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Thursday 30 May 2013

**Journal
des débats
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Jeudi 30 mai 2013

**Standing Committee on
Justice Policy**

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
JUSTICE POLICY**

**COMITÉ PERMANENT
DE LA JUSTICE**

Thursday 30 May 2013

Jeudi 30 mai 2013

The committee met at 0831 in room 151.

MEMBERS' PRIVILEGES

MS. DANIELA MORAWETZ

The Chair (Mr. Shafiq Qaadri): Colleagues, I call the meeting of the Standing Committee on Justice Policy officially to order. I would invite our first presenter to please come forward: Ms. Daniela Morawetz, president of the Chartwell-Maple Grove Residents Association, Oakville. Welcome, Ms. Morawetz. I'd invite you to please be sworn in by the Clerk.

The Clerk of the Committee (Ms. Tamara Poman-ski): 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. Daniela Morawetz: I do.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Morawetz. I will invite you to begin a five-minute opening address, to be followed by 20-minute rotations and beyond that as well. Please begin now.

Ms. Daniela Morawetz: Thank you very much. Good morning. My name is Daniela Morawetz and I am president of the Chartwell-Maple Grove Residents Association in Oakville. CMGRA, as we're known, is a non-partisan community organization comprised of about 1,600 households, seven schools, four day care centres, three churches and one synagogue. Our claim to fame is that our area of Oakville is located literally across the tracks from the site where TransCanada proposed to build a power plant at the behest of the Ontario Power Authority.

CMGRA was founded in April 2009 by myself and a small group of others when it became apparent that there was a proposal to locate a huge gas-fired power plant near our neighbourhood. We started a local awareness campaign and began distributing a petition modelled on the one that was already circulating in the neighbouring Mississauga communities. In June, our first public event was to hold a drive-through petition on a Saturday at a local school. Unbelievably, over 800 people drove, biked, walked and stopped to sign.

Most people never believed the site to be chosen would be the one closest to established residential communities, including ours. It never made sense, and that was what people were reacting to. Our worst fears

were realized when the OPA awarded the contract to TransCanada in September.

What twisted process could lead to a decision to locate a 900-megawatt natural-gas-fired power plant 400 metres from homes in a long-established neighbourhood, 320 metres from one nearby school and within 750 metres of three others, a couple of car lengths away from one of the most heavily used railway lines in Canada and in a location where you couldn't build a wind turbine because setbacks wouldn't meet provincial regulations? How could this happen? How could this be safe? And where was the common sense?

Just when we thought things could not get worse, in February 2010 there was the massive power explosion at the power plant in Connecticut, which killed six and injured many more. That accident damaged homes up to eight kilometres away. All of the CMGRA area is within four kilometres of the Oakville site, and this plant was to be much larger.

On March 2, 2010, CMGRA members were very active participants in the rally that was held here at Queen's Park that drew over 3,000 concerned Oakville and Mississauga residents. That sort of response is unheard of from these quiet bedroom communities. People were concerned about safety. People were concerned about air quality. We live in one of the most stressed airsheds in Ontario. People were concerned because electricity demand in the area was not increasing at the accelerating rate that the OPA predicted; it was declining. But was anybody in the government paying attention?

In October, it was clear that someone had listened. Someone had let common sense prevail, and the decision to cancel the plant was announced. Are we relieved? Obviously. Are we satisfied? Absolutely not. Until the provincial government takes a long, hard look at the process that created the situation in the first place, no Ontario community is safe from having something like this happen to them. The rules for siting a power plant haven't changed.

What is important now is that all parties get back to work on fixing the process. Stop the finger-pointing and focus on using this situation as an opportunity to improve policy and process. You are elected to accomplish something. Here is an opportunity to do something meaningful to protect communities from thoughtless administrative policy and needless expense.

Thank you.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Morawetz. I begin with the government side. Mr. Delaney, 20 minutes.

Mr. Bob Delaney: Good morning, Daniela. Thank you for joining us today.

Could you tell the committee a little bit more about the Chartwell-Maple Grove Residents Association—you touched on it very briefly—and talk about what role your organization played at the time and still may play in the community?

Ms. Daniela Morawetz: As I mentioned in my comments, we started in early 2009, myself and about three or four other concerned citizens who started hearing rumours about this power plant. We had other issues in the neighbourhood at the same time that we were concerned about, and we realized that in our area, our specific area, there was no organization, so we started one. We were very fortunate that the first group of volunteers who came out were incredibly dedicated and very creative and thoughtful. We got going pretty quickly and we started getting attention pretty quickly.

We started working with the other organizations, getting the other residents' associations in Oakville involved. We liaised very closely with Mississauga because they were already up and running as a group; we weren't. We became a group. We did sign campaigns, letter drops, whatever. We held our own rally—not quite as big as the one here at Queen's Park, but it was a pretty big one—in July. We originally came down here, actually, on September 28, 2009, to Queen's Park to be part of a rally, but it was cancelled due to rain.

