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(Hansard)**

Thursday 21 March 2013

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des débats
(Hansard)**

Jeudi 21 mars 2013

**Standing Committee on
Justice Policy**

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**Comité permanent
de la justice**

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
JUSTICE POLICY**

Thursday 21 March 2013

**COMITÉ PERMANENT
DE LA JUSTICE**

Jeudi 21 mars 2013

The committee met at 0833 in room 151.

MEMBERS' PRIVILEGES

The Chair (Mr. Shafiq Qadri): Chers collègues, bonjour et bienvenue. J'appelle à l'ordre cette séance du Comité permanent de la justice.

The Chair was challenged yesterday that he wouldn't be able to start the meeting in Italian, so *[remarks in Italian]*.

Mr. Victor Fedeli: Bravo.

The Chair (Mr. Shafiq Qadri): Grazie, signore.

With that, to begin with before we invite our first presenter—the honourable Her Worship Mayor McCallion of Mississauga—we have a clarification to issue, as perhaps governments do on occasion, with regard to a motion that was presented. I clarify for the committee that Mr. Fedeli's motion at our last meeting was withdrawn prior to any assessment of its orderliness, and I would like Mr. Fedeli to please comment.

Mr. Victor Fedeli: Thank you.

The Chair (Mr. Shafiq Qadri): Are we done? There we go. That was benign.

CITY OF MISSISSAUGA

The Chair (Mr. Shafiq Qadri): Mayor McCallion, please come forward. It's a privilege and honour to have you here. Thank you very much for your time. We welcome your entourage.

You know the drill, I'm sure, better than the combined knowledge of many of the people in this room. You have five minutes, as you know, to make your opening statements, and then rotating times. I would respectfully ask you to please begin now.

Interjection.

The Chair (Mr. Shafiq Qadri): Oh, I'm sorry. You need to be sworn in.

The Clerk of the Committee (Ms. Tamara Pomanski): Do you solemnly swear that the evidence you shall give to this committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth, so help you God?

Ms. Hazel McCallion: So help me.

The Chair (Mr. Shafiq Qadri): Thank you. Mayor McCallion, please begin.

Ms. Hazel McCallion: Okay. Thank you for giving me the opportunity to be here, because the very item that

has been greatly debated at Queen's Park happens to be located in the city of Mississauga.

In 2004 the OPA, at the request of the province to go out to seek proposals for a gas plant, announced that they had chosen the Loreland site in Mississauga for a gas plant: absolutely no communication or consultation with the city—it landed right in the midst of a residential area, next to a creek that has some conservation authority responsibilities and concern, next to a hospital—absolutely none. They didn't do their homework in any shape or form. Their arrogance was obvious.

Needless to say, the mayor was on the phone immediately. I don't know who the chairman was at the time; I don't think he will ever forget the discussion he had with the mayor, because we do our homework in the city of Mississauga when we want to approve development of any sort.

Therefore, this started in 2004. Opposition second to none—citizens, city, hospital, you name it. Unfortunately, it didn't proceed because, as I understand it—and it was quite evident—it didn't have the financial resources to put the plant in. So it went from 2004 until finally, we put it through the process. We had to, which is an obligation on our part. We tried everything to try to prevent it from occurring because it was contrary to our official plan, contrary to our zoning—contrary to everything, quite honestly. So it was an uphill battle. Finally, they obviously found the finances to do it, and then we had to proceed.

It was an OMB hearing, by the way, as a result of the opposition of the staff and the citizens of Mississauga etc. In spite of all the opposition, justified reasons for it not to be there, the OPA did not in any way recognize the concerns of the city or the citizens. They plowed ahead and allowed them to proceed. Needless to say, the city of Mississauga has a very special principle, and that is, if they meet all the conditions, a permit must be issued. We follow that consistently. We don't try to politicize the building process in any way; it's strictly if they meet all the conditions of the OMB hearing that was in their favour etc., then we issue the permit. So the permit was issued on the plant.

I had worked with the energy minister, who was Dwight Duncan at the time, trying to find a just cause for cancelling the very unfortunate decision made by a special purpose body. And I want to say to all parties assembled here, you better watch carefully all special purpose bodies that you set up—not only control them,

but also control their expense accounts as well. They are completely, many of them, out of control, and in my opinion the OPA was out of control. They wouldn't listen to anything. In fact, this plant was approved by them, and then they decided to put another plant in Mississauga at Winston Churchill, dealing with St. Lawrence Cement. Obviously, the OPA had decided that Mississauga should endure a number of gas generation plants.

It's very interesting that Sithe applied to the city to build a plant in the right location—in the right location—nowhere near residential, nowhere near a hospital, and it got complete approval by the city and by the citizens, the citizens of Mississauga. It never went ahead because they could not enter into an agreement with the OPA to get authority to proceed. I just want to prove to you that the citizens of Mississauga don't "not in my backyard"—they were prepared, both the staff and the city, the council of the city and the citizens of the area, to accept the gas plant in the right location, that it doesn't interfere with residential, environmental concerns—

The Chair (Mr. Shafiq Qaadri): Thank you, Mayor McCallion. With trepidation, I interrupt you, but now pass the floor to the government side, to Signor Del Duca.

Mr. Steven Del Duca: Thank you very much, Mr. Chair. Thank you also for beginning this meeting trilingually for all of us, especially because you speak better Italian than I do.

0840

Good morning, Mayor McCallion. It's a pleasure to see you. Thank you for joining us here today and for taking time from your schedule to be with us.

You mentioned in your opening that there was a fair bit of opposition in your municipality to this particular power plant. In terms of the residents themselves, can you give us a sense of what percentage of the community was upset? How many residents? Was it overwhelming? How many people, would you say, as a percentage, were opposed to this particular power plant?

Ms. Hazel McCallion: This represents a large residential area in Mississauga. It's an older area of the city, well established etc. They strongly opposed it. It's a large representation of the citizens in the area.

Mr. Steven Del Duca: So given their opposition and given the experience that you had, do you think it's fair to say that the Ontario government made the right decision when it decided to relocate the power plant?

Ms. Hazel McCallion: Say that again?

Mr. Steven Del Duca: Do you believe the government of Ontario made the right decision, the correct decision, in relocating the power plant?

Ms. Hazel McCallion: You're asking me whether it was the right decision? No, bad decision.

Mr. Steven Del Duca: To relocate? No, to relocate the power plant.

Interjection.

Ms. Hazel McCallion: Oh, was it the wrong thing to cancel it?

Mr. Steven Del Duca: Was it the correct decision to cancel it, to relocate the power plant?

Ms. Hazel McCallion: Yes, but it should have been cancelled before a permit was issued to build it. That's when it should have been cancelled. Obviously, if you're going to cancel a contract, you'd better be prepared to pick up a pretty heavy cost of cancelling a contract. Think of the costs if it had been cancelled before the permit was issued. Now you're faced with the building half up, with all the equipment ordered, you name it. The decision should have been made earlier. It should have been made before the permit was issued, in my opinion.

Mr. Steven Del Duca: So the people of your community, were they happy with the decision, once the decision was made to relocate?

Ms. Hazel McCallion: Well, the citizens were happy with the cancellation of the plant, but I can assure you they would have much preferred that it was cancelled before the permit was issued. My citizens are not interested in wasting taxpayers' money.

Mr. Steven Del Duca: I'd like to move on for a second to promises made by all three political parties during the 2011 general election. Earlier this week, on Tuesday, the mayor of Oakville, Rob Burton, was here with us. He told the committee that he "won promises from all parties to stop the proposed power plant." He emphasized that he felt supported by all three parties. When it comes to the Mississauga power plant, I'd like to ask, did you receive similar commitments or promises from all three political parties regarding the power plant?

Ms. Hazel McCallion: I never discussed it with all political parties; I discussed it with the Premier of the province from day one, advising him that approval of that contract should be cancelled. I didn't talk to the Conservatives or the NDP. The impression that was certainly given beyond a doubt—and, in fact, I want to tell you I think all parties would have cancelled it; there's no question about it.

It was a bad decision by the Ontario Power Authority—a very bad decision. In fact, when we opposed the implementation of another plant at St. Lawrence Cement, we proved to the province, when we came down to a press conference, that the projected requirements for hydro by the OPA were flawed, overestimated in a major way. We showed the province a chart that clearly indicated that the OPA requests were flawed.

Quite honestly, I don't think we've had any blackouts since all those plants have been cancelled. Interesting. I think it proves beyond a doubt that the OPA didn't do their homework on the projected hydro needs of the GTA.

The Chair (Mr. Shafiq Qaadri): Mr. Delaney.

Mr. Bob Delaney: Thank you, Chair, and welcome, Madam Mayor. I just want to ask a couple of questions of clarification here. You mentioned your discussions on the power plant issue. Did you have any discussions with any members of the Conservative campaign or the party leader's office for the Conservative Party?

Ms. Hazel McCallion: No. I had no feedback. I never discussed it with them.

Mr. Bob Delaney: Did they attempt to contact you or any of the city staff in any way, regarding the power plant?

Ms. Hazel McCallion: No.

Mr. Bob Delaney: Did you have any discussions with Andrea Horwath or any members of the NDP campaign or the NDP in that time period?

Ms. Hazel McCallion: Sorry, I have a hearing aid, and your voice is all—very bad.

