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Wednesday 7 October 2015

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des débats
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Mercredi 7 octobre 2015

**Standing Committee on
Regulations and Private Bills**

**Comité permanent des
règlements et des projets
de loi d'intérêt privé**

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLS**

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

Wednesday 7 October 2015

Mercredi 7 octobre 2015

The committee met at 0900 in committee room 1.

The Chair (Ms. Indira Naidoo-Harris): Good morning, everyone. I'd like the Standing Committee on Regulations and Private Bills to now come to order. We have three private bills to consider this morning, so let's get started.

**THE GAGE RESEARCH
INSTITUTE ACT, 2015**

Consideration of the following bill:

Bill Pr24, An Act to revive The Gage Research Institute.

The Chair (Ms. Indira Naidoo-Harris): I'd like to first ask the parties here for the consideration of Bill Pr24, An Act to revive the Gage Research Institute, to please come forward and take their seats.

Mr. Han Dong: Good morning, Madam Chair.

The Chair (Ms. Indira Naidoo-Harris): Good morning. Let's start with introductions. Would the sponsor please introduce themselves first and then the applicant?

Mr. Han Dong: I'm the local member for Trinity-Spadina, Han Dong. It's my pleasure to introduce Mr. James Scott. He will talk more about the bill.

Mr. James Scott: I'm James Scott. I'm a professor in the school of public health at the University of Toronto, which is just down the street from here. Am I now to present—

The Chair (Ms. Indira Naidoo-Harris): Yes, please go ahead. If you have any comments that you'd like to make, please make them.

Mr. James Scott: The school of public health at the University of Toronto, though it has a long and rich history that dates back to the 1920s, was dissolved sometime in the early 1970s. It's since been re-amalgamated from a bunch of the units that were part of those little pieces that were originally dissolved.

One of the pieces that got amalgamated into the University of Toronto was a standalone research institute called the Gage Research Institute. The Gage Research Institute was formed in 1972 as a research institute—a standalone, Ontario not-for-profit charity—whose objective was to study nontuberculous lung disease. The building originally had been the home of the National Sanitarium Association, which dealt with tuberculous

lung disease, but since that was mostly cured, this was the decision that was made.

The Gage Research Institute operated—thrived, actually—until maybe the early 2000s, at which point there was a leadership decision to dissolve it. During its tenure, it accumulated a very sizeable number of research records, particularly dealing around asthma and allergy and pediatric asthma and allergy. Thousands of patients and research subjects were followed for upwards of 20 years.

When the institute was dissolved and everything was merged into the University of Toronto, it wasn't felt that this information was particularly valuable. Well, we know now, looking back, that asthma and allergy are extraordinarily important. In the intervening 20 years, those derelict research records have emerged as being very valuable.

One of the main challenges to accessing that now is that all of the consenting had been done through the Gage Research Institute, which was dissolved. With increased attention around issues with respect to research ethics, it has made sense to us that rather than simply continuing to perpetuate the name of the Gage Research Institute on our papers, we should actually properly use the institution to be able to access these research records for ongoing research. Really, the leading issue that we have is logistically wanting to be able to tap into these research records.

Mr. Han Dong: If I may, I would just like to add that as a parent of two young kids who both suffer from food allergies and being told that there is the potential that later on in their lives they may have asthma or symptoms of it, I understand the important work that they do. I think, like many other parents who want great ways to support this type of research, hopefully one day we'll find a cure for food allergies and all that, or at least understanding them.

I'm very pleased to support this bill, and I ask the committee and the members on the committee to consider supporting it as well.

The Chair (Ms. Indira Naidoo-Harris): Thank you so much for your comments, MPP Dong and Mr. Scott.

I am now going to find out if there are any other interested parties in the room who would like to come forward and comment on this. Okay, great.

Any questions from committee members pertaining to the applicant? Yes, MPP McGarry.

Mrs. Kathryn McGarry: As a former nurse who worked with children and asthma and TB etc., etc., I'm fascinated with the actual institute, and kudos to you for bringing this forward to take some of those records and that research from long ago and using it today. It's wonderful.

The only question I have is this: I understand that you will be a little concerned about consent. With these records, once they're released, you're able to then move forward and get proper consent under our privacy act to carry that research forward?

Mr. James Scott: Sure. As I said, in fact, all of the consenting has already been done, but it was conducted through the Gage Research Institute, not through the University of Toronto. Many of the researchers who carried out research through the Gage Research Institute had nothing to do with the University of Toronto. One of the issues that we have from the university standpoint is using this data as members of the University of Toronto and not really having any basis to transfer that consent. In a way, it's a formality, but I think it's an important formality just because of the increased scrutiny around these kinds of things.

