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**Official Report
of Debates
(Hansard)**

Tuesday 17 November 2015

**Journal
des débats
(Hansard)**

Mardi 17 novembre 2015

**Standing Committee on
Social Policy**

Smart Growth for Our
Communities Act, 2015

**Comité permanent de
la politique sociale**

Loi de 2015 pour une croissance
intelligente de nos collectivités

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON SOCIAL POLICY

COMITÉ PERMANENT DE LA POLITIQUE SOCIALE

Tuesday 17 November 2015

Mardi 17 novembre 2015

The committee met at 1600 in committee room 1.

SMART GROWTH FOR OUR COMMUNITIES ACT, 2015

LOI DE 2015 POUR UNE CROISSANCE INTELLIGENTE DE NOS COLLECTIVITÉS

Consideration of the following bill:

Bill 73, An Act to amend the Development Charges Act, 1997 and the Planning Act / Projet de loi 73, Loi modifiant la Loi de 1997 sur les redevances d'aménagement et la Loi sur l'aménagement du territoire.

The Chair (Mr. Peter Tabuns): Good afternoon, everyone. The Standing Committee on Social Policy will now come to order. We are here to resume clause-by-clause consideration of Bill 73, An Act to amend the Development Charges Act, 1997 and the Planning Act.

At the conclusion of yesterday's meeting, the committee was considering section 15, PC amendment number 27, and Mr. Hardeman had the floor.

Mr. Hardeman.

Mr. Ernie Hardeman: Thank you very much, Mr. Chairman. I think I had almost concluded debate on it, but I think I just want to reiterate for those members of the committee who maybe were not here last time.

This amendment just changes the word from "shall" have the committee to "may" have the committee. AMO strongly objected to the mandatory planning advisory committee for the upper-tier municipalities in their presentation. They said, "This idea of mandatory planning advisory committees was tried in the past and was abandoned. It created confusion as to the legislative role of councils and what the accountability framework of public advisers is, and again involves another administrative practice."

It was opposed in the presentations to the committee by the county of Renfrew, city of Toronto, Ontario Association of Committees of Adjustment and Consent Authorities and the county of Oxford. The Ontario Home Builders' Association "would be opposed to planning advisory committees acting as a 'governance body' or 'approval authority.'"

I think that really explains why we're trying to make that change. With that, I think it's all been said and we can just—

The Chair (Mr. Peter Tabuns): Okay. Any further commentary? Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Chair. I just want to add, I guess, in support of the bill, that the flexibility issue—if you have the "may" in there as opposed to "shall" or "will," each municipality, which knows its own planning code better than anybody up here, and the growth plan, has the flexibility of how they want to structure it. The final decision, of course, always rests with municipal council. So if you have a committee, that final decision, their recommendation, still comes to council. I think allowing municipalities the flexibility as to whether they want to appoint a planning advisory committee or not gives them what they say they need, which is the flexibility to change from time to time.

The Chair (Mr. Peter Tabuns): Any further commentary? Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, I recommend opposing the motion for the reason that basically it removes the requirement for a planning advisory committee, thereby removing an additional forum through which residents will be more directly involved. The intent of the bill is to facilitate greater collaboration.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Rinaldi. Mr. Hatfield.

Mr. Percy Hatfield: Just in response to that, I'll say that residents are directly involved when they elect their municipal councils. They elect people they believe will make the best decisions in their best interests, and the final decision still rests with the municipal council that gets elected.

Some municipalities want planning advisory committees. I've been on them; I respect them. But some municipalities want to do it their way. They can get their work done quicker if they do it all through council.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Hatfield. Seeing no other commentary, you're ready for the vote?

All those in favour? All those—

Interjection.

Mr. Percy Hatfield: I'm sorry. I'm too late for this one.

The Chair (Mr. Peter Tabuns): Yes, you are.

Mr. Percy Hatfield: But in the future, could we have a recorded vote on all the votes that we're taking?

The Chair (Mr. Peter Tabuns): Yes, we could.

All those in favour? All those opposed? The motion is lost.

We go to number 28, an NDP motion. Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Chair, and good afternoon.

I move that section 8 of the Planning Act, as set out in section 15 of the bill, be amended by adding the following subsection:

“Same, agricultural areas

“(4.1) The members of a planning advisory committee for a municipality where agricultural land uses represent more than 10 per cent of the land area shall include at least one resident of the municipality who is a farmer.”

The Chair (Mr. Peter Tabuns): Any commentary?

Mr. Percy Hatfield: Yes, thank you. We heard from the Ontario Federation of Agriculture that they have grave concerns about—and this just happened, I guess—the proposal that a member of the public be on the planning advisory committee. In areas of heavy agricultural use, farmers are concerned that their traditional rights to farming could be in jeopardy if somebody gets on the planning advisory committee and doesn’t take into account what happens on a farm.

It could be a hobby farmer, it could be just somebody who runs a small commercial enterprise somewhere within the municipality, but the farmers want to make sure that their best interests are being protected at the planning advisory committee level. They don’t want to take the chance that somebody with no history or no education about farming would be putting forward motions that could jeopardize their livelihoods and the tradition of farming in Ontario.

I believe there will be occasions, if you’re going to have a citizen appointment on a planning advisory committee, where it isn’t appropriate, necessarily, to have a farmer on there. But in other cases, where the agricultural industry—and we know the vast importance of it to this province—wants their rights protected by having somebody with a farming background, a member of an established farming association, there protecting their rights as well.

The Chair (Mr. Peter Tabuns): Mr. Potts.

Mr. Arthur Potts: We’ll be recommending opposing this motion. We’re essentially creating a whole second class of planning council—those who have farming lands—and it’s not very workable. It reduces the flexibility of municipal councils. I know in the municipal communities, as the PA to agriculture, where there’s a substantial farming community, they’re apprised of those issues. We have a citizens’ representation. They’re only one vote on the council. In any event, we’ll be voting against this motion.

The Chair (Mr. Peter Tabuns): Any further commentary? There being none, the committee is ready for the vote. As requested, it will be a recorded vote.

Ayes

Hardeman, Hatfield, Martow.

Nays

Anderson, Malhi, Mangat, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is lost. Shall section 15 carry? Recorded vote.

Ayes

Anderson, Malhi, Mangat, Potts, Rinaldi.

Nays

Hardeman, Hatfield, Martow.

The Chair (Mr. Peter Tabuns): The motion is carried.

Before we go to the next amendment, I’ll just say to everyone sitting at the table: When we’re here, you need to pay attention to votes. There are times when people have lost votes because other members didn’t put up their hands. You do have to pay attention.

The next motion is 29: Mr. Hatfield.