Mr. Bob Delaney: I'm trying to do two things: One is to talk into the microphone for Hansard and the other is making sure that you can hear me.

Did you have any contact with the New Democratic Party or Andrea Horwath or any member of their campaign team at that time in 2011?

Ms. Hazel McCallion: No, I don't recall having any discussion.

Mr. Bob Delaney: Did the NDP or their campaign team or anybody from the party try to contact the city or the staff?

Ms. Hazel McCallion: No. In fact, I would say that the citizens were in touch with both the Conservatives and with the NDP, no question about it. They not only appealed to the Premier and to the present government; they definitely appealed to the Conservatives and the NDP. There's no question about it. I mean, the citizens were very, very strong.

Mr. Bob Delaney: We do know that both other parties at the time, in addition to the government, made a commitment to cancel that plant. For example, on September 24, the Leader of the Opposition said, "A Tim Hudak government will cancel this plant," and Mr. Tabuns said on September 26, "We wouldn't build it." Both of these statements were made during that election campaign.

Given that, do you feel that the opposition is trying to wash its hands of any responsibility for making a commitment to cancel it—a commitment our government made and kept?

Ms. Hazel McCallion: Well, let's put it this way: I didn't approach the two parties, there's no question about it, but I can assure you that common sense does rule sometimes in politics. As such, if I had approached the leader of either the Conservative or Liberal Party and told them the facts that backed up without any doubt that that plant should not be there, I'd have more respect for three people in that regard, that they would have cancelled the plant. There's no question about it.

The point is, when do you cancel the plant? There's the difference: When? And the when is the key. The plant should have been cancelled before the permit was issued—every justification for it. It's most unfortunate that it was allowed to proceed. You can imagine that as it proceeded, every day, those citizens were on the site, representative citizens, really concerned about the fact that it was allowed to proceed. Needless to say, the citizens were delighted when it was cancelled, but I can

assure you, if you ask them, they too would be concerned that it was cancelled at the wrong time, no doubt about it.

Now, my assumption of the situation is—and I don't know why you're wasting a lot of time at Queen's Park on something that in my opinion is deadwood. Get on with looking after the affairs of the province, which really concern me: transit and gridlock in the GTA. I have to tell you, it should have been cancelled before the permit was issued. Was it cancelled to save positions? Who can deny it?

Thirdly, it's going to cost money. Quite honestly, I am surprised that any party would allow a special purpose body not to supply you with all the details when asked. I can tell you of a special purpose body in Mississauga. If I asked them to give me all the details about a thing and they didn't, they would be on the carpet.

0850

I've told the Premier from day one, the OPA will take you down the drain because of their bad decisions, not doing their homework and making recommendations. You have to depend on people to make good recommendations based on sound research and homework. The OPA, in my opinion, is the guilty party. They're the ones that caused the very expensive cost of the cancellation of this. They are also responsible for the cancellation of the plant in Mississauga with St. Lawrence Cement. They're also responsible for the one in Oakville—special purpose bodies. When you read the newspapers every day, I think the special purpose bodies are on the carpet, not just the OPA.

So, folks, I have to tell you, if you cancel a contract, it's going to cost you money. Quite honestly, I don't know what the cost is, but the point is, it's going to cost. You pay for it and you get on with the work of the province.

I'm absolutely frustrated after being mayor for 35 years to think of the way in which you folks are dealing with this at Queen's Park. The people are fed up with this, "Well, who did it? Who made a decision? Who sent an email?" Is that important? I don't think it is, unless you are after character—sort of trying to bring somebody out who sent an email. The point is, the contract was cancelled at the wrong time. Okay? It was cancelled obviously for political reasons and, thirdly, it's going to cost. Now how much more do you want to know? How much more do you want to know and waste time at Queen's Park? I really don't know. I'll tell you, if it was in Mississauga, we'd can it quickly.

I think it needs some leadership on the part of all parties to get on with the business of the Legislature, because I'll tell you, gridlock is affecting the GTA in a major, major way, and I don't see all the parties getting together to solve that problem. It's time that you got together. The people are fed up with the political games that are played at Queen's Park—political games.

I've talked to Hudak, and I've talked to Horwath and I've talked to Wynne. They know my position very carefully.

What more do you want to know about—bad decision by OPA; bad decision on the second plant in Missis-

sauga; bad decision by OPA on the Oakville plant. So if you want to know who should be charged with the cost of the cancellation, charge the people who operate OPA. It's as simple as that. You depend on them to give you good recommendations; right? Well, you were let down badly—the government and the province and the citizens of Mississauga and of Oakville very badly.

Look at the OPA. Why didn't they supply you with all the details? Did they hold back data? Obviously, from what I read in the newspapers.

And by the way, look at all of your special purpose bodies: Ornge, eHealth, OPA. How many more special purpose bodies do you need that all governments, all parties, appoint and they forget about them? They go off and wander—expense, embarrassment second to none.

Let's zero in on the OPA. They're the ones that caused all this problem. I can assure you; I dealt with them. They ignored any concern of the citizens. They ignored any concerns of the professional staff of our city, and I have the two of them sitting here. They know all the details—absolutely ignored and said, "We're bulldozing ahead." And by the way, find out whether their projections of the need of hydro in the GTA are flawed or not. Nobody has questioned that, except the citizens and the city of Mississauga—flawed. In fact, they don't need any more—I drive along the 401, folks, and there's a big plant in Halton Hills. I would love to get a contract with the government to build a plant and not operate it, and get paid not to operate it. That plant is seldom operational—seldom operational—and yet the owner of the plant gets paid to keep it dormant. Look at the whole issue.

So, in my opinion, zero in on the OPA. They're the ones who should be on the carpet, because we worked with the OPA to try to convince them that they were on the wrong track. They wouldn't listen. They're arrogant—absolutely arrogant.

Mr. Bob Delaney: Madam Mayor, thank you very much for those comments. I think you encapsulate very accurately the opinions of a lot of people in our community.

I just want to move on to two brief points. I'd like you to quickly elaborate on—you mentioned earlier that some of the activities here consisted more of trying to find responsibility or who wrote a memo or a character assassination. Would you just elaborate on that very quickly?

Mr. Ed Sajecki: Perhaps you could just repeat the—

Mr. Bob Delaney: Madam Mayor, in the course of your last series of remarks, you talked about some of the activities of this committee and some of your feelings on it. In particular, at one point you talked about references to who may or may not have made a decision, and you referred to a character assassination. Could you elaborate on that just a little bit, please?

Ms. Hazel McCallion: Yes, I did make—I can only assume from reading the newspapers and the comments made that it seems from what is happening at Queen's Park that the people, by the way, who made the decisions—I guess the Premier's gone. Bentley's gone. So

what's the point? Is it sort of to get to say, "Oh, well, that guy did it; that guy made the decision to cancel the plant"? I don't know, folks. Maybe—I don't know—people at Queen's Park are out of touch with the public, but I'll tell you, I'm in touch with the public in Mississauga, and I just find it so strange some of the questions that are asked. It looks as if you're after individuals.

I don't care who made the decision to cancel the plant at the time they did. It was a wrong decision—period. It doesn't matter who did it. It was a wrong decision. It was a wrong decision to allow the plant to go ahead. It should have been cancelled before the permit—wrong decision. Is it important who did it? It's a wrong decision, and you're going to pay for it. The taxpayers are going to pay for it. It's as simple as that. So why emphasize this, "Who did it? What email went?" I don't know. I don't follow it.

Mr. Bob Delaney: In that vein, Madam Mayor, Premier Wynne has committed, in the throne speech, that there's going to be more local decision-making in the siting of power plants and other energy infrastructure. Would you agree with that?

Ms. Hazel McCallion: Well, you know, it's interesting that the province every so often comes out with legislation that overrules—overrules—the jurisdiction and responsibilities of local government. I'm always amazed at it. Even though we spend a lot of time and a lot of money on having an official plan—that the province insists we have, right? It's got to be revised every so often. That's another mandate of this system, and we have to have secondary plans and all that. Then they'll come out with something that they—

The Chair (Mr. Shafiq Qadri): Mayor McCallion, with respect, I'll need to intervene there to pass it to the Conservative side.

0900

Before I do that, I would just like to raise a quick issue. It was brought to my attention that photographs that are being taken may be used for different purposes, and one of the caucuses was not particularly pleased. I would just simply say, on behalf of the committee, that we had decided on day one that we would allow camera recording. As you know, this committee is streamed live on the Web and then broadcast if Parliament is not sitting.

To date, this is our sixth meeting. We've had probably more than 50 different cameras and news organizations. We have TVOntario, ably represented by Steve Paikin. We have members of staff and so on. There are a lot of photographs floating around. Some of the caucuses may not be pleased where those photographs appear, but I think it's a bit late in the day for us to go back on that. So they'll need to absorb it.

With that, I'd now like to pass it to the Conservative side. Mr. Fedeli.

Mr. Victor Fedeli: Thank you very much, Chair, and welcome, Your Worship. It's great to see you again. Chair, in full disclosure I have to start off by saying I'm a huge fan of Her Worship. Hazel McCallion and I spent

some time together at the government leaders' forum in Washington at the invite of Bill Gates. If you recall our lovely meeting down there nine years ago, we had considerable opportunity to chat, and I have followed your career since meeting you that day as a young mayor following in your footsteps, and hopefully following well with your guidance. So I wanted to have full disclosure right off the bat.

