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**Official Report
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Monday 16 April 2012

**Journal
des débats
(Hansard)**

Lundi 16 avril 2012

**Standing Committee on
Social Policy**

Hawkins Gignac Act (Carbon
Monoxide Detectors), 2012

**Comité permanent de
la politique sociale**

Loi Hawkins Gignac de 2012
(détecteurs de monoxyde
de carbone)

Chair: Ernie Hardeman
Clerk: Katch Koch

Président : Ernie Hardeman
Greffier : Katch Koch

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Monday 16 April 2012

Lundi 16 avril 2012

The committee met at 1410 in committee room 1.

The Clerk of the Committee (Mr. Katch Koch): Good afternoon, honourable members. It is my duty to call upon you to elect an Acting Chair. Are there any nominations?

Mr. Ernie Hardeman: I move that Sylvia Jones be Acting Chair for this meeting.

The Clerk of the Committee (Mr. Katch Koch): Are there further nominations? There being no further nominations, I declare Ms. Jones elected as Acting Chair of the committee.

The Acting Chair (Ms. Sylvia Jones): Fastest election I've ever gone through.

HAWKINS GIGNAC ACT (CARBON
MONOXIDE DETECTORS), 2012
LOI HAWKINS GIGNAC DE 2012
(DÉTECTEURS DE MONOXYDE
DE CARBONE)

Consideration of the following bill:

Bill 20, An Act to amend the Building Code Act, 1992 to require carbon monoxide detectors in certain residential buildings / Projet de loi 20, Loi modifiant la Loi de 1992 sur le code du bâtiment pour exiger l'installation de détecteurs de monoxyde de carbone dans certains immeubles d'habitation.

The Acting Chair (Ms. Sylvia Jones): Okay, it is my pleasure to start the Standing Committee on Social Policy for Monday, April 16. We are here to discuss clause-by-clause consideration for Bill 20, An Act to amend the Building Code Act, 1992 to require carbon monoxide detectors in certain residential buildings.

Are there any comments, questions or amendments to any section of the bill, and if so, to which section?

Mr. Ernie Hardeman: I move that section 1 of the bill be struck out and the following substituted:

“(1) Part IV of the Fire Protection and Prevention Act, 1997 is amended by adding the following section:

“Carbon monoxide detectors

“12.1(1) In this section,

““appliance,” “building,” “residential occupancy,” “service room” and “suite” have the same meaning as in the fire code”—

The Acting Chair (Ms. Sylvia Jones): Mr. Hardeman, I'm sorry to interrupt, but it is unfortunately my duty to inform—

The Clerk of the Committee (Mr. Katch Koch): He has to finish reading.

The Acting Chair (Ms. Sylvia Jones): The whole thing? Sorry.

Mr. Ernie Hardeman: My apologies for—

The Acting Chair (Ms. Sylvia Jones): I was trying to save you some time.

Mr. Ernie Hardeman: —““storage garage” has the same meaning as in the building code as defined in the Building Code Act, 1992....

“Application

“(2) This section applies to a building only if,

“(a) the building contains one or more suites designed for residential occupancy; and

“(b) a fuel-burning appliance is installed in the building or the building contains a storage garage.

“Installation and maintenance

“(3) The owner of a building shall ensure that carbon monoxide detectors are installed in the building in accordance with this section and are maintained in operating condition.

“Location

“(4) If a building contains only one suite designed for residential occupancy, a carbon monoxide detector shall be installed adjacent to each sleeping area in the suite.

“Same, more than one suite.

“(5) If a building contains more than one suite designed for residential occupancy, a carbon monoxide detector shall be installed,

“(a) adjacent to each sleeping area in a suite in the building if,

“(i) a fuel-burning appliance is installed in the suite,

“(ii) a fuel-burning appliance is installed in a service room that is adjacent to the suite, or

“(iii) a storage garage contained in the building is located adjacent to the suite; and

“(b) in the service room, if a fuel-burning appliance is installed in a service room that is not located in any of the suites.

“Installation requirements

“(6) A carbon monoxide detector required by this section shall,

“(a) be permanently connected to an electrical circuit and shall have no disconnect switch between the overcurrent device and the carbon monoxide detector;

“(b) be wired so that its activation will activate all carbon monoxide detectors in the suite, if the detector is

located in a suite that is used for residential occupancy; and

“(c) conform to document number CAN/CSA-6.19 issued by the Canadian Standards Association and entitled “Residential Carbon Monoxide Alarming Devices,” as it is amended from time to time, and whatever other standards are prescribed.