Just after that, two days later, the TransCanada announcement was made. At that point, we realized we had a bigger battle on our hands than just our little organization and liaising with others was going to work, so there was a meeting that was held at the local school that involved a number of key community people. The result of that was C4CA. I'm actually the one who took the incorporation papers for C4CA down here to register them.

I did not sit on the board of C4CA. Our former president, Doug MacKenzie, was the initial president of C4CA, and I stayed on to run CMGRA because community organizations are important, even when issues go by the wayside, because there are always issues.

We still exist. We're still very active. We're bigger than ever. The power plant was our kick-start, but we've had other things. Our credibility in the neighbourhood is quite strong. We have really good reach. When we ask people to send a letter to do something, they seem to listen to us. We're very proud of the organization we've built and we will continue to be active in our community.

Mr. Bob Delaney: Well, it's very nice to have you here as part of what you called a long, hard look at the process.

In your remarks, you touched on the hazards resulting from the incident in Connecticut, the proximity to homes and schools, the proximity to the rail line and the Oakville and south Mississauga airshed. Were there any other concerns that you had at the time?

Ms. Daniela Morawetz: Particularly in our area, the proximity to the rail line was a big issue. When the derailment happened in Burlington just last year, we all sort of breathed a big sigh of relief.

We took the time to drive around and look at some of these sites. It was almost impossible to fathom. We've got the Ford plant. We know what big industrial complexes look like, but when you look at what a power plant does and what it produces in emissions, in water vapour, and just where it was going to be located on this really tiny, narrow patch of land right beside the railroad tracks and right across the street from the community, it just didn't make sense. Our concerns were for all those reasons. It just didn't make sense.

Mr. Bob Delaney: Mayor Burton brought in some very revealing aerial photos and showed us that in up-close-and-personal detail.

What was the community's reaction when the government announced on October 7, 2010, that the plant would be relocated?

0840

Ms. Daniela Morawetz: A huge sigh of relief, obviously; we were pleased. But the community is still engaged, insofar as that happened in our community, but this can still happen. People got quite involved in this process and there's still a great deal of concern that nothing has changed, whether it happens in Oakville or it happens in Rosedale or Scarborough. Someone could find a site and site a power plant if the government deemed it necessary. It could happen to any community—big, small, in Toronto, outside Toronto—and that is still a concern to us, that that has not changed.

Mr. Bob Delaney: Were you in touch with your MPP, Kevin Flynn, during this time?

Ms. Daniela Morawetz: Oh, yes.

Mr. Bob Delaney: And I take it he was helpful to you?

Ms. Daniela Morawetz: Yes, eventually. I think we had to get pretty loud for a while, but yes, he was. He was very helpful and, in the end, he saw what everybody was talking about. He saw what we needed and stood up for the community and we were very appreciative of that and the work that he's done subsequently in trying to introduce legislation on buffer zones, which I think is really important. It's a shame that we're spending time doing this instead of that.

Mr. Bob Delaney: Would it be fair to say that the province made the right decision on the relocation of the plant?

Ms. Daniela Morawetz: Oh, absolutely; no question.

Mr. Bob Delaney: Just to explore a few issues around the siting of the Oakville plant: In terms of the decision to procure the plant, we know there was a government directive back in August 2008 asking the Ontario Power Authority to procure a plant in what they called the southwest GTA. The directive stated that there were reliability issues in that area due to challenges from the robust growth in the GTA, while at the same time, of course, coal-fired generation was being phased out. It

was the OPA that was then responsible for the request for proposals and the procurement process, which is what resulted in that Oakville site having been chosen. But, as you pointed out, factors have changed, and in the summer of 2010, as the long-term energy plan was being updated, the Ontario Power Authority and the Ministry of Energy realized the changing demand needs and successful conservation efforts meant that a power plant was no longer needed and that a transmission upgrade would be sufficient. What that meant was that the circumstances in 2008 were very different from those in 2010. Would it be fair to say that was a decision that in 2010 needed to be revisited?

Ms. Daniela Morawetz: Absolutely, and I think that was one of the main messages that C4CA put forward, the information we were getting. I'm not an expert on power generation and demand, but I will say that we haven't frozen in the dark in Oakville, nor has anybody else that I know of in the southern GTA. The information we were getting was the same sort of thing. We couldn't see why this plant was needed—aside from the horrendous siting, why it was needed. It just didn't make sense.

Mr. Bob Delaney: Okay. You were interviewed by Matt Galloway on Metro Morning on May 1. He asked about the siting of this particular plant, and at the time you said that the process in awarding these sorts of contracts and deciding where they should go—there's something wrong with that process. In fact, of course, we agree with you. The Premier has committed that there's going to be more local decision-making in the siting of energy infrastructure.