There have been those within the university who have called just to chuck all of this stuff out, and when I hear that—particularly around very carefully collected research data—it makes the hair stand up on the back of my neck, because these are things that could potentially be very valuable and provide insight. Even though it means taking your time today and me maybe not being as prepared for my lecture at 10 o'clock as I will be, I think it's important to at least see what we can do to use these data fruitfully.

The Chair (Ms. Indira Naidoo-Harris): Thank you so much. I understand MPP French has a question.

Ms. Jennifer K. French: I do. Thank you. So as you had said, it had been a leadership decision to dissolve it. Can you explain what was the thinking at the time?

Mr. James Scott: I'm not really clear what the thinking was at the time. The director at the time, Dr. Irvin Broder, had retired several years before it was dissolved. At that time, much of the ongoing research activity had kind of been subsumed by the University of Toronto. I think Irv just didn't really see a path forward, and there wasn't anyone at that point stepping up to take the leadership of the Gage Research Institute from him, so he felt that it just made sense to dissolve it. That was at a time when we were perhaps a little bit less concerned about asthma and allergic disease than we are now, so those records weren't nearly as valuable 20 years ago as they are today.

Since Irv is still alive, but is suffering dementia and unfortunately hospitalized—I had hoped to find a way to engage him in this process, but it just hasn't been possible.

Ms. Jennifer K. French: If I may, just as a follow-up: I see here in the compendium that you are an interested

person who, as it says here, “would be such a person if a certificate of revival is issued,” referring to shareholder, director, officer. What will be your role, I guess, or title, and how does that work going forward?

Mr. James Scott: When Irv left the leadership of the Gage Research Institute, it had already migrated largely to the University of Toronto through an entity called the Gage occupational and environmental health unit. That was set up as a kind of—we have all of these arcane structures within the university, so it's an extra-departmental unit that has some powers on its own, but otherwise it needs to sit within a faculty.

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When I joined the university, my appointment was through the Gage occupational and environmental health unit. That was 12 years ago, and now I've ascended to the director of the Gage occupational and environmental health unit, which we don't really use anymore because now it's further dissolved into the school of public health and the division of occupational and environmental health.

Had things remained as they were, to make a complicated story maybe a little bit less complicated, I'm sort of the incumbent director in that path. I'm the one who really is the custodian of these records and is in the position of making the decision of whether to chuck them out or find a mechanism so that we can use them.

Ms. Jennifer K. French: So going forward, should there be a leadership team as a part of this?

Mr. James Scott: Yes, because it's an Ontario registered charity. As you know, there are issues around that and leadership.

We're fortunate that there is at least one remaining scientist who was originally appointed through the Gage Research Institute whom I've approached and who has expressed interest in sitting as a board member, which I think is excellent because she has institutional memory around many of these projects, so I'll definitely bring her on board. Then I've had some discussions with other people who also have a piece of it.

Ms. Jennifer K. French: Thank you.

The Chair (Ms. Indira Naidoo-Harris): Any further questions? MPP Mangat.

Mrs. Amrit Mangat: Thank you, Mr. Scott, for your presentation. Just for my own clarification, what I understand is that the research data and research records are in the possession of the University of Toronto?

Mr. James Scott: Well, they're not really in the possession of the University of Toronto—

Mrs. Amrit Mangat: So where are they lying?

Mr. James Scott: They're in the Gage Building, in a vault in the basement of the Gage Building, but they were really never part of the assets that were transferred over to the University of Toronto. So the University of Toronto doesn't want custody of them; they'd just like them chucked out.

I even feel that to chuck them out, it should be done in the name of the Gage Research Institute. So I think that any decisions incumbent around the management of

those records actually requires the resurrection of the Gage Research Institute, whether we chuck them out or keep them.

That said, I think it would really be a pity to chuck them out.

Mrs. Amrit Mangat: So it would be easy for the Gage institution to retrieve them?

Mr. James Scott: Sure, yes. They're sitting in a vault below my office.

Mrs. Amrit Mangat: Thank you.

The Chair (Ms. Indira Naidoo-Harris): MPP McGarry.

Mrs. Kathryn McGarry: Just a follow-up: Have there been any groups, individuals or ministries opposed to reviving this bill?

Mr. James Scott: No, not that I know of. I spoke with someone from charities branch and had a long discussion with her about some of the issues that were of concern to her. Based on what we wanted to do in respect of these research records, it wasn't really an issue. This is not something where we want to relaunch and set up fundraising campaigns and things like that; this is more of a scientific research objective.

