntarily agreeing to review these decisions—nothing.

The Chair (Mr. Lorenzo Berardinetti): Any further debate?

Ms. Cheri DiNovo: There's nothing that asks them to, either. That shows the huge ideological and philosophical divide between these two sides.

The Chair (Mr. Lorenzo Berardinetti): I'll put the motion to a vote. All those in favour of the motion? All those opposed? The motion does not carry.

Shall section 156 of schedule 1 carry? All those in favour? Opposed? That carries.

Is there a vote in the House? We will suspend so we can go and vote.

The committee recessed from 1554 to 1608.

The Chair (Mr. Lorenzo Berardinetti): I call the meeting back to order.

Just one procedural point: Way back in section 112—I know that we just finished section 156, but I didn't ask the question on section 112, which was, shall section 112 of schedule 1, as amended, carry? All those in favour? Opposed? Carried. Thank you.

We'll move on, then, to page 70. It's an NDP motion. Ms. DiNovo.

Ms. Cheri DiNovo: I move that section 157 of schedule 1 to the bill be struck out and the following substituted:

"Reviews requested by housing providers

"157.(1) A housing provider may request a review of any of the following decisions of a service manager:

"1. A decision to reduce, discontinue or suspend subsidy payments.

"2. A decision to perform any of the duties and exercise any of the powers of a housing provider.

"3. A decision to appoint a supervisory manager.

"4. A decision to appoint a receiver or receiver and manager.

"5. A decision to remove some or all of the directors.

"6. A decision to appoint one or more individuals as directors, unless those individuals are replacing other directors who were appointed by the service manager.

"7. A decision to require the housing provider to prepare and follow plans under subsection 71(5).

"8. A change in the target for the number of rent-geared-to-income and modified units referred to in section 79.

"9. A decision to consent to a transfer of a housing project to the service manager, a local municipality or any related body.

"10. A decision to give a consent, or to refuse to give a consent, referred to in subsection 162(2).

"11. A decision prescribed for the purposes of this paragraph.

"Rules applicable if review requested

"(2) The following rules apply if a review of a decision is requested under subsection (1)

"1. Except in the case of an emergency or other circumstances in which failing to implement the decision may materially worsen the situation, no action shall be taken to implement the decision pending the completion of the review.

"2. If, under paragraph 1, action to implement the decision is implemented before the review has been completed, the review body shall complete the review as quickly as possible and shall include in its decision any steps that may be necessary as a result of action taken by the service manager pending the completion of the review.

"3. Despite paragraph 1, the housing provider requesting the review may agree voluntarily with the service manager to take action to implement all or part of the proposed decision of the service manager on an interim basis pending the completion of the review.

"4. If an agreement referred to in paragraph 3 is entered into, the review body shall not consider the agreement as a factor when making its decision, but shall include in its decision any steps that may be necessary as a result of action taken on an interim basis pursuant to the agreement.

"5. The right to request the review of the decision does not affect any rights a housing provider may have with respect to the service manager's decision-making process.

"6. The right to request the review and the results of the review do not limit or otherwise affect the housing provider's other rights and remedies."

In terms of explanation, this is something that has been asked for by a number of the deputants who came before us. The new act really doesn't detail how service manager decisions can be eligible for review. They are prescribed in regulation. Certainly, housing providers, in terms of evening up the playing field, need to have a chance to review the reviewer. That's really the essence of this. We don't want it left up to regulation. Who knows what that will look like? This needs to be embodied in the bill.

The Chair (Mr. Lorenzo Berardinetti): Thank you. I'm having trouble hearing. We're just trying to get them through as fast as possible and as thoroughly as possible. Any further discussion or debate? Ms. Savoline.

Mrs. Joyce Savoline: The devil is always in the details and the devil is the regulations. I think that what this amendment does is it lists what can be reviewed right in the legislation. I think that is a little bit more predictable. So rather than leave it up to regulation, I will support this amendment.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion? None? We'll put the motion to a vote. All those in favour of the motion? All those opposed? The motion does not carry.

Shall section 177 of schedule 1 carry? All those in favour? All those opposed? That carries.