Mr. Percy Hatfield: I move that the bill be amended by adding the following section:

“15.1 Section 8.1 of the act is amended by adding the following subsection:

“No appeal re fee

“(9.1) There is no appeal under subsections 69(3) and (4) in respect of the fee established under subsection (9).”

The Chair (Mr. Peter Tabuns): Mr. Hatfield, I’m sorry to have to say, but I rule this amendment out of order because it amends a section of the Planning Act that is not opened up in Bill 73.

Mr. Percy Hatfield: I am deeply hurt, Chair, deeply, deeply hurt.

The Chair (Mr. Peter Tabuns): I knew you would take it personally, and I’m sorry about that.

Mrs. Gila Martow: May I ask a question? Why wouldn’t we announce that something’s out of order before? It has to be read into the record and then we decide if it’s out of order?

The Chair (Mr. Peter Tabuns): Yes. Typically, it has to be moved before I make a ruling.

Mrs. Gila Martow: Okay.

The Chair (Mr. Peter Tabuns): We go on to section 16 and amendment 30: Mr. Hatfield.

Mr. Percy Hatfield: I move that clause 16(1)(a) of the Planning Act, as set out in section 16 of the bill, be amended by striking out “the social, economic and natural environment of the municipality” and substituting “the social, economic, built and natural environment of the municipality”.

1610

The Chair (Mr. Peter Tabuns): Do you wish to speak to that?

Mr. Percy Hatfield: I do, if I am called upon to do so. Thank you very much.

This requires the municipalities to also set goals for the built environment in their official plans. The member for Etobicoke–Lakeshore proposed identical legislation in his private member’s bill, Bill 39. This assumes that

the government has, so far—you might want to point out that, despite voting to support Bill 39, the government seems unwilling to support any of it here, where it counts. I just think that the language is good. It's been put forward by one of their own members. We should take into account the built and natural environments.

The Chair (Mr. Peter Tabuns): Any further commentary by members of the committee? Mr. Rinaldi.

Mr. Lou Rinaldi: I am recommending that we support the motion, Chair. We have no concerns with this motion.

The Chair (Mr. Peter Tabuns): Thank you. Mr. Hatfield, no further comments?

Mr. Percy Hatfield: No, no. After hearing that, I'm going to shut up and walk away.

Laughter.

The Chair (Mr. Peter Tabuns): Mr. Potts.

Mr. Arthur Potts: I want to point out that when you bring really good motions forward that are supportable, we're happy to support them every time. Thank you.

Mr. Percy Hatfield: I would like to think that every motion I bring forward is a very good motion, well thought out and worthy of support from the government.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Hatfield. The committee is ready to vote? As before, recorded vote.

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is carried.

We shall vote on section 16 as a whole. Shall section 16, as amended, carry?

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The section, as amended, is carried.

We go on to section 17 and amendment 31. Mr. Potts.

Mr. Arthur Potts: I move that subsection 17(23) of the Planning Act, as set out in subsection 17(4) of the bill, be amended by striking out the portion before clause (a) and substituting the following:

“Notice

“(23) The council shall ensure that written notice of the adoption of the plan is given in the prescribed manner, no later than 15 days after the day it was adopted.”

The Chair (Mr. Peter Tabuns): Any further comments? There being no comments, are you ready to go to the vote?

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is carried.

We go on to the next motion, number 32. Ms. Martow.

Mrs. Gila Martow: I move that subsection 17(23.1) of the Planning Act, as set out in subsection 17(4) of the bill, be struck out and the following substituted:

“Contents

“(23.1) The notice under subsection (23) may contain a brief explanation of the effect, if any, that the written and oral submissions mentioned in subsection (23.2) had on the decision.

“Same

“(23.1.1) The notice under subsection (23) shall contain any information that is prescribed.”

The Chair (Mr. Peter Tabuns): Any commentary? Mr. Hardeman.

Mr. Ernie Hardeman: This amendment is to clarify—we heard a lot of concerns raised by municipalities that reporting the impact of oral submissions on planning decisions, as laid out presently in the bill, may not be feasible. A number of municipalities raised concerns about this clause, such as the resources required to record oral submissions.

As well, the city of Toronto pointed out that they deal with thousands and thousands of applications every year and there may be multiple reasons that councillors made the decision to vote as they did. Interviewing each councillor to determine the impact of the written or oral submissions simply isn't feasible.

I think it's important in this case to look at—if you have five people on the committee making a decision on an application, and then to have the clerk of the committee and the recorder of the proceedings record for each one of those decisions what made them decide to vote the way they did—because that's what the bill is presently requiring. This is just to clear it up: that the written submissions and the decision that the committee makes would be recorded as the decision. If the committee gave reasons, they would be recorded, but if it was just from what was said and everybody puts up their hand, the decision would not have to say what it was that made them decide it.

I think using it at Queen's Park to suggest that the last vote we held after question period today—that somebody had to record what made every individual vote the way they did based on the oral presentations that took place in the debate prior to the vote: I think that's just not practical. It seems to me that this motion clears that up.

The Chair (Mr. Peter Tabuns): Any further commentary on this? Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, the proposed PC motion will make the explanation of the effects of public input discretionary. The motion will remove transparency in decision-making in the process. I recommend opposing the motion.

The Chair (Mr. Peter Tabuns): Any further commentary? Mr. Hardeman.

Mr. Ernie Hardeman: In that explanation, that even drives me further to the challenge of why we need this

motion. Whether they listen to the people is not what the bill presently requires. What we're putting in this—after they make a decision, what drove that decision is not the important part. The public wants to know the decision they made. I don't think that suggesting that this is going to disregard the public's opinion after they've made the decision—whether you write the public's input into the decision is somewhat irrelevant. If they say that what the public said meant absolutely nothing, then they don't have to put “nothing” in the decision, because it had no input in their decision. To me, this clarifies that they put in what is necessary, as the clerk of the committee heard it.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Hardeman. Seeing no further discussion, people are ready for the vote. It will be recorded.

Ayes

Hardeman, Hatfield, Martow.

Nays

Malhi, Mangat, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is lost.

We go to the next motion, number 33, a PC motion. Who will be introducing it? Ms. Martow.

Mrs. Gila Martow: I move that subsection 17(5) of the bill be amended to add the following subsection to section 17 of the Planning Act:

“Same

“(24.5.1) Despite subsection (24.5), an appeal may be brought in respect of a part of an official plan that identifies a boundary of an area described in subclause (a)(i), (ii), (iii) or (iv) of subsection (24.5), unless an appeal process exists with respect to the establishment of that boundary under the act referred to in the relevant subclause.”