Mayor McCallion, you continue to mention that this should have been cancelled before the permit was issued. Can you tell us when the permit was issued? That's one date that I haven't been able to track here yet.

Ms. Hazel McCallion: We have the details. The exact date, we can get.

Mr. Victor Fedeli: Yes, I appreciate that. Thanks.

Ms. Hazel McCallion: May 28, 2009.

Mr. Victor Fedeli: May 28, 2009, is when the permit was issued. Obviously, you've emphasized several times, this should have been cancelled beforehand.

Ms. Hazel McCallion: Yes. Well, it should have been cancelled with the pleas that the city and the citizens made to the government. Yes, it should have been cancelled then.

Mr. Victor Fedeli: In your opening, you gave us what I would consider to be a pretty good history. I'm not sure that I was able to take all of the notes, but I'm going to ask you to fill in some of the details, if that's okay. Can you hear me okay?

Ms. Hazel McCallion: Yes, I can hear you.

Mr. Victor Fedeli: I'm going to ask you to fill in some of the details. Back in 2004 when the Mississauga site was first announced, you said something—there was a certain site at Mississauga, and I never got the name. Which site was it in Mississauga? You had a name for it.

Ms. Hazel McCallion: The Loreland site. When the OPA—they went out on a proposal call. They came up with two sites, one which got approved and is built on the border of Brampton in the right location, no problem—

Mr. Victor Fedeli: What's that site called?

Ms. Hazel McCallion: They announced the Loreland site at the same time in the wrong location.

Mr. Victor Fedeli: What's the name of the one in Brampton? I'm just trying to put my map together.

Ms. Hazel McCallion: They called it Greenfield North and Greenfield South. The Greenfield North one got approved and is built.

Mr. Victor Fedeli: And that was, in your opinion and in the opinion of the community that was consulted, a good site?

Ms. Hazel McCallion: No, they weren't consulted at all.

Mr. Victor Fedeli: No, no. The Greenfield North.

Ms. Hazel McCallion: It was in the right location.

Mr. Victor Fedeli: Oh, it was in the right location. I understand. You had mentioned a couple of—

Ms. Hazel McCallion: It was in an industrial area with no residential anywhere near it, etc. As I say, the Sithe one that I mentioned, which got completely approved by our staff and citizens—right location. If you

get it in the right location, the municipality will agree with it. Put it in the wrong location: You've got a problem.

Mr. Victor Fedeli: I'm trying to find—between the documents that we did receive and some of what you're saying today, I'm just trying to put these names together. The Sithe location: Was there a name for that project as well?

Ms. Hazel McCallion: What was it called?

Interjection.

Ms. Hazel McCallion: Sithe.

Mr. Victor Fedeli: So they just called that the Sithe location? Okay. I was just—

Ms. Hazel McCallion: In fact, the citizens worked with Sithe and got some controls that they wanted in the emissions and the height of the stack etc. The citizens worked and gave approval, which is quite unusual.

Mr. Victor Fedeli: There were a couple of other—did you mention Lakeview, or was that in the discussion that I read about? Did you mention today Lakeview?

Ms. Hazel McCallion: Well, Lakeview was the coal generation plant. In fact, I worked for the company that built it and I had the privilege of pushing the button to destroy it, which is quite something.

Mr. Victor Fedeli: Is that the one that Elizabeth Witmer ordered closed? It was before my time.

Ms. Hazel McCallion: Yes. Anyway, Lakeview was looked at by OPG as a gas generation plant, and they were working with Enersource, our hydro commission, to jointly build and operate it. They would use Enersource as a part of the program. Mr. Smitherman, who was Minister of Energy at the time, came out to Mississauga one day and announced that there would not be a gas generation plant on the OPG lands. So that killed that project.

Mr. Victor Fedeli: You mentioned Enersource. I don't know what that is; I'm a northern boy.

Ms. Hazel McCallion: That's our local hydro, the privatization of our local hydro called Enersource. It's our hydro utility.

Mr. Victor Fedeli: As mayor, are you involved in Enersource? Do you get to sit on it as mayor?

Ms. Hazel McCallion: Yes.

Mr. Victor Fedeli: Was the Lakeview site a good site? I'm not familiar with it. Was the Lakeview site a good site?

Ms. Hazel McCallion: Was the Lakeview site what?

Mr. Victor Fedeli: A good site, an acceptable site.

Ms. Hazel McCallion: Well, let's put it this way: It was serviced by the gas line and, of course, it was a generating site and therefore had complete contact with the distribution.

Mr. Victor Fedeli: Transmission facilities were there, that kind of thing?

Ms. Hazel McCallion: Yes. Well, it was a generating site, so it had everything that was needed, in other words, to provide a gas generation plant.

Mr. Victor Fedeli: What was Enersource's role in that? What would they have done with that Lakeview site back in—

Ms. Hazel McCallion: Enersource was involved—they were asked by OPG to get involved, that if it became a gas generation site, then Enersource would be involved in the operation of it.

Mr. Victor Fedeli: Okay. What year was that? Do you recall?

Ms. Hazel McCallion: What year would that be? That would be 2007?

Mr. Victor Fedeli: Something in that area?

Ms. Hazel McCallion: Sorry, I can't give you the date on it.

Mr. Victor Fedeli: That's okay. So around 2007, give or take a year or so either way?

Ms. Hazel McCallion: Yes.

Mr. Victor Fedeli: Okay. So back when you first heard about this decision in 2004 about the Loreland site, you had mentioned then that you immediately, obviously, were opposed to that back in 2004 and you said you sort of expressed at every opportunity your displeasure with that. When would you have first said something to the Liberal government, which was in power at that time, about your displeasure with that?

Ms. Hazel McCallion: Well, I would say that the government knew about our opposition from day one, no question about it. In fact, I have to tell you that Dwight Duncan was the Minister of Energy, and he was very concerned. We worked together, and I have to tell you that we were very cautious of dealing with it because we were concerned about being sued for not approving it, both the government and we. I said to staff, as staff knows, "We must follow every rule," because we don't want to open the door for any lawsuit of not approving this, right?

0910

Mr. Victor Fedeli: So what did you do formally, then, to express your opposition to the gas plant back in 2004 and ongoing?

Ms. Hazel McCallion: We were constantly beefing about it.

Mr. Victor Fedeli: Was there anything more formal?

Ms. Hazel McCallion: I appeared before—I can't recall the times, but I certainly took it directly to the Premier.

Mr. Victor Fedeli: Did you chat with your community about it in any kind of a forum?

Ms. Hazel McCallion: What?

Mr. Victor Fedeli: Did you chat with your community—

Ms. Hazel McCallion: Talk to the community?

Mr. Victor Fedeli: Yes.

Ms. Hazel McCallion: I didn't have to; they talked to me.

Mr. Victor Fedeli: Did you have town halls or anything along that line?

Ms. Hazel McCallion: We had all kinds of meetings on it—all kinds of meetings. The citizens were just obsessed with the fact that this could happen.

Mr. Victor Fedeli: So you had meetings from the announcement in 2004 all the way through—

Ms. Hazel McCallion: All the way through.

Mr. Victor Fedeli: —to 2011—

Ms. Hazel McCallion: Yes.

Mr. Victor Fedeli: —seven years', basically, worth of meetings, public forums, that type of thing?

Ms. Hazel McCallion: Yes. At the beginning of May 2005, our planning and development committee directed its staff to review our land use policies that dealt with power generation. I'll tell you, we became very upset that with the authority and the lack of homework done by the OPA, they could be landing power plants right in the midst of residential areas with no concern at all. We became very—not to trust the OPA.

Mr. Victor Fedeli: I understand. So were there any citizens in favour of the power plant at all?

Ms. Hazel McCallion: Not that I know.

Mr. Victor Fedeli: In those seven years from when you first heard about it in 2004 till September 2011, when you heard of the cancellation, how many people, do you think, were involved from the citizenry? Is this a small amount of people, in the hundreds or in the thousands?

Ms. Hazel McCallion: Well, I attended a meeting one night at an auditorium at one of our high schools that was standing room only—I would say, 300 to 400.

Mr. Victor Fedeli: In that one night?

Ms. Hazel McCallion: Yes.

Mr. Victor Fedeli: And this would have gone on over the seven years, nights like that?

Ms. Hazel McCallion: It was a strong opposition—very, very strong.

Mr. Victor Fedeli: How many times do you think you would have met with former Premier Dalton McGuinty about the gas plant issue?

Ms. Hazel McCallion: I can't tell you how many times, but the province—

Mr. Victor Fedeli: A couple or lots?

Ms. Hazel McCallion: The MPs and everybody were well aware of the opposition. The citizens did their homework.

It's like the citizens that worked on the Sithe plant. They did their homework; they had some very qualified individuals that dealt with the Sithe application that technically had a lot of knowledge.

Our citizens, when they undertake to be against something, it's not just "not in my backyard"; it's justification for being opposed to it.

Mr. Victor Fedeli: So you had an alternate plan available. The Sithe location was, in your citizenry's position, an alternate and acceptable plan?

Ms. Hazel McCallion: We asked the staff to look at areas where a power plant could be. In other words, we are not opposed to power plants; we are not opposed to gas power plants. The Sithe application is a perfect example. It's not a case of, "Don't come near Mississauga with gas plants."