There are no amendments for section 158, so I'll put the question. Shall section 158 of schedule 1 carry? All those in favour? All those opposed? The section carries.

We'll move to section 158.1. It's a new section and the motion is on page 71. It's an NDP motion. Ms. DiNovo.

Ms. Cheri DiNovo: I move that schedule 1 to the bill be amended by adding the following section:

"Rules for reviews requested by housing providers

"159.1(1) The following rules apply in respect of a decision of a service manager for which a housing provider may request a review under section 157:

"1. Before the service manager implements the decision that may be reviewed under section 157, it shall give the housing provider a copy of the decision.

"2. The housing provider may notify the service manager in writing, within 60 days after the service manager gives a copy of the decision to the housing provider, of the housing provider's desire to submit the decision for review by an arbitration board.

"3. The notice from the housing provider must contain the name of the housing provider's nominee to the arbitration board.

"4. Within 10 days after receipt of the notice from the housing provider, or such further time as is agreed to by the parties, the service manager shall inform the housing provider of the name of its nominee to the arbitration board.

"5. Within 20 days after the appointment of the service manager's nominee, or such further time as is agreed to by the two nominees, the two nominees shall appoint a third person to the arbitration board as its chair.

"6. If the service manager does not appoint a nominee or the two nominees do not appoint the third member as required under this section, the minister shall, on the request of either the housing provider or the service manager, make the appointment from a list of qualified arbitrators maintained by the minister.

"7. On the request of either party, and with the consent of the other party, the minister may appoint a settlement officer to endeavour to effect a settlement before the arbitration board begins to hear the arbitration.

"8. If a settlement is not achieved or no settlement is requested under paragraph 7, the arbitration board shall,

"i. conduct the arbitration in accordance with the regulations or, if regulations under subsection (2) are not made, under the Arbitration Act, 1991, and

“ii. issue a written decision with reasons to the parties within 30 days after completion of the board’s hearings.

“9. The decision of the arbitration board is final and binding on the housing provider and the service manager.

“10. The decision of a majority is the decision of the arbitration board but, if there is no majority, the decision of the chair governs.

“11. Each party shall pay the remuneration and expenses of its nominee to the arbitration board and one half of the remuneration and expenses of the chair of the arbitration board, regardless of whether the members of the arbitration board were appointed by the parties or the minister.

“12. If a housing provider is in receivership, or otherwise not in control of the housing project, the board of directors of the housing provider may act in the place of the housing provider under this section and may retain counsel to advise them and to represent the housing provider at the expense of the housing provider.

“13. A person appointed as a director of the housing provider by the service manager is deemed not to be a director for the purpose of paragraph 12, and a person removed as a director by the service manager is deemed to be a director for the purpose of paragraph 12.

“14. If the service manager has appointed or removed any directors of the housing provider and a quorum of directors does not remain in office after applying paragraph 13, the deadline referred to in paragraph 2 is extended by 30 days to permit new directors to be elected.

“Regulations

“(2) The Lieutenant Governor in Council may make regulations prescribing rules of procedure for arbitration boards constituted under this section, including rules relating to,

“(a) the nature of the proceeding;

“(b) the time and manner of giving notices;

“(c) the disclosure of documents and the provision of particulars and copies of documents in advance of the hearing;

“(d) the fixing of dates for hearings;

“(e) the manner of adducing evidence;

“(f) the administration of oaths and affirmations;

“(g) the right to make oral submissions;

“(h) the funding of counsel.”

The reason for this amendment: Again, we don’t want to leave this up to regulation. Who knows what will happen there? It’s recommended by CHF and other housing deputants who provide affordable housing to folk.

This committee should recognize how incredibly expensive it is to litigate matters, and there should be some kind of alternative to litigation, particularly where very valuable housing dollars are being used. That’s not the purpose of housing dollars, to be used in litigation. There’s got to be some other way than litigating when there are disagreements. So that’s the reason.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Any debate? None. So we will vote on the motion. All in favour of the motion?

Interjection.

The Chair (Mr. Lorenzo Berardinetti): Actually, I should be saying—it is a new section. So, shall new section 158.1 carry? All those in favour? Opposed? It’s lost. It does not carry.