I guess early on in your time with us, what advice would you have to help ensure that local voices such as yours and your group's are heard throughout the process?

Ms. Daniela Morawetz: I think, again, similar to comments made by Frank Clegg before this committee, that somewhere in the world there's got to be a better example of how to locate a power facility that takes into consideration the environment and the community at a very early stage. I think the powers that be here should be able to find a better way of doing things, and that is our first concern. We would love to see the public engaged well before it got to the stage where we had to get involved.

Mr. Bob Delaney: Okay. Ontario's Minister of Energy, Bob Chiarelli, has asked the Ontario Power Authority and a body called the Independent Electricity System Operator to develop recommendations for a new integrated regional energy planning process, which is a whole mouthful of words, that would focus on improving how large energy infrastructure projects are sited in the province. The work will also consider recommendations from this committee related to the future sitings of generation stations, which is, of course, why you're here. Would you have any recommendations that you'd like the committee to bring back to the government on how future sites should be selected?

Ms. Daniela Morawetz: I'm not an engineer or a power expert. I probably know more about it now than I

ever wanted to, but nevertheless, I'm not nearly an expert. I would deem that the government is more than capable of having learned, perhaps, from this lesson that there are better ways to do things. I think C4CA referred to a model in California that seems to work reasonably well. I'm sure there are others. I would suggest that they look worldwide for examples and use those as best-case examples and implement it that way.

Other than that, I really don't have a whole lot of advice. There's no doubt that we need legislation to provide buffer zones between power plants and communities, we need a siting process that engages the public at a much earlier stage and we need stronger environmental protection that particularly takes into account airsheds, such as the Clarkson airshed, that are stressed. Those are my big three.

Mr. Bob Delaney: Although in saying that, you're not saying that you're philosophically opposed to the generation and transmission of electricity.

Ms. Daniela Morawetz: No.

Mr. Bob Delaney: Okay. That's good.

Premier Wynne testified before this committee a couple of weeks ago. She was asked about the role of elected officials in the decision to relocate this power plant and others as well. She replied that the role of elected officials was to listen to the communities and to make sure that these local voices were heard. Her words at the time were, "There was advice that was given ... siting expertise ... but ... the consideration of the impact on community and the voices of community were not taken into account. So politicians in the end made the decision to relocate the gas plants."

That characterization that politicians are elected to represent their constituents, even if that sometimes goes against expert advice—is that one that you would agree with?

Ms. Daniela Morawetz: Certainly.

Mr. Bob Delaney: How did Kevin Flynn stack up in that regard?

Ms. Daniela Morawetz: Once he got on board, he was great. He did what we asked him to do. He spoke on our behalf, and that was what we asked for—and our mayor as well, who did an outstanding job coming down here, representing us, speaking on our behalf and implementing things.

Mr. Bob Delaney: Just to let you know that there's consistency, they both speak equally well of you.

The Liberal members weren't the only elected officials who opposed the plant. I think we know that both opposition parties opposed it as well. I think this is a point that you made on Metro Morning. You said on Metro Morning, "The opposition parties were in agreement that it was the right thing to do"—the cancellation, that is—"that building a plant there was the wrong thing to do." Would you agree that all three parties had committed to the people of Oakville that they would oppose the plant?

Ms. Daniela Morawetz: Definitely. I was going through my emails and notes, reviving memories of what

happened when and who said what. I've got copies of statements made by opposition members Ted Chudleigh and Mr. Tabuns—

Mr. Peter Tabuns: Tabuns.

Ms. Daniela Morawetz: Sorry, Tabuns—who spoke in the Legislature, actually, just before September 28, when we came down here, about—

Mr. Peter Tabuns: Before he signed the contract. Before you signed, I told you.

Anyway, go on. Sorry.

Ms. Daniela Morawetz: But they had spoken about the concern about the airshed, siting a power plant in a stressed airshed. There was no doubt—our local politicians were all on board. As I said, all parties were against siting a power plant in the airshed. Nobody said, “How much is it going to cost?” or put a maximum dollar value on cancelling it. What are you going to say—“We don't want to cancel it unless it costs less than \$25 million”?

Mr. Bob Delaney: As you've done your research and brought your documents with you, would you like the Clerk to copy them and distribute them to the committee members? She'll return them to you.

Ms. Daniela Morawetz: Well it's just—actually, it's from Hansard. I can give you the dates.

Mr. Bob Delaney: Okay, that's fine.

You've mentioned Mayor Burton a few times. He testified before the committee in March. He was asked about the work of the various local organizations. He stated that he was—and I'll use his words—“very impressed with the work of” Citizens for Clean Energy “in winning promises to stop the power plant from every party.”