Mrs. Kathryn McGarry: Okay. Thank you.

The Chair (Ms. Indira Naidoo-Harris): All right, thank you very much. Are members ready to vote? Okay, let's move ahead, then.

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Agreed.

Thank you very much. Thank you so much for coming in.

Mr. James Scott: Thank you to the members.

ZARA H.S.L.C.C INC. ACT, 2015

Consideration of the following bill:

Bill Pr25, An Act to revive Zara H.S.L.C.C Inc.

The Chair (Ms. Indira Naidoo-Harris): Next up, I'd like to ask the parties who are here for the consideration of Bill Pr25 to please come up.

Mr. Harinder S. Takhar: Thank you, Madam Chair. I'm pleased to introduce Salah Ali and Reema Qasem. They would like to revive Zara H.S.L.C.C Inc.

I will pass the floor to them.

The Chair (Ms. Indira Naidoo-Harris): Thank you so much. Do the applicants have any comments they'd like to make?

Mr. Salah Ali: Thank you very much for giving us the opportunity. My wife's corporation was closed based on inappropriate advice from her accountant to prematurely close the corporation. Now the corporation is being sued, and we would like to revive it to be able to rightfully defend it.

The Chair (Ms. Indira Naidoo-Harris): Does the sponsor have any comments that they'd like to make?

Mr. Harinder S. Takhar: No. Actually, I have no comments.

Interjection.

The Chair (Ms. Indira Naidoo-Harris): Sorry. Go ahead.

Ms. Reema Qasem: Whatever was said by my husband that—when I went to the accountant after closing—not operating in the business—because of my situation with my daughter and lots of things, I'm not able to work anymore, and I asked for closing the business. My accountant was the one proceeding in closing the business and I don't know what things will happen after. After being sued, when I went to my lawyer, he said this was a wrong decision to do. That's it.

Mr. Salah Ali: So basically she stopped operating and there was really no need to close the corporation, but the accountant, after finishing all the accounting, suggested to her or maybe he asked her, "Shall we close the corporation?" and she said yes, not knowing that there could be an impending lawsuit against it.

The Chair (Ms. Indira Naidoo-Harris): So you're here today to revive the company?

Mr. Salah Ali: Please, yes.

The Chair (Ms. Indira Naidoo-Harris): Okay. I'd like to first find out if there are any interested parties in the room who would like to comment on this application.

All right. So let's move on then. Questions from committee members for the applicants involved? MPP Mangat?

Mrs. Amrit Mangat: Thank you, Chair. Ms. Qasem, as I understand, there is legal wrangling going on; right? So at the time of dissolution of the corporation, how many directors were there?

Ms. Reema Qasem: Only me.

Mrs. Amrit Mangat: Only you?

Ms. Reema Qasem: Yes.

Mrs. Amrit Mangat: Okay. So then who is suing you?

Ms. Reema Qasem: I had a partner. We were supposed to be together and twice we did incorporation—not incorporation. What do they call it?

Mr. Salah Ali: If I may answer, she had a partner and her partner now is suing her.

Mrs. Amrit Mangat: Okay. So are there any taxes pending?

Ms. Reema Qasem: Taxes?

Mrs. Amrit Mangat: Taxes, yes.

Ms. Reema Qasem: No.

Mrs. Amrit Mangat: No. Okay. Thank you.

The Chair (Ms. Indira Naidoo-Harris): Further questions from committee members? MPP French?

Ms. Jennifer K. French: Just so I'm clear, it had been your intent to stop doing business, to close the business, but the accountant had advised or had then asked if you wanted to close the corporation and you—was it that you didn't understand that those were two different things?

Ms. Reema Qasem: Exactly.

Ms. Jennifer K. French: So you are wanting to revive this because, as you said, you've got someone who's suing you. What is the intent after that, at the end of that process?

Ms. Reema Qasem: To defend myself because my partner is accusing me that she was an employee, she wasn't the partner.

Ms. Jennifer K. French: Okay. And that's a separate issue, but then—okay.

The Chair (Ms. Indira Naidoo-Harris): Thank you. Are there further questions from committee members for the applicants?

All right. Are we ready to vote? We're ready to vote.

So I'll ask committee members, shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the title carry? Carried.

Shall the preamble carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Yes.

Thank you very much. Thank you so much for coming in.

BAYVIEW FARMS AND ENTERPRISES LIMITED ACT, 2015

Consideration of the following bill:

Bill Pr28, An Act to revive Bayview Farms and Enterprises Limited.

The Chair (Ms. Indira Naidoo-Harris): Next up, I'd like to ask the applicants and the sponsor for Bill Pr28, An Act to revive Bayview Farms and Enterprises Limited, to please come up. Can I ask the sponsor to please introduce herself and the applicants?