We’ll move, then, to section 159. There are no motions here, so I’ll just put the question. Shall section 159 of schedule 1 carry? All those in favour? Opposed? Carried.

Then we move to section 160. There’s an NDP motion on page 72. Ms. DiNovo?

Ms. Cheri DiNovo: I move that section 160 of schedule 1 to the bill be amended by striking out the definition of “transfer”.

This is, again, part of the deputation of just about every stakeholder who provides or is interested in affordable housing. We want to do everything possible to prevent privatization of our very scarce housing stock. This is one of the safeguards.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? None? So I’ll put the question: Shall the motion carry? All those in favour? Opposed? That does not carry.

Shall section 160 of schedule 1 carry? All those in favour? Opposed? That carries.

We’ll move to section 161, page 73; an NDP motion. Ms. DiNovo?

Ms. Cheri DiNovo: It’s almost identical. I move that subsection 161(2) of schedule 1 to the bill be amended by striking out “transfer”—yet again.

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The Chair (Mr. Lorenzo Berardinetti): Any discussion?

Ms. Cheri DiNovo: The same as the last time.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion? None? We’ll vote on the motion. All those in favour of the motion? Opposed? That does not carry.

The next motion is number 74. It’s a government motion. Ms. Cansfield.

Mrs. Donna H. Cansfield: I move that subsection 161(2) of schedule 1 to the bill be amended by striking out “transfer, mortgage” and substituting “mortgage”.

The government motion is part of a group of motions that would require ministerial consent prior to the transfer of a housing project.

The Chair (Mr. Lorenzo Berardinetti): Any debate? Ms. DiNovo.

Ms. Cheri DiNovo: It’s better than nothing, but we would like to see stronger safeguards put in place. We’re going to support it.

The Chair (Mr. Lorenzo Berardinetti): We’ll put the motion to a vote. All those in favour? Opposed? That carries.

We’ll go to page 75. It’s a government motion. Ms. Cansfield.

Mrs. Donna H. Cansfield: I move that section 161 of schedule 1 to the bill be amended by adding the following subsection:

“Consent required

“(2.1) A person may transfer the real property only with the written consent of the minister.”

The Chair (Mr. Lorenzo Berardinetti): Discussion? Ms. DiNovo.

Ms. Cheri DiNovo: Here’s our problem: devil and deep blue sea. We don’t think there should be a transfer allowed at all. Is it better that somebody has some oversight over it? I suppose so. What to do? It’s like the question of what to do with the entire bill, really. Again, I’m going to support it, only because we didn’t get what was really needed but this is better than nothing.

The Chair (Mr. Lorenzo Berardinetti): We’ll take a vote on the motion. All those in favour of the motion? Opposed? The motion carries.

We’ll go to the next motion, page 76. It’s a government motion. Ms. Cansfield.

Mrs. Donna H. Cansfield: I move that section 161 of schedule 1 to the bill be amended,

(a) by striking out “subsection (2)” in subsection (3) and substituting “subsections (2) and (2.1)”; and

(b) by striking out “subsection (2)” wherever it appears in paragraphs 1 and 3 of subsection (4) and substituting in each case “subsection (2) or (2.1)”.

This is really a technical motion, and it’s a reference to a cross-reference. It’s a technical change, and it’s part of the group of motions that would require ministerial consent prior to the transfer of a housing project.

The Chair (Mr. Lorenzo Berardinetti): Any discussion or debate? None? We’ll put the motion to a vote. All those in favour of the motion? Opposed? The motion carries.

We’ll go to page 77. It’s an NDP motion. Ms. DiNovo.

Ms. Cheri DiNovo: In a sense, it’s probably out of order, but I’ll read it anyway.

I move that subsection 161(5) of schedule 1 to the bill be amended by striking out “transfers”.

Again, our concern is about privatization.

The Chair (Mr. Lorenzo Berardinetti): Any discussion? We’ll put the motion to a vote. All those in favour of the motion? Opposed? That does not carry.

We’ll go to page 78, a government motion. Ms. Cansfield.