Frank Clegg from C4CA also testified before the committee, and his words were, “[W]e met with all the parties and all the candidates and were given commitments by every candidate in the Oakville area that they would support cancelling the plant.”

0850

Did your organization as well, the Chartwell-Maple Grove Residents Association, meet with representatives of all three parties?

Ms. Daniela Morawetz: Generally speaking, we let C4CA take the lead, and that was what we had agreed on. Each of the residents' associations had representation on C4CA. Most of the lead work with the politicians was done by C4CA and not by the individual residents' associations by themselves. It was just more effective that way.

Mr. Bob Delaney: Okay. So based on what you said on Metro Morning, then, you are certain that all three parties ultimately made the same commitment, that if they had formed government, they, too, would cancel the plant or that they were opposed to the plant?

Ms. Daniela Morawetz: Certainly that they were opposed.

Mr. Bob Delaney: I have a couple of quotes that I'd like to read from some members who made statements on it. On October 7, 2010, Mr. Tabuns told Inside Halton, “I

don't agree with the Oakville power plant.” On December 10, 2010, NDP MPP Michael Prue said, “I'm glad the people of Oakville hired Erin Brockovich and did all the things that they did in order to have this killed.”

Although I'm belabouring what you've said, does that indicate, in your opinion, that the NDP supported the government's decision to relocate the plant?

Ms. Daniela Morawetz: I would assume, if you say that something is not right, that you don't agree with it. It doesn't mean, I guess, that you support, but it doesn't mean that you don't. I'm not a politician. In my mind, I would interpret that as agreement to support something.

Mr. Bob Delaney: Okay. In terms of the Progressive Conservatives, there's clearly no doubt that their party opposed the Oakville plant. On June 1, MPP Ted Chudleigh, the PC member from Halton, said, “The people of Oakville have told you they don't want the proposed” gas-fired “power plant, and I agree with them.” On September 25, 2011, during the last provincial election, PC leader Tim Hudak stated, “We've opposed these projects in Oakville and Mississauga.”

Was it your impression, prior to the last election, that the people of Oakville felt that, if elected, a PC government would stop that plant?

Ms. Daniela Morawetz: Just again, I can only speak from a personal standpoint. My personal opinion would probably be yes, but we didn't talk about directing people to vote for one party or another because they had their stand on the power plant. We were just concerned about the plant.

Mr. Bob Delaney: So after the election, when it was our government that was elected and fulfilled the commitments made by all three parties, you'll agree that, one way or the other, everybody wanted that plant stopped. City council wanted that plant stopped; the residents wanted that plant stopped; and the province stepped in and took action to stop it.

Ms. Daniela Morawetz: Yes.

Mr. Bob Delaney: Okay. In your Metro Morning interview, when you discussed the estimated cost for relocating the plant, you stated, “I do note that when we were arguing for this and we went to Queen's Park, and the opposition parties were also arguing to cancel this, nobody was saying, ‘Cancel it unless it costs less than \$100 million.’” Do you remember the statement and what you meant by that?

Ms. Daniela Morawetz: Yes, I did. It was an early morning, but yes, I do remember the statement.

Mr. Bob Delaney: That's the challenge with being interviewed in the early dawn hours.

Ms. Daniela Morawetz: Well, especially when they call you at 7 in the morning and say, “Will you do it?” So, yes, I do remember saying that. And that's something, certainly, I've always felt. I don't recall ever hearing or seeing anything that someone said, “Well, don't cancel it unless it costs less.”

Mr. Bob Delaney: Okay. So you were unequivocal. You said, “Cancel it. Period.”

Ms. Daniela Morawetz: Yes.

Mr. Bob Delaney: Basically, that lines up with a statement that Mayor Burton made on September 25. He said, “Since all parties promised they would stop the power plant, I’m not sure (the cancellation) could have been done better or cheaper.” When we asked him about that comment at the committee, he emphasized that, “Anyone who wishes to criticize the cost of cancelling it would do everybody a favour if they would explain how they would have done it differently.” Would you agree with Mayor Burton’s statement?

Ms. Daniela Morawetz: Sounds like common sense to me, but yes.

Mr. Bob Delaney: Chair, I will stop there and pick it up in my next—

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Delaney.

Mr. Fedeli, 20 minutes.

Mr. Victor Fedeli: Thank you very much, Ms. Morawetz, for being here. I can tell you, as a former mayor, I always appreciated the opportunity for impassioned pleas and an articulate case to be made by people such as yourself. I congratulate you for that.

Ms. Daniela Morawetz: Thank you.

Mr. Victor Fedeli: I’m going to be very brief before I pass it on to my colleagues. I just want to read you the agenda of why we’re here. It’s sort of two parts. You definitely satisfy the last part.