Mr. Victor Fedeli: Would you have ever brought this to the energy minister, and which one or which ones, plural—energy ministers, would you have talked to about this?

Ms. Hazel McCallion: One was Dwight Duncan, who was Minister of Energy at the time.

Mr. Victor Fedeli: Okay. Would you have talked to George Smitherman when he was Minister of Energy or just minister, period?

Ms. Hazel McCallion: I never talked to George Smitherman very often on any matter.

Mr. Victor Fedeli: Okay, that's fair. Thank you, Your Worship. I just have to smile for a moment. You always—

Ms. Hazel McCallion: I found George Smitherman very difficult to deal with.

Mr. Victor Fedeli: Well, I was a mayor for seven years, too, and I did have a finger pointed in my nose the odd time, so I—

Ms. Hazel McCallion: I came out to a meeting one night on an energy issue, and he wouldn't allow me to speak—as mayor. I'll never forget that.

Mr. Victor Fedeli: Thank you for sharing that.

Did you meet with Energy Minister Brad Duguid at any time on the gas plant issue?

Ms. Hazel McCallion: Yes, I did discuss—most of my discussions were with Dwight Duncan, and he was very supportive of our position.

Mr. Victor Fedeli: So why didn't it get cancelled, then, if he was supportive of your position back then, do you think?

Ms. Hazel McCallion: You ask him.

Mr. Victor Fedeli: Well, we might have to. Thank you.

One final on that angle: Did you meet with Minister Chris Bentley about the gas plant at any time?

Ms. Hazel McCallion: No, never. I never met with Mr. Bentley.

Mr. Victor Fedeli: Okay. That's fair. You've just made me chuckle today. I'm sorry. I've lost my train of thought there for a moment. That was quite an interesting exchange.

Let's go back to the fact that you did have so many public consultations over seven years with hundreds and obviously thousands of residents opposing the plant; outright condemnation from, in my opinion, one of the most respected mayors in the country who tried to stop this plant, yet the Liberals went ahead and built it anyway. Why do you think that was, Mayor?

Ms. Hazel McCallion: Don't ask me. To me, it was very, very disappointing to think that the opposition—which was certainly justified, no question about it. I am conscious of the fact that if you're going to cancel a project, you better be—you know, any level of government that cancelled projects, you better be very sure that you're justified in doing it.

Obviously, and what maybe you don't realize—say they had cancelled the project. Do you think they would not have sued the government? Even if they cancelled the

project, you're going to be involved in costs, and very high costs, because think of all the consultants and all the time that was spent through the process and OMB hearing etc.

The point is the difference between the cost of cancelling before a permit is issued, and when you go to court, you're hanging out to dry as to what the costs would be; you have no idea. But to cancel it when it's half up or the portion that it was, then you know that there's additional costs. There's no question about it. But there would have been a very heavy cost if they had cancelled it before.

We were very conscious of it, if we put any roadblock in the way. That's why we treated it with tender loving care, to make sure that we did nothing. Even though we challenged them and took them to the OMB, we challenged them on environmental concerns as it was right next to the creek etc. We did everything we could to try to prevent it from happening. But there would have been a cost. Nobody has ever asked that: What would have been the cost if it had been cancelled before a permit was issued. It would have been a heavy cost because if it goes to court, you know what happens. They can build up costs in a major way.

Mr. Victor Fedeli: So, only when it appeared the Liberals were going to lose five seats in the election did they actually listen to the people. Would you concur with that or would you expand on that?

Ms. Hazel McCallion: Well, obviously they didn't listen to the people—there's no question about it—until they decided that maybe it was to their advantage to listen to the people. There's no question about it.

Mr. Victor Fedeli: Thank you.

Ms. Hazel McCallion: I think that's a fact. Who could deny that, or anything? The point is, they didn't listen to the people, and the OPA, of course—you know, please be careful of special purpose bodies.

Mr. Victor Fedeli: I think we've got that message from you loud and clear today.

Ms. Hazel McCallion: Wowie. I tell you, they're out of control.

Mr. Victor Fedeli: Mayor, why do you think the Liberal government didn't consult with you before 2004? Right off the bat this morning, you said in your opening statement, in your opening sentence, that in 2004, the Liberal government announced the Loreland site—no consultation, no communication. Why do you think they didn't speak to you as mayor of Mississauga beforehand?

Ms. Hazel McCallion: I don't know. It was the OPA that made the announcement, not the government. The OPA made the announcement.

Mr. Victor Fedeli: And we heard just two days ago from the secretary of cabinet telling us it's the government that's driving the bus. I would go back to asking you, then: The government did not consult you? The Liberal government did not consult you before the announcement was made in 2004?

Ms. Hazel McCallion: No, no. They depended completely on the announcement of the OPA.

Mr. Victor Fedeli: Okay.

The Chair (Mr. Shafiq Qaadri): About a minute.

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Mr. Victor Fedeli: I've got about a minute. I don't want to start down another line of questioning when I only have a minute left. I think I'll just leave it at that. I've got another completely different line of questioning, but it's not going to give you the proper amount of time to answer, and I think you'll end up just being cut off by the Chair, so I'll leave it at that.

Ms. Hazel McCallion: I'd be glad to answer all questions.

Mr. Victor Fedeli: I know you would. Thank you very much, Your Worship.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Fedeli. Thank you, Mayor McCallion.

Now to the NDP, to Mr. Tabuns.

Mr. Peter Tabuns: Mayor McCallion, thank you very much for being here this morning. It's a pleasure to have your perspective on this, because you've had a long history in dealing with this particular plant.

I just wanted to address one of the things that you raised. We've engaged in this inquiry process in part because it has been extraordinarily difficult for us to actually get the truth out.

Ms. Hazel McCallion: The true cost.

Mr. Peter Tabuns: Yes. With regard to the Oakville plant, the government has maintained all along that it only cost \$40 million to cancel. It's been clear from testimony recently that we're talking more in the \$600-million to \$800-million range. So, the broad outline, we agree with you: A bad planning decision was made, a cancellation was undertaken to save some political seats, and the public is stuck with the cost. We know those three facts. But the exact amount that was spent, that's still not clear, and it took an awful lot of fighting to get many of the documents that we're working from today. I think your government would be a lot more open than the one that we're dealing with. So it's unfortunate that we have to go through an inquiry, but, frankly, it has taken this level of attention to even get some of the fundamental issues and information on the table. I just wanted to say that, because you've asked why we are meeting and why we are inquiring. It's because of that. This is a much less open government than you would run in Mississauga or, frankly, than the city of Toronto would run.

I'm going to go back to some of what you've said. After this plant was announced in 2004, you contacted the decision-makers. You said you called the chair. Who was it that you called at the time?

Ms. Hazel McCallion: I don't know. I don't know the name of the chair at the time.

Mr. Peter Tabuns: Fair enough.

Ms. Hazel McCallion: He'll remember, though.

Mr. Peter Tabuns: I'm sure that psychological counselling is part of the benefits package for those who work in the area.

You did talk to Minister Duncan at the time?

Ms. Hazel McCallion: Oh, yes.

Mr. Peter Tabuns: What did you tell him?

Ms. Hazel McCallion: Oh, I told him of our opposition and told him our justification to the opposition, because, you know, the old story is that some municipalities don't want anything in their municipality. I wanted to assure him that we are not opposed to gas generation plants, but in the right location and in a location that the council of the city and the staff, from their professional opinion, recommend. That's all we ask for on anything, even telecommunications towers that we're having problems with. We'd like to have the authority. It is our municipality, and we have an official plan. We go through all this official process, and then along comes the federal government or the provincial government and says, "Oh, that can go in," and you have no control over it. That was what was happening on gas plants—no control.

Mr. Peter Tabuns: But you told him there were fundamental problems with this location. Did he make any commitment to reassess the location, cancel the plant or relocate the plant at that time?

Ms. Hazel McCallion: We immediately asked the city to look at—as I read to you, in the beginning of 2005, our planning department directed staff to review our land use policy, the detail that dealt with power generation; in other words, to make sure that we had looked at all the zoning in the city and determined where power plants could go that would be acceptable, like Sithe, that went in the right area and was acceptable by both the citizens and the city council, as well as the staff of the city.

Mr. Peter Tabuns: You fully informed the Minister of Energy that they had made a mistake locating here?

Ms. Hazel McCallion: Yes.

Mr. Peter Tabuns: What response did you get from the minister?

Ms. Hazel McCallion: Well, I have to tell you that Minister Duncan at the time was very supportive of our position, but there was a contract awarded, right? You're kind of stuck when there's a contract awarded. But he was very sympathetic, and I have to tell you, both he and I worked together to try to find ways to cancel the plant; no question about it. But we also realized that the cancellation of the contract would be a cost to the taxpayers of Ontario.

Mr. Peter Tabuns: Now, you may be aware that with this particular plant, the developers had a great deal of difficulty getting anyone to give them money.

Ms. Hazel McCallion: That's right.

Mr. Peter Tabuns: In fact, it took them years. So they had a contract, but no financing.

Ms. Hazel McCallion: They had a contract and no financing. We hoped they would never get them.

Mr. Peter Tabuns: So if they had been cancelled at that time, I'm assuming it would have been far less expensive because, in fact, it was an empty shell.