Mrs. Donna H. Cansfield: I move that subsection 161(5) of schedule 1 to the bill be struck out and the following substituted:

“Consent for all future mortgages, etc.

“(5) The service manager may give a written consent, for the purposes of subsection (2), for all future mortgages and developments and the following apply with respect to such a consent:

“1. Where such a consent is given, subsection (2) ceases to apply in respect of the real property.

“2. The consent must be registered, in the form approved by the minister, under the Registry Act or the Land Titles Act.

“Consent for all future transfers, etc., minister:

“(5.1) The minister may give a written consent, for the purposes of subsection (2.1), for all future transfers and the following apply with respect to such a consent:

“1. Where such a consent is given, subsection (2.1) ceases to apply in respect of the real property.

“2. The consent must be registered under the Registry Act or the Land Titles Act.”

It’s part of the group of motions requiring ministerial consent, and it’s technical.

The Chair (Mr. Lorenzo Berardinetti): Any discussion or debate? None? We’ll vote on the motion. All those in favour of the motion? Opposed? The motion carries.

We’ll go to page 79, another government motion.

Mrs. Donna H. Cansfield: I move that paragraphs 1 and 2 of subsection 161(6) of schedule 1 to the bill be amended by striking out “subsection (2)” wherever it appears and substituting in each case “subsections (2) and (2.1)”.

Again, it’s a technical change to a cross-reference.

The Chair (Mr. Lorenzo Berardinetti): Any discussion? We’ll vote on the motion. All those in favour of the motion? Opposed? The motion carries.

I’ll put the question regarding section 161. Shall section 161 of schedule 1, as amended, carry? All those in favour? Opposed? That carries.

Moving to section 162 now: On page 80, there’s an NDP motion. Ms. DiNovo.

Ms. Cheri DiNovo: I move that subsection 162(2) of schedule 1 to the bill be amended by striking out “transfer or”.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Any discussion?

Ms. Cheri DiNovo: Yes. Again, this is about privatization. I would warn my colleagues on the other side that even with ministerial oversight of this, if there’s no commitment to retaining social housing and not transferring out—a very serious commitment—who knows, after the next election, who the housing minister will be and what their ideological position will be, so it’s pretty scary. That’s why we need stronger language.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion on the motion? We’ll put it to a vote then. Shall the motion on page 80 carry? All those in favour? Opposed?

It was a tie vote. It was 3 to 3, so let me do this one more time.

We’re on page 80. The motion is moved by Ms. DiNovo. All those in favour of the motion? Opposed?

Mrs. Donna H. Cansfield: Come on, guys, we’re in favour.

Ms. Cheri DiNovo: You’re kidding. I’m shocked.

The Chair (Mr. Lorenzo Berardinetti): The motion carries.

Page 81 is a government motion. Ms. Cansfield.

Mrs. Donna H. Cansfield: We will be withdrawing this motion because motion 80 is passed, and it’s identical to the motion approved previously.

The Chair (Mr. Lorenzo Berardinetti): Thank you. We'll move to page 82. It's an NDP motion. Ms. DiNovo.

Ms. Cheri DiNovo: I move that subsection 162(2) of schedule 1 be amended by adding at the end "and the consent of the minister".

The Chair (Mr. Lorenzo Berardinetti): Any discussion?

Mrs. Donna H. Cansfield: Obviously we support a number of ministerial consents, but we don't require this on mortgages. So we will not be supporting it.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Any further debate? I'll put the question. Shall the motion carry? All those in favour? Opposed? That does not carry.

We'll go to page 83. It's a government motion. Ms. Cansfield.

Mrs. Donna H. Cansfield: I move that section 162 of schedule 1 to the bill be amended by adding the following subsection:

"Same, minister

"(2.1) The housing provider may transfer the housing project or the land where it is located only with the written consent of the minister."

The Chair (Mr. Lorenzo Berardinetti): Any discussion? Ms. DiNovo.