The Chair (Mr. Peter Tabuns): Ms. Martow, did you want to speak to that? I noticed that there's a 33.1 to replace 33.

Mrs. Gila Martow: I can go ahead—33.1—you want me to speak on the amendment?

The Chair (Mr. Peter Tabuns): Well, I do, but are you moving 33 or your replacement motion, 33.1?

Mr. Ernie Hardeman: I stand to be corrected, Mr. Chairman: I believe she read 33.1.

The Chair (Mr. Peter Tabuns): Oh, she did? Okay.

Mrs. Gila Martow: I didn't.

Mr. Ernie Hardeman: She didn't.

Mr. Arthur Potts: We don't have a copy of 33.1.

The Chair (Mr. Peter Tabuns): One moment while that's—

Interjections.

The Chair (Mr. Peter Tabuns): You do have it? Everyone has it?

Mrs. Gila Martow: I have it.

Mr. Ernie Hardeman: Yes, everybody has it.

The Chair (Mr. Peter Tabuns): Good. Okay. We're not going forward with 33. We're going with 33.1; is that correct?

Mrs. Gila Martow: I'll withdraw 33. Sorry. I didn't have 33.1.

The Chair (Mr. Peter Tabuns): Okay.

Mrs. Gila Martow: I move that subsection 17(5) of the bill be amended to add the following subsection to section 17 of the Planning Act:

“Same

“(24.5.1) Despite subsection (24.5), an appeal may be brought in respect of a part of an official plan that identifies a boundary of an area described in subclause (24.5)(a)(i), (ii), (iii) or (iv), unless an appeal process exists with respect to the establishment of that boundary under the act referred to in the relevant subclause.”

1620

The Chair (Mr. Peter Tabuns): Thank you, Ms. Martow. Did you want to speak to this?

Mrs. Gila Martow: I'm happy to speak to it.

The Chair (Mr. Peter Tabuns): Then proceed.

Mrs. Gila Martow: But I'll let my colleague go ahead, if he's ready.

The Chair (Mr. Peter Tabuns): Mr. Hardeman.

Mr. Ernie Hardeman: The reason for this amendment is in fact that presently in the lines we're talking about, in the designated areas where the bill says that there will be no appeal if it includes those designated areas, there was no appeal when those lines were created either. This here suggests that you could appeal them through this legislation until such time as we could get in place an appeal process within the legislation for those that are all presently under review.

We recognize that the appeal processes might take different amounts of time to create. As each process is set up, then the related section banning appeals to the official plan will go into force. This just allows the appeals to be in place until they are directed somewhere else, and then they would automatically drop out of this piece of legislation.

The property owners whose land was included in one of these designations should have a chance to bring forward the concerns and point out errors, if one has been made. There have been places where that has happened in the previous designation of the greenbelt, but there was no place they could go. Up to and including when we held hearings on the review of the greenbelt, even the ministry agreed that there had been places where changes needed to be made, but they didn't have the ability in the bill to do it. So we are, in this here, suggesting that we could put it in this bill. Then, when they do put it in the bill, in the coming time when they do the greenbelt and Oak Ridges moraine review, it would be included in.

We heard from a property owner in Hamilton whose property was included in the greenbelt because municipal staff thought that there was a waterway on it. The waterway was actually on the neighbouring property, but there was no way for the property owner to appeal the

designation, so it's in the greenbelt because of the waterway that doesn't exist.

We recognize that a more appropriate place for these appeals is at the provincial level, which is why the section which prohibits appeals on the boundaries on the official plan will go into effect as soon as the provincial appeal is in place. We believe it should be in the other, but we should allow it, for the time being, in this legislation for the people who live in those areas, particularly as they're looking at redesignating the areas around there.

The Chair (Mr. Peter Tabuns): Is there any further comment on this? Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, this proposed motion could result in unnecessary and disingenuous appeals as the Ontario Municipal Board is already obligated to uphold provincial policies. In addition, the identified matters have already been subject to a fulsome provincial review and involve extensive public consultation.

The Chair (Mr. Peter Tabuns): Any further commentary? People are ready for the vote?

Ayes

Hardeman, Martow.

Nays

Anderson, Hatfield, Malhi, Mangat, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): It is lost.

We go on to government motion 34. Mr. Potts?

Mr. Arthur Potts: I move that section 17 of the bill be amended by adding the following subsections:

“(6.1) Section 17 of the act is amended by adding the following subsection:

“Same

“(25.1) If the appellant intends to argue that the appealed decision is inconsistent with a policy statement issued under subsection 3(1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan, the notice of appeal must also explain how the decision is inconsistent with, fails to conform with or conflicts with the other document.”

“(6.2) Subsection 17(26) of the act is amended,

“(a) by striking out ‘(24) and (36)’ in the portion before clause (a) and substituting ‘(24), (36) and (41.1)’; and

“(b) by adding the following clause:

“(a.1) where notice is given by email, on the day that the sending by email of all required notices is completed;”

The Chair (Mr. Peter Tabuns): Thank you, Mr. Potts. Is there any commentary?

Mr. Arthur Potts: It's a technical change which just clarifies the meaning of the act.

The Chair (Mr. Peter Tabuns): Okay. Thank you. Mr. Hardeman, you have a comment?

Mr. Ernie Hardeman: Yes. I agree with the changes and support the resolution. I just wish that they had been so considerate about the previous one on the oral presentation having to be recorded on minutes of a meeting.

But with that, we will support this motion.

The Chair (Mr. Peter Tabuns): Mr. Hatfield.

Mr. Percy Hatfield: I'll be supporting the motion as well because I believe this accomplishes exactly what Mr. Hardeman was arguing for in the previous motion. I believe this clause will deal with the person whose property didn't have the water flowing through it. This is the way to go about it, as opposed to the previous motion, so I'll be supporting this one.

The Chair (Mr. Peter Tabuns): Thank you. The committee is ready to vote.

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is carried.

We go on to government motion 35. Ms. Mangat.

Mrs. Amrit Mangat: I move that subsection 17(25.1) of the Planning Act, as set out in subsection 17(7) of the bill, be struck out.

The Chair (Mr. Peter Tabuns): Thank you. Any commentary? Ms. Mangat.

Mrs. Amrit Mangat: This is a consequential motion, so I recommend supporting this motion.

The Chair (Mr. Peter Tabuns): Okay. Any further commentary? The committee is ready to vote.

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is carried.

We go on to government motion 36. Mr. Potts.

Mr. Arthur Potts: I move that subsection 17(35) of the Planning Act, as set out in subsection 17(9) of the bill, be amended by striking out the portion before clause (a) and substituting the following:

“Notice

“(35) If the approval authority makes a decision under subsection (34), it shall ensure that written notice of its decision is given in the prescribed manner to,”

The Chair (Mr. Peter Tabuns): Thank you. Any commentary? Mr. Potts.