“Pre-2001 buildings

“(7) In the case of a building that existed on August 6, 2001, or for which a permit was issued under the Building Code Act, 1992, on or before that day, a battery-operated carbon monoxide detector or a carbon monoxide detector that is plugged into an electrical circuit in the building is deemed to comply with clauses (6)(a) and (b).

“Instructions for tenants

“(8) If a building contains rental units, the landlord shall provide a copy of the maintenance instructions of the manufacturer of the carbon monoxide detector or a prescribed alternative to the tenant in each of the rental units.

“Disabling not permitted

“(9) No person shall intentionally disable a carbon monoxide detector required by this section so as to make it inoperable.

“Conflict

“(10) In the event of a conflict between this section and any other act, any regulation made under any act or any municipal bylaw, this section prevails.”

“1.1 Subsection 78(1) of the act is amended by adding the following clauses:

“(i.1) specifying standards for carbon monoxide detectors;

“(i.2) specifying alternatives for the purpose of subsection 12.1(8);”

The Acting Chair (Ms. Sylvia Jones): Mr. Hardeman, I unfortunately must communicate to you, as Chair, that the amendment proposes to amend a statute that we are currently not discussing with Bill 20, and therefore I must rule your motion out of order.

Mr. Ernie Hardeman: Madam Chair, I would ask for unanimous consent to leave it in order.

The Acting Chair (Ms. Sylvia Jones): Do we have unanimous consent?

Mr. Kevin Daniel Flynn: Just so we’re clear, Madam Chair: We’re changing the name of the bill. Is that right?

The Acting Chair (Ms. Sylvia Jones): Correct.

Mr. Ernie Hardeman: There will be another amendment coming forward for that, separate from the bill.

The Acting Chair (Ms. Sylvia Jones): Okay, covering that hurdle, do we have any comments, questions or amendments to any of the sections that Mr. Hardeman made reference to?

Ms. Dipika Damerla: I just had a clarification. On page 2, “location,” clause (4): Is it the assumption that if there is only one suite it will have a fuel-burning appliance? Because it doesn’t mention that specifically.

Mr. Ernie Hardeman: What was the question? If it’s—

Ms. Dipika Damerla: So under “location,” when I look at number (4), it says, “If a building contains only one suite designed for residential occupancy, a carbon monoxide detector shall be installed...,” but it doesn’t say that it has to have a fuel-burning device—it doesn’t clarify whether it needs to have one or not, so it seems different from (5), where you actually say, it’s a residential unit but has—

Mr. Ernie Hardeman: I think in clause (4) that’s to cover only single-family residences, where it must be located near the sleeping area.

Ms. Dipika Damerla: Must be located—

Mr. Ernie Hardeman: The carbon monoxide detector must be located in the sleeping area, so if you were asleep, you would know—it would go off.

Ms. Dipika Damerla: Even if there was no fuel-burning device in the suite?

Mr. Ernie Hardeman: If you look at number (5)—this is the one that deals with the letter that was mailed by the rental association—it’s multiple suites, and then that could be different; there could be 100 suites. Then, where they have to be located is more predicated on where the heating appliance is in the building than where the residences are. But if it’s a single unit—single residence, single suite—then it must be in the area of the sleeping area, the same as smoke detectors are.

Ms. Dipika Damerla: My question wasn’t around the location of the detector but the prerequisite for putting in a detector, because it appears that for everything else, the prerequisite also is that there must be a fuel-burning device in that suite, but for number (4)—

The Acting Chair (Ms. Sylvia Jones): If I may, Ms. Damerla, I believe legislative counsel can enlighten us a bit.

Mr. Michael Wood: Michael Wood, legislative counsel. I think I can assist in this regard. The member should also look at subsection (2) of the new section 12.1; it says, “This section applies to a building only if” (a) and (b). So the test of (b) has to be met in order for the new section 12.1 to apply to a building, and that says that either you have a fuel-burning appliance installed in the building or the building contains a storage garage.

Ms. Dipika Damerla: Okay. I get that. I just didn’t understand why in one—all right. It’s covered off, but it seems—

Mr. Ernie Hardeman: My apologies. I should have looked at one sooner.

The Acting Chair (Ms. Sylvia Jones): Any other comments or questions? Are the members prepared to vote? All those in favour of the amendment, as presented by Mr. Hardeman?

Mr. Kevin Daniel Flynn: Okay, just so I’m clear: I think we’re going to support everything you want to do, Ernie. Madam Chair, when are we changing the name of the bill?