Ms. Cheri DiNovo: Again, we're extremely concerned, as are many stakeholders who want to see affordable housing, that this Bill 140 is a move to privatization. Again, I warn my colleagues opposite, who knows who the housing minister's going to be after October 6 or, for that matter, in the future? We need something stronger to prevent privatization than simply ministerial oversight, although that's usually a good thing.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion? No? We'll put the motion to a vote then. All those in favour of the government motion on page 83? Opposed? The motion carries.

We'll go then to page 84. It's a government motion.

Mrs. Donna H. Cansfield: I move that section 162 of schedule 1 to the bill be amended,

(a) by striking out "subsection (2)" in subsection (3) and substituting "subsection (2) or (2.1)";

(b) by striking out "subsection (2)" in paragraph 1 of subsection (4) and substituting "subsections (2) and (2.1)"; and

(c) by striking out "subsection (2)" in paragraph 2 of subsection (4) and substituting "subsections (2) and (2.1)".

It's a technical cross-reference again.

The Chair (Mr. Lorenzo Berardinetti): Any debate? None? We'll take a vote on the motion on page 84. All those in favour of the motion? Opposed? The motion carries.

Then I'll put the question. Shall section 162 of schedule 1, as amended, carry? All those in favour? Opposed? Carried.

We'll go, then, to section 163 of schedule 1. On page 85, there's a government motion. Ms. Cansfield.

1630

Mrs. Donna H. Cansfield: I move that subsection 163(1) of schedule 1 to the bill be amended by striking out "at least 10 days before" and substituting "within 10 days of".

This government motion would require that a service manager, once they've decided to consent to a mortgage of a housing project, has to inform the minister within 10 days in writing of such a decision.

The Chair (Mr. Lorenzo Berardinetti): Any discussion? None? We'll take a vote on the motion. All those in favour of the motion? Opposed? The motion carries.

Shall section 163 of schedule 1, as amended, carry? All those in favour? Opposed? Carried.

There are no amendments for section 164, so I have to put the question. Shall section 164 of schedule 1 carry? All those in favour? Opposed? Carried.

We'll go to section 165. That's a government motion on page 86. Ms. Cansfield.

Mrs. Donna H. Cansfield: I move that section 165 of schedule 1 to the bill be amended,

(a) by striking out "subsection 161(2) or 162(2)" in subsection (1) and substituting "subsection 161(2) or (2.1) or 162(2) or (2.1)"; and

(b) by striking out "subsection 161(2)" in subsection (2) and substituting "subsection 161(2) or (2.1)".

Again, it's a cross-referenced technical amendment.

The Chair (Mr. Lorenzo Berardinetti): Any discussion? We'll put the motion to a vote. All those in favour of the motion? Opposed? The motion carries.

Shall section 165 of schedule 1, as amended, carry? All those in favour? Opposed? That carries.

We'll go to the next motion on page 87. It's a government motion. Ms. Cansfield.

Mrs. Donna H. Cansfield: I move that subsection 166(8) of schedule 1 to the bill be amended by striking out "at least 10 days before" and substituting "within 10 days of".

This government motion would require that a service manager, once they've decided to consent to a corporate change of a housing provider, must inform the minister within 10 days in writing of such a decision.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Any discussion or debate? We'll take a vote on the motion. All those in favour of the motion? Opposed? The motion carries.

Then I'll ask the question: Shall section 166 of schedule 1, as amended, carry? All those in favour? Opposed? It carries.

Section 167 has no amendments—sorry, there are whole sections here. There are no amendments between sections 167 and 181, so I'll group the question together. Shall section 167 to section 181 carry? All those in favour? Opposed? That carries.

That brings us to section 182. The government has a motion on page 88. Ms. Cansfield.

Mrs. Donna H. Cansfield: I move that clause 182(a) of schedule 1 to the bill be amended by striking out "section 37".

The motion would remove reference to section 37 of the bill since, as a result of another proposal, if it's accepted by the standing committee, section 37 would cease to exist.

The Chair (Mr. Lorenzo Berardinetti): Any other debate? None? We'll take a vote, then, on the motion. All those in favour? Opposed? The motion carries.

The next motion is on page 89. It's an NDP motion. Ms. DiNovo.