Ms. Hazel McCallion: Far less expensive, but maybe somebody should take the time to estimate what it would have cost if the contract—if they didn't cancel that. Nobody has raised that issue. They talk about the cost of cancelling the contract with it half up, but I can assure

you, the costs of cancelling the contract any way through the process would have been a very costly exercise. Nobody is asking that question. It would be interesting if somebody would do an assessment of that and compare it to what it's going to cost.

Secondly, in the negotiations on the second plant that OPA wanted to put into Mississauga, TransCanada, which was TransCanada Pipelines, had other contracts with the province. Therefore, there could be more acceptable negotiations with the cancellation of that plant, and I would think the province took advantage of that. If you have a company that is already doing work for you and you have to cancel a contract, I would think that TransCanada Pipelines—the size of the operation—would consider that, because that plant got cancelled, and with the other work they're doing for the province, there would be some agreeable negotiations.

Mr. Peter Tabuns: Mayor McCallion, you've said that you assessed the need for power in the area, and showed that, in fact, this plant was not necessary.

Ms. Hazel McCallion: Yes. Mr. MacKenzie of Oakville, a qualified engineer, had reviewed the entire projections of the OPA in regard to the hydro requirements in the greater Toronto area and had shown, without a doubt, that the projected requirements by the OPA were flawed.

Mr. Peter Tabuns: Would it be possible for you to file a copy of that study with this committee?

Ms. Hazel McCallion: Yes. I'm sure we could get it from Mr. MacKenzie, because he was very active in the opposition to the Oakville plant. We'd be glad to get it.

Mr. Peter Tabuns: Okay. We look forward to receiving that.

As you may know, power demand in Ontario has either been flat or dropping since around 2006.

Ms. Hazel McCallion: By the way, when we went through all this process, there was a municipality that the mayor even came down to some of our public meetings saying, "We want the plant. We want the plant. We'll take it. It'll create jobs," etc. OPA wouldn't listen to it.

Mr. Peter Tabuns: Do you know which town that was?

Ms. Hazel McCallion: Nanticoke. Nanticoke wanted the plant. The mayor came to our public meetings, if you can believe it, saying, "Look, we want the plant."

Mr. Peter Tabuns: Thank you. The Ontario Power Authority provided a chronology for the Minister of Energy, and it indicates that you met with Premier McGuinty in August 2008 regarding the Mississauga plant. Do you have any recollection of what your discussion was with the Premier in 2008?

Ms. Hazel McCallion: On which? The Loreland or the—

Mr. Peter Tabuns: On the Loreland plant.

Ms. Hazel McCallion: On the Loreland plant? No, I don't recall, other than, "It should be cancelled."

Mr. Peter Tabuns: You have made the point a few times that the plant was cancelled at a very expensive moment.

Ms. Hazel McCallion: That what?

Mr. Peter Tabuns: That the plant was cancelled at a time when the expenses would be higher—

Ms. Hazel McCallion: Well, let's be honest. It was during an election, and politicians play some unusual games during an election, especially at the provincial and federal levels.

Interjections.

Mr. Peter Tabuns: No. No, I know, at the city level, that's not a factor.

You spoke with the Toronto Star in October 2012, and they asked you about this plant and you said, "They cancelled it when it was half up. Why did they cancel it? Whether you can prove it or not, it's obvious that they cancelled it at election time with four people (Liberal candidates) involved in the area that could be affected. If you cancel a contract you've got to pick up the tab for it, but I'll tell you, you pick up a big tab when it's half-built and then has to be torn down."

Would you continue to agree with that analysis?

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Ms. Hazel McCallion: Well, yes. First of all, we are insisting on it, as a municipality, that the plant—in fact, we're withholding all the payments that the company made to us, which is around a couple of million, at least in fees. We're not returning those fees until the plant is taken down and the site replaced to its original state, so they won't get their money back on the building permit fees or the fees for the processing of the application until that is completed. We withhold those funds until then, and we'll withhold a portion of all the work we spent on it, so they won't get it all back, either, right? Because we spent a lot of time, our staff, and we're certainly not going to pick up the tab for that.

Mr. Peter Tabuns: And are they in fact in the course of demolition right now, and restoration of the site?

Ms. Hazel McCallion: I had a citizen approach me a couple of weeks ago unhappy with the progress, so our inspector is on the site from the building department, Mr. Sajecki's department, watching the progress of the demolition.

Mr. Peter Tabuns: So it is ongoing now.

Ms. Hazel McCallion: And a lot of the equipment that was ordered can be salvaged. It's the structure. But a lot of the equipment can be salvaged and moved to wherever the new plant is going to be, so there is some recoup on it.

But let me ask you: You're talking about the expenses etc. Don't you think the special purpose body is the one that should be supplying you with the cost of the cancellation of the plant? They're the ones that approved it. They're the ones that went through the process. Why aren't they giving you the cost?

Mr. Peter Tabuns: Mayor McCallion, we are here in part because we asked for the material, and it was withheld from us. The ask that we make is to the Minister of Energy. He resisted providing us with the documents. It took the resolution of the estimates committee and a debate in the Legislature to even get a first slice of docu-

mentation. We could not get the numbers. The government would not release them to us. The Ontario Power Authority reports to the minister and to the Premier, and has not been forthcoming without direction from the Legislature.

You ask a reasonable question. If I was a city councillor in Mississauga, and I had a problem with the works department, I'd go to the works department. We're in a different situation here and one that's caused frustration all around, and obvious frustration for you because you asked an awful lot of these questions, I'm assuming, and you weren't getting answers.

Were you ever given a copy of the contract with Greenfield South, with the Loreland—

Ms. Hazel McCallion: All I ask you is don't hold up the operation of the Legislature of this province as we have thousands of people unemployed who need a job. We have thousands of people, and there are so many things you should be getting on with. Why hold it up to get debate in the House that, in my opinion, is a waste of time, I've got to tell you.

Let's get on with putting this province back on the map. We're in deep trouble in this province, and gridlock in the GTA is affecting our economic progress. We are the engine of Canada, and the engine is sputtering because of the lack of the three parties getting together at Queen's Park, leaving their politics at the door and sitting down and saying—and I've said this to Horwath and to Hudak and to Wynne—"How can we get this province out of the mess we're in?" That's what should be concentrated on. Instead, the people are sick and tired of hearing this, "Oh, we didn't get all this. We didn't get this email. We don't know what this cost is" and such. You're going to pick up a heavy cost for cancellation of this plant. The cancellation of the one in—and maybe you should be asking whether the province should get rid of the Ontario Power Authority. That's the question you should be asking.

Mr. Peter Tabuns: And is that what you would recommend?

Ms. Hazel McCallion: Pardon?

Mr. Peter Tabuns: Is that what you would recommend?

Ms. Hazel McCallion: That's what I would recommend.

Mr. Peter Tabuns: Would you, as mayor of one of the largest cities in Ontario, void a contract without seeing it?

Ms. Hazel McCallion: Pardon?

Mr. Peter Tabuns: Would you void a contract without seeing it? Would you cancel a contract without figuring out in advance what the cost would be?

Ms. Hazel McCallion: I wouldn't cancel a contract without seeing it and not saying, "Well, wait a minute." A mayor or a Premier or anybody—a minister in a position—are they able to read all the details of a contract? No. They have to depend on staff. I don't read all bylaws that are passed by the city, even though there's a Toronto newspaper—I don't know the name of it—that thinks I

should, and wrote an editorial saying I should read every bylaw. I don't know the name of it; it's some newspaper in Toronto, right? I had to go down and prove to them that I don't read all bylaws and there isn't a mayor in the province that reads all bylaws etc. But you have to depend on staff. I depend on staff, and thank God I have good staff in this city that follow the rules and regulations. They give me professional advice, not political advice.

Mr. Peter Tabuns: They have a good reputation, I know.

In 2008, you were quoted as saying that if Sithe, the power plant you were referring to, is the winner in an OPA contest, the province is going to have to answer to the Clarkson airshed study. Can you tell us what the Clarkson airshed study was?

Ms. Hazel McCallion: Yes. The southern part of Mississauga has a lot of industrial development, and we're very proud of it. We have St. Lawrence Cement, we have Petrofina, we have Petro-Canada etc. We have a lot of industrial, a great asset to the city. But it has caused a lot of pollution. We have a lot of trucking companies down there as well etc.

That airshed was very stressed, so we convinced the government to go ahead with a study of that area. The study was conducted and the study said that the area is overstressed. One of the big impacts on that area is the Queen Elizabeth that goes through. As a result, even when the Sithe plant moved in, we had this study that clearly indicated that we are now adding to what they called an overstressed area in regards to pollution.

That study, in regards to the Sithe plant, was able to be managed with the fantastic involvement of the citizens of the area who worked with Sithe to make many changes to their plan from an environmental point of view, to the point that the citizens, with some experts, really technical people who were representing the citizens, were able to bring it down to the point that it was felt that the impact on the airshed would not be serious. There would be some, no question about it, but not to the degree because of the work that had been done with Sithe. As a result, the citizens approved the Sithe project.

Mr. Peter Tabuns: Okay. When this plant was cancelled, were you—

The Chair (Mr. Shafiq Qadri): About a minute, Mr. Tabuns.

Mr. Peter Tabuns: Pardon?

The Chair (Mr. Shafiq Qadri): One minute.