Mr. Arthur Potts: Yes, again, this is a technical change that facilitates the modernization of giving notice through additional methods.

The Chair (Mr. Peter Tabuns): Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Chair. Through you to the Clerk, I wonder if I could ask a housekeeping question. When we read these, do we have to say,

“Bracket, bracket, bracket,” or not? If we do, then we should all be consistent. If we don’t, then we should all be consistent.

Ms. Susan Klein: When I see “35,” I just say “subsection 35.” I don’t say “brackets.”

Mrs. Amrit Mangat: So we don’t have to?

Ms. Susan Klein: I don’t think so. In the opening of this, you can say, “I move that subsection 17(35) of the Planning Act,” and then when you’re reading it, the actual text of the provision, “If the approval authority makes a decision under subsection (34),” that’s fine.

Mrs. Amrit Mangat: I was told that we have to read every single thing. It may be a bracket or a comma or something. So that’s why I did it.

Ms. Susan Klein: Yes, the way you read it—

Mr. Percy Hatfield: Thank you.

The Chair (Mr. Peter Tabuns): No problem.

Any further commentary on the content? There being none, the committee is ready to vote.

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is carried.

We go to NDP motion 37. Mr. Hatfield.

Mr. Percy Hatfield: I move that subsection 17(40) of the Planning Act, as set out in subsection 17(13) of the bill, be amended by striking out “180 days” and substituting “240 days”.

The Chair (Mr. Peter Tabuns): Do you want to comment further?

Mr. Percy Hatfield: Well, if you would like me to, I could. Perhaps we’ll see if there’s support or not support.

The Chair (Mr. Peter Tabuns): Mr. Potts.

Mr. Arthur Potts: We’re recommending opposing this motion. We think it will create unnecessary delays. We’ve already extended the timelines. We think that they’re adequate in the bill as drafted.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Potts. Any further commentary? Mr. Hatfield.

1630

Mr. Percy Hatfield: Those of us who have dealt with planning matters before know that not all applications can be dealt with as quickly as others. Some do require more time.

Many municipalities have asked for more flexibility. I believe the member for Etobicoke–Lakeshore proposed a similar timeline in Bill 39. Because he did that and I love Bill 39, I’ll be supporting it when it comes before us. I think it’s just a housekeeping thing to keep it all in line with what we would be voting on eventually.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Hatfield. Ms. Mangat, you wanted to speak? Please.

Mrs. Amrit Mangat: The government has already doubled the timelines for decision-making, so I would oppose this.

The Chair (Mr. Peter Tabuns): Seeing no further comment, the committee is ready to vote.

Ayes

Hatfield.

Nays

Anderson, Malhi, Mangat, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is lost. We go on to NDP motion 38. Mr. Hatfield.

Mr. Percy Hatfield: I withdraw this one, since my proposed 37 didn’t pass.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Hatfield. The motion is withdrawn.

We go to government motion 39.

Mrs. Amrit Mangat: I move that subsection 17(41.1) of the Planning Act, as set out in subsection 17(15) of the bill, be amended by striking out “on and after the day that is 21 days after the date of the notice” and substituting “after the day that is 20 days after the day the giving of the notice is completed”.

The Chair (Mr. Peter Tabuns): Thank you. Any commentary from anyone?

Mr. Ernie Hardeman: I’d just like the parliamentary assistant to explain what we’re trying to do here.

Mr. Lou Rinaldi: Sure. This motion is part of a—

The Chair (Mr. Peter Tabuns): Mr. Rinaldi.

Mr. Lou Rinaldi: Sorry, Chair.

The Chair (Mr. Peter Tabuns): No, that’s fine. Please go ahead.

Mr. Lou Rinaldi: This motion is part of a technical change to subsection 17(26) of the Planning Act to clarify when notice is deemed to be complete for the proposed new optional notification period for non-decision appeals.

The Chair (Mr. Peter Tabuns): Mr. Hardeman.

Mr. Ernie Hardeman: What does it change, the amendment, from what the bill says?

Mr. Lou Rinaldi: As I mentioned, it’s really a technical change.

The Chair (Mr. Peter Tabuns): Mr. Hardeman.

Mr. Ernie Hardeman: I’m trying to understand it.

Mr. Lou Rinaldi: Well, I’m not—

Mr. Ernie Hardeman: That’s sufficient. Thank you.

The Chair (Mr. Peter Tabuns): That’s sufficient? Good. Is there any other commentary? There being none, you’re ready for the vote?

Ayes

Anderson, Malhi, Mangat, Potts, Rinaldi, Hatfield.

The Chair (Mr. Peter Tabuns): The motion is carried.

We go on to NDP motion 40. Mr. Hatfield.

Mr. Percy Hatfield: I move that section 17 of the bill be amended by adding the following subsection:

“(18) Section 17 of the act is amended by adding the following subsections:

“L.G. in C. may confirm, vary or rescind orders

“(55) Upon the petition of any party or person interested, filed with the clerk of the executive council within 28 days after the date of any order or decision of the municipal board under this section, the Lieutenant Governor in Council may,

“(a) confirm, vary or rescind the whole or any part of such order or decision; or

“(b) require the board to hold a new public hearing of the whole or any part of the application to the board upon which such order or decision of the board was made, and the decision of the board after the public hearing ordered under clause (b) is not subject to petition under this subsection.

“Withdrawal of petition

“(56) Any party or person who has filed a petition under subsection (55) may at any time withdraw the petition by filing a notice of withdrawal with the clerk of the executive council.”

The Chair (Mr. Peter Tabuns): Any commentary, Mr. Hatfield?

Mr. Percy Hatfield: I think it's an important amendment to restore the government's powers to overturn OMB decisions upon petition with respect to official plans. The government used to have the power, but inexplicably, gave it up in 2009. Now, no elected government has ultimate authority over the planning policy in Ontario.

As you know, in Waterloo region, the OMB basically rewrote Places to Grow with a terrible pro-sprawl decision in 2013, and the government was helpless to defend its own anti-sprawl legislation. The OMB decisions are supposed to be consistent with provincial plans, but it is up to the OMB to decide what “consistent” means.

Politics should be written by elected governments. I think we talked a lot about this yesterday. I think we all know the glaring example of Waterloo region, and it shouldn't be allowed to be duplicated in any fashion in the future. That's why this amendment is in front of us, and I would hope that the government, after seeing what happened in Waterloo, would recognize the mistake—there is no apology needed; it happened. Let's just move forward and correct the mistakes of the past.