Ms. Cheri DiNovo: I move that clause 182(a) of schedule 1 to the bill be amended by striking out "or section 80 or 164" and substituting "or section 164".

This is again probably out of order since the other motions were voted down.

The Chair (Mr. Lorenzo Berardinetti): Are you withdrawing it?

Ms. Cheri DiNovo: Sure, I'll withdraw.

The Chair (Mr. Lorenzo Berardinetti): Thank you. I'll put the question: Shall section 182 of schedule 1, as amended, carry? All those in favour? Opposed? It carries.

The next motion that comes up—let me do the sections here. There are no amendments from section 183 all the way to section 187. I'll put the question: Shall sections 183 to 187 be carried? All those in favour? Opposed? Carried.

Then we go to section 188. On page 90, there's an NDP motion. Ms. DiNovo.

Ms. Cheri DiNovo: I move that subsection 188(3) of schedule 1 to the bill be struck out and the following substituted:

"(3) Section 203 of the act is repealed and the following substituted:

"Determinations related to housing assistance

"(203) The board may make determinations or review decisions concerning,

"(a) eligibility for rent-g geared-to-income assistance as defined in the Housing Service Act, 2010 or the amount of geared-to-income rent payable under that act; or

"(b) eligibility for, or the amount of, any prescribed form of housing assistance."

The Chair (Mr. Lorenzo Berardinetti): Any discussion or debate?

Ms. Cheri DiNovo: Yes. This is from ACTO, but it's not only from ACTO. We're all very aware of the Al Gosling situation and the LeSage review. This was asked for by that review, that there be some way of reviewing and of making more transparent the rules under which rent-g geared-to-income is enforced. We definitely need a review. That's why we need this.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion? None? We'll put the motion to a vote. All those in favour of the motion? Opposed? It does not carry.

I'll put the question: Shall section 188 of schedule 1 carry? All those in favour? Opposed? The section carries.

Sections 189 and 190 have no amendments, so we'll put them together. Shall sections 189 and 190 carry? All those in favour? Opposed? That carries.

Now we go to schedule 1, as amended, the whole schedule. Shall schedule 1, as amended, carry? All those in favour? Those opposed? That carries.

Now we'll go on to schedule 2. Shall section 1 of schedule 2 carry? All those in favour? Opposed? That carries.

Now we get to schedule 2, section 2. There is a motion on page 91. Ms. DiNovo.

Ms. Cheri DiNovo: I move that section 2 of schedule 2 to the bill be amended by adding the following subsection:

"(2) Section 16 of the act is amended by adding the following subsection:

"Inclusionary housing policies

"(4) Without limiting what an official plan is required to or may contain under subsection (1) or (2), an official plan may contain policies that authorize a required percentage of residential housing units in all new housing developments in the municipality be affordable to low and moderate income households."

The Chair (Mr. Lorenzo Berardinetti): Any discussion?

Ms. Cheri DiNovo: Oh, boy, there is, yes. Just about every deputation supported inclusionary zoning. This very government supported inclusionary zoning. In fact, Dwight Duncan, to quote him, said he was supportive of it and wanted to do it right. The parliamentary assistant, Donna Cansfield, at second reading in the House, supported it. That was Bill 58, my bill calling for inclusionary zoning.

Let me be very, very clear about what that bill did. It was not prescriptive at all. It was a very small bill that just opened up the Planning Act and allowed municipalities, if they so chose—that's so important, if they choose—to bring in inclusionary zoning requirements. That's the only thing my bill did.

Unfortunately, it was buried at committee. It wasn't allowed to get to committee. That's very sad. But here's a chance, now that we've opened up this again with Bill 140, to do it right.

Really, all we're suggesting, again, not prescriptively—and remember, my Bill 58 got strong support from municipalities across Ontario. Even those that may not want to enact inclusionary zoning wanted the ability to look at it and do so if they so chose in the future. Inclusionary zoning is at work in a number of American jurisdictions and around the world. It's a tax-free way of providing affordable housing. In fact, we looked at the number of new developments—let's say a municipality decided to enact it at the rate of 10% for developments over 50 units. Even that, a very conservative estimate, would have provided about 13,000 new units of affordable housing per year during the mandate of this government. That would have gone a long way without spending a tax dollar to providing affordable housing.