Mr. Peter Tabuns: When this plant was cancelled, were you given a personal call about it? Were you informed personally, or did you gather it from the media?

Ms. Hazel McCallion: I was invited to a press conference in which it was announced that the plant was cancelled. I knew it in advance. I was called by Charles Sousa, our MPP in Mississauga South, who said that—I knew what was going to happen at the press conference, yes.

Mr. Peter Tabuns: And were you told why the decision was made at that point?

Ms. Hazel McCallion: No, other than they agreed with the citizens that it should have never existed in the first place.

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Mr. Peter Tabuns: And the minister's documents—Minister Bentley shows a call with you on October 28, 2011.

Ms. Hazel McCallion: Pardon?

Mr. Peter Tabuns: Minister Bentley released a document showing that he had a phone call with you on October 28, 2011.

Ms. Hazel McCallion: To me?

Mr. Peter Tabuns: Yes. Do you have any recollection of a phone meeting with him on this?

Ms. Hazel McCallion: No, I don't have any recollection. I'm sure he did.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Tabuns. To Ms. Cansfield of the government side.

Ms. Hazel McCallion: I think he did, yes.

Mr. Peter Tabuns: Thank you very much.

Ms. Hazel McCallion: I don't recall.

The Chair (Mr. Shafiq Qadri): Ten minutes.

Mrs. Donna H. Cansfield: Thank you, Mayor McCallion. It's always nice to see you. I remember those days when you and I had the discussion about Lakeview becoming a generating station with Enersource and Borealis and not everybody was in favour. There was opposition even then to what we had been proposing for Lakeview.

This has been a long and ongoing process. It started way back in 2003, as I recall, when we first came into government, and I don't think there is a party here that doesn't believe that the site was a difficult site and an inappropriate one, and in fact the plant should have been cancelled and was subsequently. But I think it's also really important to share with everyone just how difficult the whole process was, and so I'm going to refer you back to your own planning documents.

In 2003, Mississauga actually had their own official plan put into place, but in 2005, city council directed staff to undertake a review aimed at identifying where existing zoning bylaws may need to be amended to implement Mississauga's plan, and establishing appropriate regulations, criteria, for the location of power generating facilities and effect changes to the draft comprehensive zoning bylaw to implement Mississauga's plan, consistent with and appropriate with certain regulations. In March 2006, city council accepted the staff recommendations and approved the Ontario Power Authority's 48 and modified your zoning bylaws.

I'm getting this—and I'll share this information with everyone.

Subsequently, what happened was, after the land was purchased for the site and the appeal went to the OMB, because it was zoned as industrial, commercial and power, that's why it was overturned at the OMB and the site was an acceptable site within the official plan.

I appreciate that you did go back to the OMB and you argued that that was not your intent, and that's fair. But

the fact remained that it made it particularly difficult and exacerbated the situation when it came to trying to get out of that site location. Ultimately, the OMB wouldn't accept your position and overturned in favour of Greenfield, which made it very difficult as well for the government.

Again, all I'm suggesting—just to put it on the record—is that the site had been approved as commercial, industrial and power generation by the city's zoning bylaws and the OMB accepted that. They wouldn't accept that it wasn't according to Mississauga's council at the time. Again, I think time had lapsed and people realized that it wasn't an appropriate site and there needed to be some changes made.

I also appreciate that the other problem that came into being was that when the power generation plant was actually determined—its location—you had to give the permit. By law, you had to—as the mayor indicated, you were forced to, but you didn't realize they were going to put it 125 metres from the houses. That's the problem.

So in lies the challenge within the whole issue around site location, and I raised this yesterday with the OPA. There has to be within the original contract negotiations and procurements an opportunity to look at even if a site is zoned that way, it still has to be appropriately located within that site. It can't be left up to the proponent to just choose wherever because it's closer to a hydro line or whatever.

I just wanted to put this on the record because I think it's important. It shows that not only were you frustrated, we were frustrated, and that we in fact were hamstrung by the results of the OMB because of an official plan, and we worked very closely with you to try to overturn that, to see if there was anything that we could do. And I know that even individuals went to the OMB to try as well to get some of those changes done. The OMB was pretty firm on its position.

So I guess, at the end of the day, I'm pleased the plant is cancelled. I've always believed this site was inappropriate. It was far too close. I hope we all learned from this situation, and that in fact as power-generating sites are determined in the future, regardless, in this province, there is a stronger collaboration between the municipality—because even in this case, the region of Peel had approved this, right? That's the challenge you've got. You have two tiers. It's a very complicated process.

So I hope what we do is what the mayor has said: We all learn from this, and that we have a far more integrated approach to site procurement for anything that impacts local residents in an area where there's such density. I think we had the chance to hear from you to say how the opposition was there in the beginning from the constituents, as well as maybe the difficulty at times with the proponent. I'm hoping that all lessons will ultimately end up in a far better process for the Ontario Power Authority and that they actually put in their requirements for procurement site allocation that take into consideration all the things that we've talked about today and in particular that you've talked about, Mayor.

I'd like to thank you so much for coming and being a part of enabling us to in the future make some good decisions, for expressing clearly your constituents' perspectives and for enabling us to hopefully do a better job in the future. Thank you very much.

The Chair (Mr. Shafiq Qaadri): Mr. Delaney?

Mr. Bob Delaney: Madam Mayor, was there anything that you wanted to add to Ms. Cansfield's comments?

Ms. Hazel McCallion: Let's put it this way: My comment is, if it was a project in Mississauga I'd say, "We made a mistake. It's going to cost money. Let's find out what the cost is." No matter what it is, you're going to pick up the tab for it, and if it goes to court you don't know what the cost is. We all make mistakes; all levels of government make some mistakes at times. If you're going to cancel a contract, you've got to know the implications of it.

But let's get on with the business of the province. The point is, whether it costs \$800 million, \$600 million or \$1 billion—by the way, the G20 in Toronto cost \$1.5 billion, I believe. It had a serious impact on the economic progress of Toronto and the greater Toronto area. There has been less fuss about that than the cancellation of the gas plant that the citizens wanted. The citizens never asked for the G20; the citizens wanted the gas generation plant killed. Killed at the wrong time, yes, but even if it had been killed before the permit was issued, it would have cost the province. The government listened to the people eventually; eventually they listened to the people. Wrong timing: no question about it. But they did listen to the people. Isn't it interesting? I hear you folks say at times, "We've got to listen to the people." Well, the people of Mississauga spoke strongly; the council spoke; the staff spoke: "The wrong location for this plant." It should have been cancelled. Cancellation is going to cost money. Cancelled at the wrong time? Yes; no question about it. Because it was cancelled at the wrong time, there are going to be additional costs; no question about it. It's the way it is.

Let's get on with it. The people of Mississauga are fed up hearing all this controversy at Queen's Park over something that they wanted cancelled, the government agreed to cancel it, and you folks are making a big fuss about it. Come on. Let's get on with the business of the province, folks.

Mr. Bob Delaney: Madam Mayor, MPP Sousa in particular was very active on this particular project. Would it be fair to characterize MPP Sousa's efforts with the citizens' groups as proactive and to say that it was he who really spearheaded a lot of the local work by the MPPs to raise the awareness on this issue and get the plant cancelled?

0950

Ms. Hazel McCallion: By the way, Charles Sousa and our MPs in Mississauga were behind us all the way on this, I've got to tell you. They knew, because they're very close to our citizens. Charles, Bob and Harinder Takhar really are in touch with the citizens. If not, we make them in touch because we call them every so often together etc. But they are in touch, and they were—

Mr. Bob Delaney: Truer words have never been spoken.

The Chair (Mr. Shafiq Qaadri): Thank you, Mayor McCallion. To Mr. Fedeli.

Ms. Hazel McCallion: So you can't blame—what you folks should be concentrating on, and I don't see it, is the OPA. I'll tell you, you'd better challenge their decisions because in my opinion, on the gas plants in Mississauga, they have been arrogant. That's my position. I'll tell you: Watch your special purpose bodies. They'll take any party down to defeat.

Mr. Victor Fedeli: Thank you very much for those words of wisdom. By special parties, you also were referring to eHealth and Ornge, I think, earlier. So thank you very much for reminding us of that.

Your Worship, you talked about the business at hand. I too would agree that 600,000 men and women woke up this morning without a job in Ontario; 300,000 of those men and women used to work in manufacturing in Ontario. I believe, as many of us in Ontario believe, that this energy file in Ontario has been so badly mismanaged—

Ms. Hazel McCallion: The what?

Mr. Victor Fedeli: The energy file in Ontario has been so badly mismanaged that it has caused our energy bills to double in the last nine years, and I put that doubling of the energy bills in Ontario as one of the many reasons why 300,000 men and women no longer work in manufacturing. So I share your concern about getting to the business at hand, and I guarantee you that while we are sitting in this room—if you look up at the television behind you, you'll see that the legislators are in the Legislature this morning carrying on the business. When we're done here after this hour and a half, we'll be in Queen's Park in the Legislature, again, continuing carrying on the business.

Today, in fact, there are many bills that are coming from the PC Party that are designed to continue to push for Ontario to get back on a path to prosperity. While this has been going on, and while the Liberal government prorogued for those many months that we couldn't get the business back at hand, we have been writing our Paths to Prosperity, bold ideas from the PC Party. There are 13 of them out now that have great ideas. I assure you, Your Worship, that while this is going on, at least from the PC Party, the business at hand is of the utmost importance.