The Chair (Mr. Peter Tabuns): Any further commentary? Mr. Rinaldi.

Mr. Lou Rinaldi: Thank you, Chair. Let me give the member credit, obviously, for what he is proposing. But I would recommend, since there is going to be an Ontario Municipal Board review, that this certainly would fit better with that review than with Bill 73.

The Chair (Mr. Peter Tabuns): Any further commentary? There being none, are we ready for the vote? Mr. Hardeman.

Mr. Ernie Hardeman: I have a real concern with this amendment. I'll start off by saying it's like suggesting that the Attorney General should have the power to overrule all court decisions of judges if somebody petitions that the judge didn't give the proper ruling. I just don't think that's the appropriate way to deal with it.

If we have a quasi-separate body reviewing it and somebody goes there with an appeal on a land use decision, and they know that, in the end, all it's going to take is for people to petition the Minister of Municipal Affairs and Housing to say, “Well, yes, it does look to me that I would have decided differently”—that with all that's been said and done and all the money that's been spent, the decision can be overturned—I don't know why anybody would go to the Ontario Municipal Board and think they were going to get a fair, unbiased hearing as to whether the municipality was right or wrong in its decision. Why would they go at all?

I just think it totally negates the need for the Ontario Municipal Board. Yesterday, in some of the debate we had, I think the member introducing this motion suggested that may be a good idea. I agree with the parliamentary assistant: That may very well be a good idea, but it should be done through the review of the Ontario Municipal Board, not in this legislation.

The Chair (Mr. Peter Tabuns): Mr. Hatfield, you indicated that you wanted to speak?

Mr. Percy Hatfield: Thank you, Chair. I won't belabour it. I'll just remind the member from Oxford that Waterloo region spent 10 years developing an official plan; made it comply, letter for letter, clause for clause, with Places to Grow and the provincial policy statement; and it was overturned on appeal. The OMB disregarded the provincial policy statement, disregarded Places to Grow, disregarded 10 years of effort put in by the regional municipality of Waterloo, overturned that decision and came up with something entirely on their own. You talk about time and money that goes into something; the OMB just threw that out the window. This would prevent that from happening again.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Hatfield. It looks like we're ready to vote.

Ayes

Hatfield.

Nays

Anderson, Hardeman, Malhi, Mangat, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is lost. We now go to the vote on section 17. Shall section 17, as amended, carry?

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): Section 17, as amended, is carried.

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We go to section 18. There are no amendments. Is there any commentary?

There being none, shall section 18 carry?

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): Section 18 is carried.

We go to section 19. There are no amendments; no commentary. Shall section 19 carry?

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): Section 19 is carried.

We go on now to section 20. We go to PC motion 41: Ms. Martow.

Mrs. Gila Martow: I move that section 20 of the bill be amended by adding the following subsection to section 22 of the Planning Act:

“Same

“(2.2) For greater certainty, subsection (2.1) does not prevent a council from initiating its own amendment to a new official plan before the second anniversary of the first day any part of the plan comes into force.”

The Chair (Mr. Peter Tabuns): Any commentary? Mr. Hardeman?

Mr. Ernie Hardeman: This amendment would ensure that municipalities have the ability to amend the official plan during the two-year freeze that follows the adoption of a new plan. Several municipalities expressed concerns that the clause, as written, which includes public bodies, would prevent them from making amendments during the two-year freeze. The Planning Act defines “public body” as “a municipality, a local board, a ministry, department, board, commission, agency or official of a provincial or federal government or a First Nation.” If there is no ability to rezone during this time period, it will stifle economic growth in small communities. Currently, Bill 73 reads: “No person or public body shall request an amendment to a new official plan before the second anniversary of the first day any part of the plan comes into effect.”

Hamilton said during their presentation, “To provide no avenue through which these sorts of amendments can be made, even when they’re supported by planning staff and council, could put a bit of a chill on development, and obviously none of us wants to do that.” The township of McKellar passed a resolution that said that “the specific changes related to the restriction of official plan, zoning bylaw amendments and minor variances applications after new official plans and zoning bylaws may be

problematic and result in obstructions and delays for development in the northern communities of the province.”

Concerns about the impact of the freeze have also been raised by AMO, the county of Renfrew, Ontario Home Builders’ Association, Ontario Professional Planners Institute, Bracebridge, Owen Sound, township of Admaston/Bromley, city of Vaughan, Timmins Chamber of Commerce, Greater Sudbury Chamber of Commerce, Thunder Bay Chamber of Commerce, town of Whitby, city of Hamilton, and other organizations.

This motion will alleviate that because, instead of being prohibited from participating, the municipalities would be allowed to initiate an application even though there was a freeze on for everybody else. So I think it would solve the problem that all these people talked about in the public hearings.

The Chair (Mr. Peter Tabuns): Is there any further comment? Mr. Rinaldi?

Mr. Lou Rinaldi: The proposed PC motion: We feel it’s inappropriate as municipalities currently and would continue to have authority under sections 17 and 21 to initiate amendments to their own official plan. It’s already in place if Bill 73 is passed.

The Chair (Mr. Peter Tabuns): Mr. Hatfield?

Mr. Percy Hatfield: I agree totally with the concept. However, I’ll be voting against motion 41 because I believe 42 does a better job. Even though the wording is more difficult to understand, it does a better job than 41. So I’ll be voting against this one and then in support of the next one.

The Chair (Mr. Peter Tabuns): I see no further commentary. The committee is ready to vote.

Ayes

Hardeman, Martow.

Nays

Anderson, Hatfield, Malhi, Mangat, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is lost.

We go to government motion 42: Mr. Rinaldi.

Mr. Lou Rinaldi: I move that section 20 of the bill be amended by adding the following subsection:

“(1.1) Section 22 of the act is amended by adding the following subsection:

“Exception

“(2.2) Subsection (2.1) does not apply in respect of a request if the council has declared by resolution that such a request is permitted, which resolution may be made in respect of a specific request, a class of requests or in respect of such requests generally.”

The Chair (Mr. Peter Tabuns): Any further commentary, Mr. Rinaldi?

Mr. Lou Rinaldi: To be clear, this motion will authorize councils by resolution to permit applications to be made during the two-year period following approval

of a new official plan. This change is in response to submissions from municipalities that the bill will restrict flexibility to consider private development processes.

The Chair (Mr. Peter Tabuns): Any further commentary? Mr. Hardeman.

Mr. Ernie Hardeman: I want to say that it does cover off—I wouldn't necessarily say better than the previous resolution—exactly the same thing, and I commend the government. We will be supporting this motion.

The Chair (Mr. Peter Tabuns): I see no further commentary. The committee is ready to vote.