Certainly, it's working in other jurisdictions. We've got proof of that, if anybody is interested. We had support from the House, and we've had support from

municipalities. Now I'm looking for support from the committee to make this an option.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion?

1640

Mrs. Donna H. Cansfield: I'd just like to share that under section 37, currently there is provision for inclusionary housing, and that is negotiation. I think it's Councillor Adam Vaughan who has actually used that section to have that occur now. Because we have section 37, which works to that end, we will not be supporting the amendments for inclusionary housing.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Ms. DiNovo?

Ms. Cheri DiNovo: Yes, I beg to differ. Section 37 dollars—Adam Vaughan is a huge supporter of Bill 58; he was here at the launch and supports it. Section 37 is simply monies to negotiate between a city councillor and a developer. It has nothing to do with housing necessarily; it has nothing to do with inclusionary zoning. The city knows that. In fact, Hazel McCallion said she wanted Bill 58 to be able to bring in inclusionary zoning. Certainly, Adam Vaughan would want inclusionary zoning and would argue that section 37 does not in any way address the need for affordable housing. There's no prescription whatsoever.

In fact, the section 37 dollars in my particular riding that have been negotiated with councillors have been used for everything from a fountain to steps in High Park. There's no mandate for housing, period. There's certainly no mandate for inclusionary housing. The two are apples and oranges; they don't relate whatsoever. Instead of having this be just almost private negotiation between a councillor and a developer, which I think is problematic, this would open it up and allow municipalities to make this transparent and to mandate that any dollars go to housing.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Any further discussion? None? I'll put the motion to a vote. All those in favour of the motion? All those opposed? The motion does not carry.

Shall section 2 of schedule 2 carry? All those in favour? Opposed? That carries.

We'll move now to schedule 2, section 3. The first motion is an NDP motion, but they are tied in with what you just said. You can read them into the record if you want to—

Ms. Cheri DiNovo: Unfortunately, now that Donna Cansfield, David Zimmer, Reza Moridi, Mike Colle and Bas Balkissoon have all voted against inclusionary zoning, the next amendments, numbers 92, 93, 94 and 95—

Mr. Mike Colle: You left out Joyce.

Ms. Cheri DiNovo: And Joyce; sorry.

Mrs. Joyce Savoline: Cheri doesn't look right.

Laughter.

Ms. Cheri DiNovo: There's some truth to that.

Numbers 92, 93, 94, 95 and, unfortunately, 96, would all be, I would think, out of order since they all relate

back to my original motion; a sad, sad, sad day for housing in Ontario.

The Chair (Mr. Lorenzo Berardinetti): Are you withdrawing those motions, then?

Ms. Cheri DiNovo: Yes.

The Chair (Mr. Lorenzo Berardinetti): Thank you. There are now no amendments. Shall section 3 of schedule 2 carry? All those in favour? Opposed? Carried.

Shall section 4 of schedule 2 carry? Carried.

Shall section 5 of schedule 2 carry? All those in favour? Carried.

Shall section 6 of schedule 2 carry? All those in favour? Carried.

There are no amendments to sections 7 and 8. Shall sections 7 and 8 of schedule 2 carry? All those in favour? Carried.

Shall schedule 2 carry? Carried.

Let me go on to schedule 3, section 1. Shall section 1 of schedule 3 carry? All those in favour? Carried.

Now we move to schedule 3, section 2. There's a notice, 97. Ms. DiNovo, would you like to speak to that notice?

Ms. Cheri DiNovo: Yes. Legislative counsel might want to weigh in here. Unfortunately, I think this is probably also out of order. Again, this relates back to—I'll read it first. We can take it on from there.

"The New Democratic Party recommends voting against section 2 of schedule 3 to the bill.

"Reason for notice rather than motion: If the committee wishes to remove an entire section from the bill, the rules of parliamentary procedure require that the committee vote against the section, rather than pass a motion to delete it."