We believe that our Paths to Prosperity will help those 600,000 men and women who woke up this morning without a job get back to work. I want to you assure you that—

Ms. Hazel McCallion: Well, that's very good, but I've got to tell you, getting those 600,000 back to work, very little will be done by the government. It has to be done by the private sector—

Mr. Victor Fedeli: Hear, hear.

Ms. Hazel McCallion: Quite honestly, with the infrastructure in this area that is lacking—not just the transit, but infrastructure, etc., could put a lot of people back to work if the federal government—and I hope the an-

nouncement today is bringing money to the GTA. But remember, we're in global competition—

Mr. Victor Fedeli: I absolutely agree.

Ms. Hazel McCallion: So no matter what the government does—you can plow money and give it to the private sector. They're not going to hire people if they have no work. We have a problem, that we are a manufacturing province. Our biggest customer, the United States, is in trouble, and we're not exporting the way we should to other parts of the world. I don't know what really the government can do.

You folks should be challenging the private sector, because they're restructuring. As they restructure to become more efficient and economically sound, they're laying off people.

Mr. Victor Fedeli: Would you consider affordable energy rates and lower corporate taxes as a couple of incentives that a government could do to help spur business on in Ontario?

Ms. Hazel McCallion: The energy rates are not the problem.

Mr. Victor Fedeli: You don't believe that? You don't think so?

Ms. Hazel McCallion: No. I don't think they're the problem at all.

Mr. Victor Fedeli: You know they have doubled in the last nine years.

Ms. Hazel McCallion: Yes. They're not the problem with the private sector; they're not the problem. They may be with the individual who owns a home, but not with the private sector.

Mr. Victor Fedeli: So for those 600,000 who are unemployed, you would be concerned that the doubling of their energy rates is a problem?

Ms. Hazel McCallion: Well, you folks—I'm hoping today that the federal government will challenge the private sector. They haven't used technology to advance the manufacturing in this province. They've allowed other countries to get ahead of them in technology etc. In my opinion, a lot of the problems that we're facing in regard to unemployment are because of the private sector not responding the way that they should to the situation. As they restructure—read the paper every morning; there are companies laying off 300, 500—they find out that they didn't need as many more people as they thought they did.

Mr. Victor Fedeli: Well, you and I absolutely agree on that and on many things, and—

Ms. Hazel McCallion: I never found government resolved any unemployment situation other than to hand out more money.

Mr. Victor Fedeli: As we like to say, we don't like picking winners and losers either, Your Worship. We believe that governments don't create jobs; companies create jobs, so we agree on that. We're very concerned and believe that it's our role to create the atmosphere and the institution for those businesses to succeed, like lower corporate taxes and affordable energy rates. Those are

two things in our opinion that will help these 600,000 men and women.

Ms. Hazel McCallion: Let's put it this way: If the government started to do what the private sector is doing, they would add greatly to the unemployment in this province. Become more efficient and better managed with fewer staff; they would be adding to the unemployment.

Mr. Victor Fedeli: Thank you very much. Mayor McCallion, do you have—we've got how much time left?

The Chair (Mr. Shafiq Qadri): Three minutes.

Mr. Victor Fedeli: Three minutes. Do you have anything else that you want to add in terms of—

Interjection.

Mr. Victor Fedeli: I'm sorry? I missed that.

The Chair (Mr. Shafiq Qadri): Please go ahead.

Mr. Victor Fedeli: Sorry, I thought there was something coming from over there.

Do you have anything else that you want to add about the process that has been taken with this gas plant? Do you have any final philosophy or any final words that we can share?

Ms. Hazel McCallion: Well, my final thing is, I don't think the issue of gas plants has been settled. One of the biggest problems in this province is the distribution system, and it's not being addressed. That's why they're trying to locate gas plants all over the place. It's to offset the unfortunately depreciated transmission lines in the province. I think this whole energy issue should be looked at.

Secondly, in regard to the privatization of the hydro utilities, which the Conservative government brought in, in my opinion, it is not working. In fact, it's costing an increase in the cost of hydro, the privatization, because the energy board, which is now regulating everything, is very inexperienced in regards to hydro. It seems they've been able to manage or regulate the gas business. When it comes to hydro, it's all over the map. So there are major problems, there's no question about it, in regards to the energy.

I know your government—are you NDP?

Mr. Victor Fedeli: No, I proudly sit as—

Laughter.

Mr. Victor Fedeli: We will be the PC government.

The Chair (Mr. Shafiq Qadri): Not yet, Mayor McCallion.

Ms. Hazel McCallion: By the way, I have great respect for Ms. Horwath, because I think women will really solve some of the problems at Queen's Park. All you folks have to do is elect a woman.

Mr. Victor Fedeli: My wife would tend to agree with you. I thank you very much. I'll yield my time over.

Ms. Hazel McCallion: Let me put it this way: Horwath has been recommending a public enquiry on this gas plant. All a public enquiry does is put a lot of money in the hands of the legal profession and it attains nothing. We've gone through it in Mississauga on an enquiry: \$7.5 million. And what did it attain? Zero.

1000

The Chair (Mr. Shafiq Qaadri): Thirty seconds.

Mr. Victor Fedeli: Thank you very much. I do acknowledge what you're saying, and I know my wife would agree with you on many of those finer points.

I guess, Mayor, at the end of the day, what we're really after is the fact that there were documents that were covered up, and we're looking to get to the bottom of the cover-up. I think that's the real important part, Your Worship.

Ms. Hazel McCallion: And who's going to read all the documents?

Mr. Victor Fedeli: Well, I can tell you I've read many of the 56,000 myself—

Ms. Hazel McCallion: Well, you mustn't have much to do, then.

Laughter.

Ms. Hazel McCallion: Come on out to Mississauga and we'll put you to work.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Fedeli. Mayor McCallion, I now pass the floor to the real NDP, Mr. Tabuns.

Mr. Peter Tabuns: Mayor McCallion, clearly we should have you in testifying every week. It makes a big difference here.

Getting back to the business of this plant, when you first heard about this proposal, you tried to talk to Minister Duncan, and effectively he told you that it was a done deal: "We've signed a contract. It's over." Is that fair to say?

Ms. Hazel McCallion: Is that what he said?

Mr. Peter Tabuns: Yes. Is that—what did he say?

Ms. Hazel McCallion: No, he was very supportive—a decision unfortunately had been made.

Mr. Peter Tabuns: So he said, "Nothing can be done. A decision has been made."

Ms. Hazel McCallion: And my question and his was, "How do we get rid of it?" He was very supportive.

Mr. Peter Tabuns: Did he ever take any action to get rid of it that you're aware of?

Ms. Hazel McCallion: Pardon?

Mr. Peter Tabuns: Did he ever take any action to get rid of this contract that you are aware of?

Ms. Hazel McCallion: Well, first of all, the financing was the question at the time. They didn't have the finances. The responsibility for processing it became our responsibility in regard to building it. So, really, the responsibility sort of shifted to us as to whether we could find just cause for cancelling it, from a planning, land use point of view, etc. The responsibility shifted to us, and we went through the process very thoroughly.

We asked for it to be bumped up for an additional assessment. That was turned down, I believe, by the Minister of the Environment. They didn't feel that our request for bumping it up to a full environmental assessment was necessary.

Mr. Peter Tabuns: And did you challenge them on that?

Ms. Hazel McCallion: Well, how can you challenge the province? The only thing I would do is get rid of them. The provincial government has—oh, I'm not going to say it.

We are no longer children of the province. We manage our affairs much better than the province does. The time has come that we'd better be recognized as a level of government, and the same rules should apply to us. In other words, we can't move into camera like you folks can and have all our cabinet discussions privately. Oh, we have to clearly state, "Move into camera. Do this, this, this and this," like a bunch of children. You folks and the federal government can operate completely in camera with no public, no press or anything. Isn't that interesting? Yet we are a qualified level of government. It's time that the province and all parties in the province recognized us as a responsible level of government, where the action is and where everything from an economic point of view is taking place.

What happens at Queen's Park? As I explain, in Toronto, there's three zoos. There's the real one, right now at city hall there's another one, and then there's one at Queen's Park.

I mean, folks, the people are getting fed up—and I've been in politics for a long time—with this wrangling that is going on amongst parties etc. and not getting the job done for the 800,000 unemployed in the province. My message to you is, get on with the business. No matter what this plant costs, it's going to cost you a lot of money. It isn't important whether it's \$800 million or \$1 billion; it's going to be somewhere in there. So let's get on with the business of the Legislature.

Mr. Peter Tabuns: Can I go back to your city's efforts once Dwight Duncan effectively said, "The ball's in your court. If you're going to stop this, you're going to have to stop it." You tried to get a bump-up to a full environmental assessment. When was that denied?

Ms. Hazel McCallion: We can give you the date.

Mr. Peter Tabuns: If you wouldn't mind.

Ms. Hazel McCallion: Oh, here it is: environmental screening and review for Greenfield South, September 19—a letter to the Ministry of the Environment forwarding council resolution requesting the Greenfield South environmental review be elevated to an individual site environmental assessment. That was refused.

Mr. Peter Tabuns: And the date on the refusal, again, was?