“Review of the matter of the Speaker’s finding of a prima facie case of privilege, with respect to the production of documents by the Minister of Energy and the Ontario Power Authority to the Standing Committee on Estimates...” That’s the first part of why we’re here. The second part is, “and to consider and report its observations and recommendations concerning the tendering, planning, commissioning, cancellation and relocation of the Mississauga and Oakville gas plants.”

So certainly in your opening comments and in your 20 minutes of testimony, you have talked about the second part. You have introduced, as others have, the California model and you talked about best practices; and those comments are very much appreciated by this committee.

I want to focus for a moment on the first part of this, and this is the case of privilege that we’re here to understand about the documents that we don’t have, so I have two questions for you, the same two questions I ask of virtually every witness. Do you know how much the Liberal cancellation of the Oakville and the Mississauga gas plant is going to cost the taxpayers?

Ms. Daniela Morawetz: No.

Mr. Victor Fedeli: Okay. Do you know who ordered the documents to be removed?

Ms. Daniela Morawetz: No.

Mr. Victor Fedeli: Okay.

For me, Chair, that’s all I have. I will pass it over to my colleagues.

The Chair (Mr. Shafiq Qadri): Mr. Yakabuski.

Mr. John Yakabuski: Thank you, Daniela, for joining us this morning.

In your submission and in some of your answers to the questions from Mr. Delaney, it kind of brings up some of the questions that I might have. You’re talking about 2009, which was well into the game, as we say. The decision to site that plant was at least as early as 2005. Prior to 2005—and you’ve talked about how inappropriate the siting of that plant was, and your organization did many times talk about the inappropriateness of the siting with respect to proximity to homes, schools, also the train track. I know that what was also discussed was the proximity to the QEW and the particular cooling process that was being used, with the ammonia tanks and everything, and the concern that that could cause flash freezing, for example, on the QEW, which could be catastrophic if it happened during a rush hour. So all of those considerations: They were known to the government, they were known to the Ministry of Energy, because we didn’t even have the OPA when this was first dealt with.

What kind of community engagement did the government have with you or people in Oakville prior to making that decision? I mean, we’re talking about one decision here, the decision to cancel the plant, but what kind of engagement did the government have with the community prior to ever making the decision to put that plant on that location?

Ms. Daniela Morawetz: I have no idea. We didn’t exist. I was not—the first I started to hear about the power plant was actually from Mississauga in late 2008, early 2009. At that point, there were four sites identified, three in Mississauga and one in Oakville. As far as what happened in 2005, I don’t recall anything.

Mr. John Yakabuski: But you’ve been a resident?

Ms. Daniela Morawetz: I’ve been a resident of Oakville actually for most of my life.

Mr. John Yakabuski: So if there was any significant community engagement, would it be fair to conclude that there would have been news stories in the Oakville Beaver or other publications that the government was actively considering this location or had made a decision that they were going to build a plant on this location and that there was a consultation process going on with the community?

0900

Ms. Daniela Morawetz: I would assume someone would have noticed, yes.

Mr. John Yakabuski: You, as a lifelong resident, weren’t aware?

Ms. Daniela Morawetz: No, I was not.

Mr. John Yakabuski: That would possibly lead someone to conclude that there was very little consultation going on with the community prior to that decision being made. Would that be fair?

Ms. Daniela Morawetz: Very possibly, or that communication within Oakville in 2005—getting information to the community can be a difficult thing, as we have learned. Thank goodness for electronics and the Internet, because that’s changed things dramatically.

Mr. John Yakabuski: Well, technology, it's a kind of a love-hate thing sometimes.

Ms. Daniela Morawetz: If you have to rely on the Oakville Beaver, you don't necessarily get that news.

Mr. John Yakabuski: Sometimes it works and we love it, and sometimes it doesn't work, like this new BlackBerry I'm trying to figure out and then, at least for a couple of days, we hate it. But Rob is helping me understand this new technology.

You did say as well, Daniela, that once he came on board, Kevin Flynn was supportive. Are you suggesting that, initially, he was not on board or resistant to your overtures, or only when it became apparent that this was a threat to his political future in Oakville that he became more actively involved in a supportive way with respect to the cancellation of this plant?

Ms. Daniela Morawetz: That's a difficult question to answer, in some ways. Initially, there is no doubt that, when we first started gathering petitions, we went to Kevin, and he didn't feel, I think, given his position at the time—I'm trying to remember exactly. Again I'm thinking back to 2009; I don't remember exactly what it was. But he had a position within—he thought that there was a bit of a conflict from the position he was holding, at the time, with presenting the petitions.

We ended up taking them to Charles Sousa and he took them in, which was fine with us, because we were working with Mississauga at the time. It was a joint effort. Actually, we didn't have representation. I guess we didn't have Kevin Flynn standing up and presenting our petitions, initially.