Ms. Lisa M. Thompson: Thank you, Chair. My name is Lisa Thompson, MPP for Huron–Bruce. I'm pleased today to introduce Mr. Matt Chapman and Mr. Quinn Ross of the Ross Firm Professional Corp. They're here on behalf of applicant Peter Jeffrey and they're going to speak to Bill Pr28, An Act to revive Bayview Farms and Enterprises Limited.

The Chair (Ms. Indira Naidoo-Harris): Do you have any comments you'd like to make?

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Mr. Quinn Ross: I do. Thank you, Madam Chair. I'd like to take a moment, if I could, to thank the committee, and specifically the staff. They've been incredibly helpful. Thank you specifically to legislative counsel and the Clerk—we couldn't have done this without your guidance and assistance—and obviously to Ms. Thompson, as well. Thank you for your help.

We are counsel for the applicant. The purpose of this bill is to revive a corporation that was dissolved voluntarily after the death of the sole shareholder. At the time of the dissolution, the corporation held five parcels of property, which consisted of two roads, two lanes and a parcel along some beachfront in our community outside

of Bayfield, Ontario. It was done inadvertently and, interestingly enough, the lawyer for the estate was also one of the four residual beneficiaries.

If we were to revive this corporation, the property that is currently escheated to the crown would obviously go back into the corporation. It would be able to be dealt with by the property owners' association. These roads and lanes form access points within a cottage community.

The applicant is also a former director of the dissolved corporation and member of the executive of the Bayview Property Owners Association, who are really the interested parties and would be the actors behind the corporation, should it be revived. It's our hope that the committee will see fit to revive it, so that the proper maintenance and care of those roads and their use can be undertaken.

For the last 20-plus years, the association has been operating this with the misconception that they were in fact the legal owners. They learned this when there were some questions raised with a new property owner as to where lot lines were and who owned what. A review was done and we came to the conclusion that the property had been dissolved.

If the property is returned to the corporation, then obviously the question of estate becomes live. There are four residual beneficiaries of the estate of the deceased, who was also the sole shareholder of the corporation. These properties were not subject to any specific gifts or legacies under the will, and as such would form residue of the estate.

The four residual beneficiaries were each contacted. They were originally provided a narrative of the situation. They were advised of their potential rights as beneficiaries. We then spoke to them individually, either as actors for the beneficiary, in the instance of the two organizational beneficiaries, or as individuals. We explained to them the situation. They were offered the opportunity to seek counsel and obtain advice. We then received affidavits from them wherein they explained that they understood the situation, as well as their formal renunciations under the will.

As such, if the corporation is revived and the property is returned, there is no beneficial interest in those properties and the corporation can be operated by the property owners' association for the benefit of those who are listed on all of the parcel registers as people who are dominant tenements, those who enjoy easements over these rights of way.

The Chair (Ms. Indira Naidoo-Harris): Thank you, MPP Thompson, do you have anything else to add?

Ms. Lisa M. Thompson: This is just cleaning something up for a community to have proper access.

The Chair (Ms. Indira Naidoo-Harris): Okay. Thank you very much. Are there any interested parties here who would like to be heard at this point?

Okay. Comments or questions from the committee members? Any questions? MPP McGarry.

Mrs. Kathryn McGarry: Just a quick question: Are there any opposed to the revival of this corporation?

Mr. Quinn Ross: As is required for the process, notice was given in a local newspaper, as well as in the Ontario Gazette. The community had a meeting within itself to explain this process, as funding was required for our fees. Everyone was well aware, not only those people who are direct beneficiaries but members of the cottage association. No opposition came forward.

Mrs. Kathryn McGarry: Okay. Thank you.

The Chair (Ms. Indira Naidoo-Harris): Further questions from committee members? Yes, MPP Walker?

Mr. Bill Walker: I'd just like to commend MPP Thompson for getting rid of more bureaucracy and administration, allowing the community to clean up something that's probably creating a lot of confusion and angst. There's no need for it, so thank you for doing that.

The Chair (Ms. Indira Naidoo-Harris): MPP Yurek?

Mr. Jeff Yurek: Surprisingly, we think alike. I think MPP Thompson is an amazing MPP representing her constituents. Thank you for doing this.

The Chair (Ms. Indira Naidoo-Harris): Okay. Are members ready to vote? All right.

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Carried.

All right, thank you very much. Thank you so much for coming in today.

I would now like to adjourn this meeting. Thank you very much, everyone, for coming in.

The committee adjourned at 0925.

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