Ms. Hazel McCallion: No, we don't have the data. We'd be glad to supply it to you.

Mr. Peter Tabuns: If you wouldn't mind.

Ms. Hazel McCallion: Sure.

Mr. Peter Tabuns: We appreciate that offer.

And then you and your council decided to act through your planning powers to deal with this problem. Can you tell us about how you tried to rezone the site, or if you didn't act to rezone, how you tried to interpret the zoning to ensure that a power plant couldn't be built here?

Ms. Hazel McCallion: Well, I think Ed Sajecki should respond to that as a planner.

The Chair (Mr. Shafiq Qaadri): I'm sorry; I'm going to need to intervene there. You're not a summoned witness.

Ms. Hazel McCallion: "City Amends OP and Zoning Bylaws: City council adopted official plan amendment 48, which modified power generation terminology in the Mississauga official plan to achieve wording consistency and to add definitions. In addition, zoning bylaw amendments were passed, which brought the industrial zone categories in conformity with the corresponding official plan designation." That was March 2006.

Mr. Peter Tabuns: So 2006. I'm assuming that the power developer appealed this to the Ontario Municipal Board.

Ms. Hazel McCallion: Yes, it did. They appealed it April 4, 2006, and it went to the municipal board.

Mr. Peter Tabuns: And when was it dealt with?

Ms. Hazel McCallion: The OMB hearing was July 2007, and on October 4, 2007, an OMB order was issued regarding the July hearing approving the development, subject to minor modifications, notwithstanding the city's objection. Municipalities now have concern about OMB decisions.

Mr. Peter Tabuns: Did you ever think to appeal their decision to a higher court?

Ms. Hazel McCallion: We asked staff to tell us how we could appeal it, and as you know, to go to the Divisional Court, you have to have a technicality, not because you disagree with the decision based on land use etc. It has got to be a legal technicality.

Mr. Peter Tabuns: So effectively, Dwight Duncan, in your conversation with him years earlier, said, "It's out of our hands. We've signed this contract. Good luck trying to stop it." And you in fact tried, on two accounts, to stop this plant from going forward, but you were blocked in both cases.

Ms. Hazel McCallion: Yes.

Mr. Peter Tabuns: You have the Lakeview site in your riding.

Ms. Hazel McCallion: The what?

Mr. Peter Tabuns: The Lakeview generating station site is in your city. No power plant was proposed for that or ever built. Why was that site not used?

Ms. Hazel McCallion: The Lakeview site?

Mr. Peter Tabuns: Yes.

Ms. Hazel McCallion: Well, as I mentioned to the previous question, OPG was interested in locating a gas generation plant there. They worked with Enersource to involve them in the process, and Mr. Smitherman came out to Mississauga one morning, held a press conference on the site and announced that there would be no gas generation plant on that site.

Mr. Peter Tabuns: And do you know why he made that announcement?

Ms. Hazel McCallion: Well, quite honestly, the citizens were supportive of that because they had lived with this coal generation plant for years that certainly emitted a lot of pollution—I'm not sure that much on the city of Mississauga, but certainly on the United States, because

it was blowing across the lake etc. But they were tired of the fact that they had a plant there for all these years. I wouldn't say it was unanimous, because some of the people who had worked at that plant for years had felt it was a great economic asset to the area. But he, at the request—I guess Charles Sousa would have more information on how he had worked with the citizens to not have a gas generation plant on that site.

Mr. Peter Tabuns: So the site was blocked by the provincial government, not by the city of Mississauga.

The Chair (Mr. Shafiq Qaadri): Thank you Mr. Tabuns. I need to intervene there.

First of all, before thanking Mayor McCallion, as there was a request, the gentleman and lady who are accompanying Mayor McCallion are Ed Sajecki, commissioner of planning and building, and Mary Ellen Bend, city solicitor, city of Mississauga.

Mayor McCallion, I'd like to thank you collectively on behalf of not only the province but of course the justice policy committee for your time, your expertise and your energy. Thank you very much, Mayor McCallion.

Mr. Leone?

Mr. Rob Leone: Mr. Chair, I would like to put forward a motion, under consultation with the Clerk's office, to present a motion for further documentation. Can I present that motion?

The Chair (Mr. Shafiq Qaadri): Please read it into the record.

Mr. Rob Leone: Mr. Chair, I move that the Standing Committee on Justice Policy request that the secretary of cabinet produce, by 11 a.m. on April 3, 2013, the following:

(1) List of names, titles and roles of all political staff in the Premier's office (past or present), the Office of the Minister of Finance (past or present), and the Office of the Minister of Energy (past or present), who were involved with or had knowledge of the tendering, planning, commissioning, cancellation, and/or relocation of the Mississauga and/or Oakville gas plant;

(2) A list of the names of all ministers past or present in attendance during any and all cabinet meetings or cabinet committee meetings where either the Oakville or Mississauga gas plants were discussed, or where ministers were briefed, provided documents and/or where decisions were rendered regarding the tendering, planning, commissioning, cancellation, and relocation of the Mississauga and/or Oakville gas plants;

(3) All documents, correspondence, emails, attachments, missives, notes, or any communications without redaction ordered under the scope of the original document production order as issued by the Standing Committee on Estimates on May 16, 2012, and that it be expanded to include all documents, including those hidden or covered by a code name, regardless of status or privilege from the Office of the Premier, the Cabinet Office, Ministry of Finance and/or the Office of the Minister of Finance, Infrastructure Ontario, and the Ontario Electricity Financial Corporation without redaction

or any alteration related to the tendering, planning, commissioning, cancellation, and/or relocation of the Mississauga and/or Oakville gas plant; and,

(4) That four sets of the above documents be printed in paper form and delivered to the Clerk of the Standing Committee on Justice Policy for distribution to each member of the subcommittee;

(5) All documents in this motion be provided in searchable electronic format.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Leone. I am pleased to advise the committee that this motion is duly in order and therefore tabled before the committee. The floor is open for debate and comments before taking the vote on this motion.

Mrs. Donna H. Cansfield: Can we have a brief recess on this motion?

The Chair (Mr. Shafiq Qadri): I will accept a recess, if that's agreeable. That's fine. So five, 10 minutes?

Mrs. Donna H. Cansfield: Yes.

The Chair (Mr. Shafiq Qadri): All right, so let's call it a recess for 10 or 15 minutes or so.

The committee recessed from 1014 to 1026.

The Chair (Mr. Shafiq Qadri): Thank you, colleagues. The committee is back in session. As you know, we have a motion, duly in order, presented by Mr. Leone. You've all had time to consider it. The floor is open for debate or comments. Maybe the floor to the NDP, if they have any issues or comments?

Interjection.

The Chair (Mr. Shafiq Qadri): All right.

Yes, Ms. Cansfield?

Mrs. Donna H. Cansfield: I just have a couple of questions. One is around—first and foremost, you can have all the documents; that's not an issue. It's about who can provide those. I actually don't think the secretary of cabinet has the authority to direct the ministers. I think you actually have to say that the ministers direct—just to make it clear. I don't think the secretary of cabinet has the authority to tell the ministers what to do. We can double-check that, but I'm pretty sure. That's one, and that's just to clean up the little whatever.

The third is really a clarification around the timelines. Again, we're more than prepared to give all the documents, but if we could have some idea around the time frame for number 3? Are you talking from—when to when? There's an original motion, if you recall, on the floor. Is it within that same time frame or is it different—that sort of thing? That's the beginning of some of the

discussion, just so that we know and whoever is looking for those documents knows the time frame.

The Chair (Mr. Shafiq Qadri): Okay. Any further comments on this particular motion?

Mr. Rob Leone: Chair, I'm sorry. The time frame for when they should be providing the documents?

Mr. Steven Del Duca: No, it's the window of the search.

Mrs. Donna H. Cansfield: The window of the search. Are you looking from 1999 to 2014? Are you looking from your original motion, which I think had—I can't remember.

Mr. Steven Del Duca: I think it had dates.

Mrs. Donna H. Cansfield: It actually had dates attached to it, because this helps in terms of the search and what you're looking for and the documents. Obviously, the longer the search, the more time you're going to need. If it's from 1999—

Mr. Rob Leone: Well, we—can I respond, Mr. Chair?

The Chair (Mr. Shafiq Qadri): Yes, please.

Mr. Rob Leone: We were under the impression, given the Premier's comments, that these documents were available for production—related to the gas plants and the relocation of the gas plants. So that's—

The Chair (Mr. Shafiq Qadri): I just advise—procedurally, Ms. Cansfield does bring up a good point, because, for example, if this request is not within the purview of the secretary of cabinet, he will simply write back to you saying that, and that will just delay the implementation of the motion. Similarly, if they are also confused or not having specific details of the dates, they will simply write back to you and once again delay the process. So these are both valid issues.

Mr. Rob Leone: Can I just interject?

The Chair (Mr. Shafiq Qadri): Please.

Mr. Rob Leone: Would it be possible to defer this to our next meeting so we can actually make that clarification?

Mrs. Donna H. Cansfield: Yes, absolutely. It would just help us in terms of that time frame and make it—

The Chair (Mr. Shafiq Qadri): That's fine. Defer it until the next meeting, and you can re-present with some added details.

Is that the will of the committee? Unanimous consent on that?

The committee is adjourned until Tuesday, 8:30 a.m., next week.

The committee adjourned at 1030.

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