But eventually, when the information started to come out and he started to see what we were seeing and basically, almost at the same rate, I think, as we were getting involved, he realized he had to be involved as well and that this was a big issue.

Mr. John Yakabuski: He read the tea leaves, as they say.

Ms. Daniela Morawetz: I think so.

Mr. John Yakabuski: Or felt which way the wind was blowing.

Ms. Daniela Morawetz: Well, doesn't everybody?

Mr. John Yakabuski: I think it would be fair to conclude, then, that if he was less than on board in at least the part of 2009 that you would have spoken to him, then it would likely have been even less the case between 2005 and 2009. So there's four years that transpired when that decision had already been made to build a plant in Oakville on that particular piece of property that Kevin Flynn really did nothing to support the cause.

Ms. Daniela Morawetz: Well, the decision hadn't been made to build in Oakville on that property until whenever they gave TransCanada the contract. There were three sites in Mississauga and one in Oakville. Even the first time I went to a meeting to look at the four sites, I thought, "Well, there's no way they're going to put in on that Oakville site. It's tiny and it's right beside the tracks and it's right near houses. That's just crazy."

I would think he wouldn't necessarily have thought, from an Oakville perspective, that there was all that much to be concerned about, perhaps. I'm not reading his mind. I think there were a lot of residents of Oakville who weren't concerned because I think, initially, perhaps they thought it was more of a Mississauga issue. But it was when we started to look into what was involved in this plant, how big it was—it didn't matter whether it went into Oakville or Mississauga; it was just wrong.

Mr. John Yakabuski: He would have been well aware of the site that had been chosen in 2005. He was also the PA to Energy, so he would have been well aware. If he would have had concerns, he would have had ample opportunity at that point to raise them.

But I appreciate your insight into this matter and I congratulate you on the successful work that you and your organization were able to complete by convincing the government that the decision to go ahead with this would have been very detrimental to the chances of their particular members in that area. Thank you very much.

Ms. Daniela Morawetz: You're welcome.

The Chair (Mr. Shafiq Qadri): You yield your time?

Mr. John Yakabuski: Yes.

The Chair (Mr. Shafiq Qadri): Thank you, PC caucus. To the NDP. Mr. Tabuns.

Mr. Peter Tabuns: Ms. Morawetz, thank you very much for being here this morning. You noted earlier that I had spoken out against this plant before the contract was signed. Your community had spoken out against this plant before the contract was signed. Would it be fair to say that the Liberals wilfully signed a contract for a plant at this location ignoring advice from the opposition and the community?

Ms. Daniela Morawetz: Well, I don't know whose name went on the contract, so I'm not in a position—

Mr. Peter Tabuns: A member of the government.

Ms. Daniela Morawetz: —to comment on that, really. I don't know what the process involved is. Often I think—I used to work for Ford for many years before I retired and—

The Chair (Mr. Shafiq Qadri): That's Ford Canada?

Ms. Daniela Morawetz: Yes.

The Chair (Mr. Shafiq Qadri): You need to specify that.

Ms. Daniela Morawetz: Yes. Thank you.

Mr. John Yakabuski: You can't say that the Chair's sleeping.

Ms. Daniela Morawetz: I know that large organizations work in strange and wonderful ways sometimes, and often there's a bit of right hand, left hand—you've got different departments, and they aren't always communicating. So I can't say that someone wilfully went ahead and disregarded. I mean, that's what it felt like to the citizens of Oakville, sure.

Mr. Peter Tabuns: Generally speaking, if you're given very sound advice, and you ignore it and you go

forward, one can characterize that as wilfully. But you've given your response, and I'm going to move on.

Were you aware that the Liberal government directed the OPA to abandon all their legal defences when they sent the notice to TransCanada that they weren't proceeding with this plant?

Ms. Daniela Morawetz: No.

Mr. Peter Tabuns: Okay. Do you have knowledge of the wholesale destruction of electronic records by senior Liberal political staff with regard to this matter?

Ms. Daniela Morawetz: No.

Mr. Peter Tabuns: Do you have anything to add to our knowledge about the real cost of the relocation of this plant?

Ms. Daniela Morawetz: No.

Mr. Peter Tabuns: Thank you for your testimony.

The Chair (Mr. Shafiq Qadri): Thank you very much, Mr. Tabuns. Back to the government side, Mr. Delaney.

Mr. Bob Delaney: I notice that my colleague Mr. Yakabuski was talking about his new BlackBerry. I would suggest that you not try to figure out your new BlackBerry on the same weekend you try to unravel Windows 8. Make your life a little easier by tackling them one at a time.

Mr. John Yakabuski: Trust me, I'm not going anywhere near Windows 8 this weekend or probably any other.