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is carried.

We go to government motion number 43. Ms. Mangat.

Mrs. Amrit Mangat: I move that subsection 22(6.6) of the Planning Act, as set out in subsection 20(3) of the bill, be amended by striking out the portion before clause (a) and substituting the following:

“Notice of refusal

“(6.6) A council or planning board that refuses a request to amend its official plan shall ensure that written notice of the refusal is given in the prescribed manner, no later than 15 days after the day of the refusal.”

The Chair (Mr. Peter Tabuns): Any commentary?

Mrs. Amrit Mangat: Chair, this change is in response to the submissions from municipalities, so I support this motion.

The Chair (Mr. Peter Tabuns): I see no further commentary. We're ready to go to the vote.

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is carried.

We go to motion number 44 from the Progressive Conservative Party. Ms. Martow.

Mrs. Gila Martow: I move that subsection 22(6.7) of the Planning Act, as set out in subsection 20(3) of the bill, be struck out and the following substituted:

“Contents

“(6.7) The notice under subsection (6.6) may contain a brief explanation of the effect, if any, that the written and oral submissions mentioned in subsection (6.8) had on the decision.

“Same

“(6.7.1) The notice under subsection (6.6) shall contain any information that is prescribed.”

The Chair (Mr. Peter Tabuns): Any commentary? Mr. Hardeman.

Mr. Ernie Hardeman: This amendment would address the concern raised by municipalities that reporting the impact of oral submissions on planning decisions, as laid out in Bill 73, may not be feasible. A number of municipalities raised these concerns about this clause, such as the resources required to record the oral submissions.

As well, the city of Toronto pointed out that they deal with thousands of applications every year and there may be multiple reasons that councillors made the decision to vote the way they did. Interviewing each councillor to determine the impact of written and oral submissions simply isn't feasible.

Again, this goes back to the other motion in the other section. It's just that trying to figure what drove every member of the committee to vote the way they did doesn't seem like a practical approach to the issue and of absolutely no benefit to the end result. The decision would be written up after the decision was made, so there can be no changes made to the decision. Going to that much trouble trying to get this information and record it all—make a book, so everyone can see a book along with how each councillor made their decision—just doesn't seem practical at all.

I just hope that the government takes advantage of this second opportunity to actually change it, so that we don't have to have that kind of a mess in our planning process in Ontario.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Hardeman. Mr. Rinaldi.

Mr. Lou Rinaldi: This is really a repeat of what was in a previous motion. This motion will make the explanation of the effect of public input discretionary and the motion will remove transparency in the decision-making process, so I recommend not supporting it.

The Chair (Mr. Peter Tabuns): Mr. Hardeman?

Mr. Ernie Hardeman: I was going to add that I think, of all the presentations that were made to us in the committee, we didn't have one single presentation that suggested that this would be a good idea—none.

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These are the people who deal with the decisions every day—as the people from Toronto said, thousands of them in a year. Not one spoke in favour of writing what drove the decision. This isn't just writing in the reasons for the decisions. This is what it was that drove each councillor to vote the way they did. It just isn't practical.

I just wanted to point out for the record that, in fact, we are creating a dilemma here where no one can live up to the legislation. I don't know how they're going to have seven people sitting around the table and go around to each one after they've made the decision, saying, “And what was it that made you decide to vote no?” or “What was it that made you decide to vote yes?” I've sat around those tables and I can tell you I wouldn't answer that question to anyone. I made my decision based on what I heard, thank you very much.

That's why I think this is so important. I want the record to show that I tried to correct this, but the government turned a blind eye.

The Chair (Mr. Peter Tabuns): Any further commentary? Seeing none, you're ready for the vote.

Ayes

Hardeman, Hatfield, Martow.

Nays

Anderson, Malhi, Mangat, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is lost.

We go now to NDP motion 45. Mr. Hatfield.

Mr. Percy Hatfield: I move that section 20 of the bill be amended by adding the following subsection:

“(3.1) Subsection 22(7.0.2) of the act is amended by striking out ‘180 days’ in paragraphs 1 and 2 and substituting in each case ‘240 days’.”

The Chair (Mr. Peter Tabuns): Thank you, Mr. Hatfield. Any commentary?

Mr. Percy Hatfield: Just to say that this does extend the time period for municipalities to make a decision with respect to an official plan amendment before the applicants can go to the OMB from 180 days to 240 days. As I've said previously, not all applications can be dealt with as quickly as others. Some require more time. Many municipalities have asked for more flexibility.

I'll point out again that the member for Etobicoke–Lakeshore in his private member's bill proposed a similar timeline, in his Bill 39. I'm just taking a cue from him.

The Chair (Mr. Peter Tabuns): Mr. Rinaldi.

Mr. Lou Rinaldi: I give the member credit. Keep on trying, right?

Chair, for the same reasons as the other one: The government has already dealt with the decision-making time and this will only delay the process. I'm recommending that we don't support the motion.

The Chair (Mr. Peter Tabuns): I see no further commentary. The committee is ready to vote.

Ayes

Hatfield.

Nays

Anderson, Hardeman, Malhi, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is lost.

We go now to government motion 46. Mr. Potts.

Mr. Arthur Potts: I move that section 20 of the bill be amended by adding the following subsection:

“(3.1) Section 22 of the act is amended by adding the following subsection:

“When giving of notice deemed completed

“(7.0.4) For the purposes of subsection (7.0.3), the giving of written notice shall be deemed to be completed,

“(a) where notice is given by email, on the day that the sending by email of all required notices is completed;

“(b) where notice is given by personal service, on the day that the serving of all required notices is completed;

“(c) where notice is given by mail, on the day that the mailing of all required notices is completed; and

“(d) where notice is given by telephone transmission of a facsimile of the notice, on the day that the transmission of all required notices is completed.”

The Chair (Mr. Peter Tabuns): Any commentary, Mr. Potts?

Mr. Arthur Potts: Again, a technical motion to clarify that.

The Chair (Mr. Peter Tabuns): Any further commentary by members of the committee? Seeing none, people are ready to vote.

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is carried.

We go now to NDP motion number 47. Mr. Hatfield.

Mr. Percy Hatfield: I move that section 20 of the bill be amended by adding the following subsection:

“(7) Section 22 of the act is amended by adding the following subsections:

“L.G. in C. may confirm, vary or rescind orders

“(14) Upon the petition of any party or person interested, filed with the clerk of the executive council within 28 days after the date of any order or decision of the municipal board under this section, the Lieutenant Governor in Council may,

“(a) confirm, vary or rescind the whole or any part of such order or decision; or

“(b) require the board to hold a new public hearing of the whole or any part of the application to the board upon which such order or decision of the board was made, and the decision of the board after the public hearing ordered under clause (b) is not subject to petition under this subsection.