Mr. Ernie Hardeman: Right after this. This is section 1—

Mr. Kevin Daniel Flynn: So we’re going to do the amendments first and then change the name of the bill? And that’s in order?

Mr. Ernie Hardeman: As I started reading the amendment, it was to section 1 of the bill. So this is all part of section 1. If section 1 passes, the next motion would be to rename the bill.

1420

The Acting Chair (Ms. Sylvia Jones): Are the members prepared to vote on the amendment? All those in favour? All those opposed? I deem the amendment carried.

Shall section 1, as amended, carry? Carried.

Are there any amendments on section 2? Shall section 2 carry? Carried.

Are there any amendments on section 3? Shall section 3 carry? Carried.

And, finally, the long title for Bill 20. Mr. Hardeman, I'm going to guess you have an amendment.

Mr. Ernie Hardeman: Madam Chair, I move that the long title of the bill be struck and the following substituted:

“An Act to amend the Fire Protection and Prevention Act, 1997 to require carbon monoxide detectors in certain residential buildings.”

The Acting Chair (Ms. Sylvia Jones): Are there any comments, questions or amendments to this section? Mr. Flynn.

Mr. Kevin Daniel Flynn: I'd just like to commend the member for his tenacity in getting it to this point. It appears that you're going to get your way, finally, and I think that we should point that out—you've been after this a long time—and also congratulate the other members of the committee for the co-operative way in which we've dealt with this at committee when the amendments came forward. I think it's something that many people would like to see a lot more of around here. I just thought that needed to be said, Ernie, and congratulations.

The Acting Chair (Ms. Sylvia Jones): Mr. Hardeman.

Mr. Ernie Hardeman: I, too, want to thank all the members of the committee because though it seems very simple to ask for unanimous consent to change the bill, I would point out that, through the good graces of the committee, in fact this is now a totally different bill than what we had second reading on in the House because of the fact that it totally reverts to a different bill.

Having said that, I do want to point out that the intent of the bill, which, according to the rules of the House, the committee cannot change, is as accurate today as it was the first time I introduced it and put it through, which was to require carbon monoxide detectors in all residential buildings and to have a way to enforce it. The previous bill as it was, as was presented by the fire

department, was not going to allow enforcement, because the only time you can enforce the building code is when someone needs a building permit.

The end result here is, I think, exactly what I'd hoped to get, and I really appreciate the committee's tenacity in following it through and allowing us to get it this far with the title change; and legislative counsel, too, for a job well done. It was a little bit of a challenge to ask the staff to come in and say that I'd like to change the bill completely. It was only because I had been getting some indication from the other parties at the table that they would be willing to grant unanimous consent to do that that we were able to get it this far. Thank you, one and all, and now, if you don't want to change the name of the bill, we're going to have a bit of a problem.

The Acting Chair (Ms. Sylvia Jones): Ms. DiNovo, you had a comment.

Ms. Cheri DiNovo: I just want to congratulate Uncle Ernie as well. I just want to say that—I don't want to prejudge things—should this all pass as prescribed, and I'm hoping that it will, I would just ask the government members to please try to lobby within their own caucus to bring it back for third reading because, as we all know, the government holds that card, as they can call bills for third reading. To make my job easier at the House leaders, it would be great if you spoke to your other members and got behind this bill as well.

The Acting Chair (Ms. Sylvia Jones): Any further comments or questions? Mr. Hardeman.

Mr. Ernie Hardeman: I just had one more comment, and it is to the last comment from Ms. DiNovo, and that is to the extent that because we were able to get the committee to agree to make the changes that we've made, I think it does provide a greater opportunity for it to be called for third reading. If it had been called for third reading before, these changes would have had to have been made sometime between second and third reading without committee dealing with it. So the fact that the committee has taken it this far, I really appreciate it. Hopefully there will be an opportunity for the government to now give it speedy passage to third reading.

The Acting Chair (Ms. Sylvia Jones): Is the committee prepared to vote on the amendment? All those in favour? All those opposed? Carried.

Shall the title of the bill, as amended, carry? Carried.

Shall Bill 20, as amended, carry? Carried.

Shall I report the bill, as amended, to the House? Excellent.

It's been a pleasure being your Chair.

The committee adjourned at 1425.

CONTENTS

Monday 16 April 2012

Hawkins Gignac Act (Carbon Monoxide Detectors), 2012, Bill 20, Mr. Hardeman / Loi Hawkins Gignac de 2012 (détecteurs de monoxyde de carbone), projet de loi 20, M. Hardeman	SP-23
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