The Chair (Mr. Shafiq Qadri): I'm sure the advice is well taken, Mr. Delaney. You might want to—

Mr. Bob Delaney: In terms of getting back to the topic of the discussion here, just to put something on the record, I think Mr. Yakabuski was confusing some dates with something else in his inference to 2005. It's worth mentioning, Chair, that the Oakville plant was procured by the Ontario Power Authority on September 30, 2009, and was cancelled one year later.

You mentioned earlier, Daniela, that you've been an Oakville resident for a long time. How many years?

Ms. Daniela Morawetz: I went to high school in Oakville, and other than a short stint after university, I've lived there ever since.

Mr. Bob Delaney: There has been a little bit of discussion about my colleague and, I have to say, my friend, Kevin Flynn. You would have known Kevin Flynn when he was a town and a regional councillor?

Ms. Daniela Morawetz: Yes, I—well, I knew of him, yes.

Mr. Bob Delaney: He's had a lot of support in Oakville over the years?

Ms. Daniela Morawetz: He has. He's been very active.

Mr. Bob Delaney: Was Kevin Flynn's seat in any danger in the last election?

Ms. Daniela Morawetz: Not that I—I'm not political. I'm not involved with any political parties or in any position to judge, but from what I could see, I really didn't see why it would have been.

Mr. Bob Delaney: Okay, thank you. Just a few questions to conclude here: In terms of the decision to relocate the Oakville plant, I think we're all aware that the municipality had enacted bylaws to try to stop the construction.

The proponent, TransCanada Energy, had one of its people, a gentleman named Chris Breen, here to testify a few weeks ago. He told the committee about all of the channels that they would have used to deliver on their obligation to build the plant. TransCanada Energy was in fact working very hard to fight the bylaws through various legal proceedings. Mr. Breen testified that they were confident they would eventually get the bylaws overturned either at the Ontario Municipal Board, at the Ontario Supreme Court or Divisional Court. If needed, they were prepared to appeal all of those decisions to ensure the plant got their approvals.

In fact, in his testimony he said, "What I would say is that TransCanada were confident that they were going to eventually get to build the" plant "on the Ford lands, but clearly we had some work to do at the Ontario Municipal Board and the various courts that I had mentioned earlier."

0910

He also said, "We had a contractual obligation. It was very cleanly spelled out in black and white that that was our responsibility: 'You have to go through every possible channel to deliver on your obligations in this contract.' And we would have done that."

Were you aware of the various channels that TransCanada Energy, the proponent, was going through to overturn the bylaws?

Ms. Daniela Morawetz: Some of them, yes.

Mr. Bob Delaney: Did the residents' association have any concerns or any positions on that?

Ms. Daniela Morawetz: Absolutely. We fully were in support and had been down to town hall to support the interim control bylaw that the town put in place. We asked people to come out to the OMB hearing to show as much support from the community for trying to hold the bylaws that the town had put in place, to keep them from being overturned and to show that there was support in the community for that.

Mr. Bob Delaney: Then clearly, had TransCanada Energy been successful in overturning these bylaws, either at the Ontario Municipal Board or before the courts, the city would have been forced to issue building permits and construction would have begun, which is, in fact, exactly what happened in Mississauga.

Is it fair to say that, if the province had waited until that moment when construction was under way to cancel the plant, costs would have been much higher?

Ms. Daniela Morawetz: It would appear that way to me. I'm, again, not an expert, but I would think that once you put a shovel in the ground, it's going to cost a little bit more.

Mr. Bob Delaney: If I'm going to draw an inference on this, what you're saying is that if somebody is opposed to this, they should be careful of their criticisms

of the government on the cost, because all three parties made the same commitment, and had the province not acted when it did, the cost would have been higher. No matter which of the three parties had formed government after the 2011 election, they would have been looking at the same costs, correct?

Ms. Daniela Morawetz: I'm not the Auditor General, but I would think that that probably makes sense.

Mr. Bob Delaney: Okay. Was there anything else that you wanted to say here today?

Ms. Daniela Morawetz: No. I think that in my statement and in the comments that I made earlier, I've been pretty clear that my interest in coming here was to ask you to focus on the process and to fix the process, because I don't want to be reading that some other community is going through this sort of thing. I don't want to have to move there and help them too. Because I might; I'm retired.

It's a gruelling thing to go through; it's a very emotional thing. The community suffers as a result. It's frightening to think that you have no control and have no input, and I wouldn't like to see someone else feel that way.

Mr. Bob Delaney: Well, I think your statements pretty fairly encapsulate the feelings of many of us in government and, I would venture to say, on all sides.

Our government has asked that this committee provide our recommendations on how to change the siting process as we move forward in building energy infrastructure. You shared your top three, which, if I understand them correctly, are: legislated buffer zones, local involvement early in the process, and stronger environmental protection.

Ms. Daniela Morawetz: Exactly.