“Withdrawal of petition

“(15) Any party or person who has filed a petition under subsection (14) may at any time withdraw the petition by filing a notice of withdrawal with the clerk of the executive council.”

The Chair (Mr. Peter Tabuns): Mr. Hatfield.

Mr. Percy Hatfield: It's an important amendment, I believe, because it does restore the government's powers to overturn decisions made by the Ontario Municipal Board, upon petition, with respect to official plan amendments. The government used to have this power, but they gave it up in 2009. Now no elected government has the ultimate authority over planning policy in Ontario. Policy should be written by elected governments.

It's a simple amendment. There's no shame in admitting a mistake. I think the government should recognize the mistake made in the past and do everything in its power to correct it. I hope they see their way fit to do so.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Hatfield. Any further commentary? Mr. Rinaldi.

Mr. Lou Rinaldi: I'd just repeat what we talked about before. I think this would be best dealt with, and more effectively, in the upcoming review of the Ontario Municipal Board. That's certainly the place where that should be considered.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Rinaldi. Mr. Hardeman.

Mr. Ernie Hardeman: Yes. This is the same as the previous one. This would give the government the right to change Ontario Municipal Board decisions regarding amendments to the official plan if any person or interested party filed a petition asking to have that decision reviewed. The Ontario Municipal Board, as I said earlier, could work better, but the solution to fixing it is not giving the government the ability to overrule it.

The member talked about the comments about how policy should only be passed by elected bodies, but the truth is that one of those elected bodies making the policy is the provincial government. To give that same body the power to overrule the non-elected body in the hearings process would not be appropriate. It would also mean that the parties are going to go to the significant expense of an OMB hearing and producing evidence, only to have a decision changed or overruled, with no protection to ensure that the evidence and facts were even considered.

Currently, if people or an organization disagree with an Ontario Municipal Board decision, they can ask the board to review it. If an error in law has been found to be made, they can ask the Divisional Court for an appeal or judicial review of the decision. I think the suggestion that putting the decisions of land use disputes in the back-rooms or in the cabinet rooms of the province as opposed to in the public forum where evidence is being presented is an inappropriate approach, so we will be voting against this resolution.

The Chair (Mr. Peter Tabuns): I see no further discussion. The committee is ready to vote.

Ayes

Hatfield.

Nays

Anderson, Hardeman, Malhi, Mangat, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is lost.

Now we go to voting on the section as a whole. Shall section 20, as amended, carry?

Ayes

Anderson, Hatfield, Malhi, Mangat, Potts, Rinaldi.

Nays

Hardeman, Martow.

The Chair (Mr. Peter Tabuns): The section, as amended, is passed.

Section 21: There are no amendments. Any discussion on section 21? There being none, shall section 21 carry?

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): Section 21 is carried. **1700**

We go to section 22. There are no amendments. Any discussion? There being none, shall section 22 carry?

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The section is carried.

We go to section 23 and PC motion 48.1. Ms. Martow.

Mrs. Gila Martow: I move that subsections 26(1.1) and (1.2) of the Planning Act, as set out in subsection 23(1) of the bill, be struck out and the following substituted:

"Same

"(1.1) The council shall revise the plan no less frequently than,

"(a) 10 years after it comes into effect as a new official plan; and

"(b) every 10 years thereafter, unless the plan has been replaced by another new official plan.

"Same

"(1.2) For the purposes of establishing the 10-year periods mentioned in subsection (1.1), a plan is considered to have come into effect even if there are outstanding appeals relating to those parts of the plan that propose to specifically designate land uses."

The Chair (Mr. Peter Tabuns): Do you wish to comment? Mr. Hardeman?

Mr. Ernie Hardeman: Thank you very much, Mr. Chairman. This amendment will change the time period for the official plan reviews to not less than 10 years, which would make it consistent with the new requirements for the provincial policy statements and the new official plans under Bill 73.

A number of municipalities asked for this amendment in recognition of the time and resources required to update the official plan. I think the reason for this amendment is that there's very little difference—in fact, some of the people who presented actually questioned what you define as a new official plan and what you define as an updated official plan.

If that's the case, it would seem to me to be much more sensible that, if it takes as much time and as much resources to review the plan each time, they would wait for the five and then not get it done and then go to the 10 and then have a new plan instead. It would seem to me that it makes more sense to make it all consistent.

A plan review: You have a plan and the number of times you review it. You do it over a 10-year period, the same as the policy statements provincially and the same as the official plan and a new official plan. So let's have it all be consistent: that everything is a 10-year period for the division.

The other thing that would happen too: The two-year freeze that would apply would only apply once over the two terms as opposed to doing it each time you have a time freeze for the development at the start of the five-year period, so you only have three years with no freeze, whereas, if you adopt this amendment, we have a policy that's consistent, whether it's a review or whether it's new or whether we know the difference.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Hardeman. Further comment? There being none, we go to—Mr. Rinaldi?

Mr. Lou Rinaldi: Sorry, Chair.

The Chair (Mr. Peter Tabuns): My apologies, sir.

Mr. Lou Rinaldi: That's fine. I recommend opposing the motion, Chair, for the reason that the intent of the bill is to incent the comprehensive updates of planning documents. The proposed motion will undermine this intent by extending the review period to 10 years for all official plan updates, including partial updates.

The Chair (Mr. Peter Tabuns): Mr. Hatfield and then Mr. Hardeman.

Mr. Percy Hatfield: Thank you, Chair. I'm so disappointed in the government's response. We listened to the Association of Municipalities of Ontario. We heard their arguments time and time again. We've heard from the planners. They say that the time and expense involved in all of this—they could really use the longer period of time and then allow their planners to get on with other things: real things in their municipality instead of continually updating their official plan.

I just think it's a no-brainer. I applaud the PCs for putting it forward. I just think that this is something municipalities wanted, and again the government is turning a deaf ear.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Hatfield. Mr. Hardeman.

Mr. Ernie Hardeman: I'm very disappointed, obviously, that the government is taking the approach that we're just going to oppose any other suggestions brought forward that we didn't put forward. So far, in every one of these issues, they're agreeing—or they're not disagreeing—that they heard the complaints or the concerns expressed by all the people who presented, but here we are. There wasn't one person who came forward and said, "We think that's a good idea," that there's a difference between creating an official plan and reviewing an official plan—that there's a difference.