Again, we're very concerned. I look at the LeSage Review and I also look at the death of Mr. Gosling, and our ACTO submissions. We think that this should be removed in its entirety. We think that the Residential Tenancies Act needs to be opened up. It hasn't been.

The Chair (Mr. Lorenzo Berardinetti): Any debate on this section? Ms. Cansfield.

Mrs. Donna H. Cansfield: We'll be voting in favour of section 2 of schedule 3 to the bill.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? No? So then I'll put the question. Shall section 2 of schedule 3 carry? All those in favour? Opposed? That's carried.

We'll move on to—

Ms. Cheri DiNovo: Sorry, Chair, did you say "opposed"—

The Chair (Mr. Lorenzo Berardinetti): I'll do it again, but I think—I'll go forward, then, and do it one more time, with the permission of the committee.

Shall section 2 of schedule 3 carry? All those in favour? Opposed? Carried.

Then we'll move to schedule 3, section 3. On page 98 there's a motion. Ms. DiNovo.

Ms. Cheri DiNovo: I move that section 3 of schedule 3 to the bill be amended by striking out subsection (2).

Again, this relates back—

The Chair (Mr. Lorenzo Berardinetti): Any debate? Discussion? Ms. Cansfield.

Mrs. Donna H. Cansfield: This would actually remove the ability of the province to restrict through regulations the types of matters that could be heard by the Landlord and Tenant Board staff members, so we will not be supporting this motion.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion?

Ms. Cheri DiNovo: It goes back to what I've already said about landlord/tenant relations.

The Chair (Mr. Lorenzo Berardinetti): We'll put the motion to a vote. All those in favour of the motion? All those opposed? That does not carry.

Shall section 3 of schedule 3 carry? All those in favour? Opposed? That's carried.

Shall section 4 of schedule 3 carry? All those in favour? Opposed? That carries.

Shall schedule 3 carry? All those in favour? That carries.

We have to go back for one moment, because we held down those first three sections. They were stood down. I'll put the questions now. We'll have the clerk explain it.

The Clerk Pro Tem (Mr. Trevor Day): The committee stood down the actual first three sections of the bill. We've been dealing with schedules all this time. We're going to go back and do sections 1, 2 and 3 of the bill, then the title and then the rest of it. So we're going to go back to the sections of the bill at this point.

The Chair (Mr. Lorenzo Berardinetti): We'll do section 1 first. There are no amendments to sections 1, 2 and 3, so I'll put them together. Shall sections 1, 2 and 3 carry? All those in favour? Carried.

Shall the title of the bill carry? All those in favour? Carried.

Shall Bill 140, as amended, carry? All those in favour? Opposed—

Ms. Cheri DiNovo: Excuse me, Mr. Chair. Discussion?

The Chair (Mr. Lorenzo Berardinetti): Ms. DiNovo.

Ms. Cheri DiNovo: Again, just to reiterate a few key points here—and we will want to take this back in the New Democratic Party and caucus the bill to see whether the good outweighs the bad in terms of voting for the bill as a whole. I'm not going to make that decision today.

Suffice to say that the bill as passed, without the amendments that I put forward, puts the Ontario government in breach of international law and the UN, as stated by the rapporteur from the UN, and certainly does not provide any housing. It makes us worst, 10th out of 10 of all the provinces in Canada in terms of investment.

It's a very sad day when not even inclusionary zoning can get a nod by this government, a very sad day for tenants, a very sad day for those who live in co-ops, a sad day for those who live in affordable housing—what's left of it. Some of the provisions of this bill will more easily give way to privatization, especially under administrations like the kind we have in Toronto right now. A sad, sad day.

I'll caucus the bill. I don't know if there's enough salvageable to vote for or not. Just for the record, it's very clear to me and it should be clear to all of Ontario that this is not a government that supports affordable housing in any way, shape or form.

Thank you, Mr. Chair.

The Chair (Mr. Lorenzo Berardinetti): Shall Bill 140, as amended, carry? All those in favour? Opposed? Carried.

Shall I report the bill, as amended, to the House? All those in favour? Opposed? Carried.

We're adjourned.

The committee adjourned at 1650.

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