Mr. Bob Delaney: Okay. Was there anything else you wanted to add?

Ms. Daniela Morawetz: No.

Mr. Bob Delaney: Then I can assure you that your recommendations are going to be included in our final report, and I want to thank you very much for having taken the time to get out of bed early and fight the traffic—as I did, driving in the same direction—to get down here today.

Ms. Daniela Morawetz: Thank you, Metrolinx, for the GO train.

Mr. Bob Delaney: Thank you very much.

Ms. Daniela Morawetz: Thank you.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Delaney. Mr. Yakabuski.

Mr. John Yakabuski: Thank you again, Daniela. I'll just go to one other topic I wanted to touch on. When former Premier McGuinty testified before this committee, he testified that, essentially, the decision to cancel the plant was his. Last week, when Charles Sousa testified before the committee, he as much said the decision was made by Don Guy.

We've got a little confusion there, but the point I really want to get to is that when former Premier McGuinty testified before the committee, he testified that

the decision was made because of the children. He used that term. He said the decision to cancel the plant was made because of the children and all about the points that you talked about, the 400 metres from homes, 320 metres from a school and three other schools within less than a kilometre, no farther than 750 metres.

I'm just wondering—you know, that decision was made in October 2010 to cancel the plant—did those schools and those children exist before that? Were they there five years before? Were those same schools and hospitals and homes all there before that? They didn't get built within a few years of 2010, did they?

Ms. Daniela Morawetz: No, no, they were all there. I don't think the same children were there. I hope not. The education system in Halton is pretty good. But yes, the facilities existed.

Mr. John Yakabuski: I didn't imply the same children. I apologize if it sounds like I'm saying the same children. Even I got through grade 1 in a couple of years, I think. I don't want to speak about grade 3; that was a tough one.

The point I'm making is that the same circumstances existed in 1998, in 2000, in 2002, 2004, 2006, and all of a sudden, in 2010, when we're on the eve of a provincial election, the Premier says he thought about the children. Do you find that a little bit rich?

Ms. Daniela Morawetz: I think it indicates how the process doesn't work properly, that there is not enough consultation early on so that people have a chance to provide input. The fact that we didn't know in any real way earlier what the implications of this plant coming there were—if we'd known more earlier, yes, we probably would have gotten involved earlier, but I guess nobody asked us, so there is a huge problem with the process.

Mr. John Yakabuski: If the government had acted properly from the start, we probably wouldn't be here today because that plant never would have got sited on that location in the first place. Would that be your intention?

Ms. Daniela Morawetz: I would like to think so.

Mr. John Yakabuski: Thank you very much, Daniela. I appreciate your visit here today.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Yakabuski. To the NDP side: Mr. Tabuns.

Mr. Peter Tabuns: No questions. Thank you.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Tabuns, and thanks to you, Ms. Morawetz, for your presence and your stewardship of the community interest in Oakville. You're respectfully dismissed.

Ms. Daniela Morawetz: Thank you.

The Chair (Mr. Shafiq Qaadri): The committee is essentially going to adjourn. There is just one issue that Mr. Fedeli has raised. He's given us in writing two or three aspects of the latest document dump, I guess, that need to be remedied: a specific page that was apparently redacted by accident, potentially, as well as a missing week from cabinet office. I'm just informing the com-

mittee that we will actually correspond with the relevant folks to remedy this.

With that—

Mr. Victor Fedeli: Do we need a motion on these?

The Chair (Mr. Shafiq Qaadri): No, no.

Mr. Victor Fedeli: May I take one moment to explain?

The Chair (Mr. Shafiq Qaadri): Sure, please.

Mr. Victor Fedeli: In the OPA minutes, we asked to be supplied with all of the Oakville and Mississauga documentation, which we have received, but in going through it, a lot of it is redacted, and that is fine. It's not business pertaining to the cancellations. But on pages 176 and 177, there's an item 11, and it has, "the process review began during and shortly after the second disclosure," and has several steps, colon, and you go to the next page and there's a piece of it redacted. I think it's purely by accident. I would believe that, and so I'm

asking the OPA to provide just that one piece unredacted. That's my first request.

My second request was—in the cabinet documents, cabinet office box 3, all of the cabinet minutes are presented chronologically. However, when you're reading the story, you jump to the next chapter and you wonder: How did we get there? There's a week missing. The September 27 to October 4 week is not in those documents. They may be somewhere else in the 40 boxes that we just received. Nonetheless, I would appreciate receiving just that one to fill out the chronological order.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Fedeli. The committee will invite them to attend to their accident.

The committee is adjourned until Tuesday next week. We're in a different room, so I'd invite you to find out where.

The committee adjourned at 0920.

CONTENTS

Thursday 30 May 2013

Members' privileges	JP-541
Ms. Daniela Morawetz	JP-541

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