Everyone who presented and talked about the review said that they should be consistent. The government says, "Oh, no, no. There's got to be a difference." Why has there got to be a difference? I would just ask the parliamentary assistant if he could identify for me, to help me understand this one, the difference between a review and a new one. When you review your official plan, you start exactly the same process as when you create an official plan. I don't know how you're going to find a difference to say when it's a new plan and when it's a review of a plan.

Now, there are official plan amendments that could be quite extensive. We're not talking about amendments having a five-year lifespan. We're talking about when they look at the official plan: "Time is up. We need to create a new official plan. We need to update our official plan." Now they're going to say, "We have a new one so we don't have to do anything for 10 years." So at the end of eight years, we say, "When this one is done, we're not going to review this one anymore; we're going to have a new one," and then they can go another 10 years. But if they say, "We're going to review this one," no, then you have to do the next one in five years.

It just seems so redundant to say that there's a difference in doing the review of the official plan. I just can't believe that the government is so bullheaded that they won't listen to one thing that people told them in these public hearings. First, they only wanted to listen to each presenter for four minutes so they couldn't tell them anything. Then, when we chained them into having 15 minutes to listen to them, they sat at the meeting but obviously they didn't listen or they would have had some understanding of some of these amendments that are exactly what the people that they're trying to deal with wanted done. I just can't believe that they would just turn a blind eye and say, "Oh, no, no. They don't mean anything. They don't know what they're doing. We know better."

But the parliamentary assistant so far has not been able to tell me the difference between a review and a new plan. If he can't tell the difference, how can we say that one should have a different review period than the other?

I just can't—I don't know—I guess I could go on here for days.

The Chair (Mr. Peter Tabuns): Twenty minutes.

Mr. Ernie Hardeman: But if they are too stubborn to listen, then obviously they're not going to change their mind.

The Chair (Mr. Peter Tabuns): Any further commentary? There being none, the committee is ready for the vote.

Ayes

Hardeman, Hatfield, Martow.

Nays

Anderson, Malhi, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is lost. We now go to vote on section 23 as a whole. Shall section 23 carry?

Ayes

Anderson, Hatfield, Malhi, Potts, Rinaldi.

Nays

Hardeman, Martow.

The Chair (Mr. Peter Tabuns): Section 23 is carried. We go to section 24. There are no amendments. Does anyone want to address section 24? There being no comments, shall section 24 carry?

Ayes

Anderson, Hardeman, Hatfield, Malhi, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): Section 24 is carried. Section 25: We have NDP motion 49.

Mr. Percy Hatfield: I move that section 25 of the bill be amended by adding the following subsection:

“(0.1) Subsection 34(1) of the act is amended by adding the following paragraph:

“Inclusionary housing

“4.1 Requiring that a specified percentage of housing units in all new housing developments containing 20 or more housing units be affordable, and specifying the percentage.”

1710

The Chair (Mr. Peter Tabuns): Mr. Hatfield, I find that the amendment is outside the scope of the bill as set out by the bill’s parameters. I, therefore, rule this amendment out of order.

Mr. Percy Hatfield: I’m sure that’s your prerogative. I’m just not sure that the members of the government are up to speed on what inclusionary housing and inclusionary zoning might be. I would ask for unanimous consent to put forward the motion.

The Chair (Mr. Peter Tabuns): I will ask for unanimous consent. I heard a no.

Mr. Percy Hatfield: I am shattered; absolutely shattered, Chair.

The Chair (Mr. Peter Tabuns): I understand, Mr. Hatfield.

We go on now to PC motion 50. Ms. Martow.

Mrs. Gila Martow: I move that subsection 25(1) of the bill be—

The Chair (Mr. Peter Tabuns): No, no.

Mrs. Gila Martow: Sorry. We have to vote first?

The Chair (Mr. Peter Tabuns): We’re at 50.1.

Mrs. Gila Martow: I do not have it.

The Chair (Mr. Peter Tabuns): Does Mr. Hardeman have it?

Mr. Percy Hatfield: Do you want mine?

Mrs. Gila Martow: Is it supposed to be here somewhere?

The Chair (Mr. Peter Tabuns): Mr. Hatfield has one there for you, Ms. Martow.

Mrs. Gila Martow: Thank you. I move that subsection 25(1) of the bill be amended by adding the following subsection to section 34 of the Planning Act:

“Same

“(10.0.0.2) For greater certainty, subsection (10.0.0.1) does not prevent a council from initiating its own amendment to a zoning bylaw before the second anniversary of the first day any part of the plan comes into force.”

The Chair (Mr. Peter Tabuns): Any commentary? If there’s no commentary, we’ll go to vote.

Mrs. Gila Martow: Sure. Do you have commentary? No? It’s okay.

The Chair (Mr. Peter Tabuns): Ms. Martow?

Mrs. Gila Martow: Oh, I should go ahead. This amendment would allow municipalities to amend zoning bylaws during the two-year freeze that follows a comprehensive rezoning bylaw. Several municipalities expressed concerns that the clause, as written, which includes “public bodies,” would prevent them from making amendments during the two-year freeze. The Planning Act defines “public body” as “a municipality, a local board, a ministry, department, board, commission, agency or official of a provincial or federal government or a First Nation.” If there’s no ability to rezone during this time period, it will stifle economic growth in many small communities.

Currently, Bill 73 reads:

“(10.0.0.1) If the council carries out the requirements of subsection 26(9) by simultaneously repealing and replacing all the zoning bylaws in effect in the municipality, no person or public body shall submit an application for an amendment to any of the bylaws before the second anniversary of the day on which the council repeals and replaces them.”

Just some comments from some of the municipalities: The county of Renfrew said, during their presentation, “This has never been an issue in the county of Renfrew, and we do not see the need for this change, which has the potential to delay and even prevent development projects which are needed for growth—I should say, desperately needed for growth.”

In one of their submissions regarding Bracebridge, they said that the section would “have negative consequences on economic development, will impact council’s ability to respond to development requests and would have budget implications for the corporation.”

Hamilton said during their presentation, “To provide no avenue through which these sorts of amendments can be made, even when they’re supported by planning staff and council, could put a bit of a chill on development, and obviously none of us wants to do that.”

Concerns about the impact of the freeze have been raised by AMO, the county of Renfrew, Ontario Home Builders’ Association, Ontario Professional Planners Institute, Bracebridge, Owen Sound, the township of

Admaston/Bromley, city of Vaughan, Timmins Chamber of Commerce, Greater Sudbury Chamber of Commerce, Thunder Bay Chamber of Commerce, the town of Whitby, the city of Hamilton, and other organizations.

It's apparent that the municipalities are very concerned. It's very important, and I think what the public wants is to see the different levels of government working together. What is the point of having them come and do their submissions if we're not hearing their collective voices?

The Chair (Mr. Peter Tabuns): Thank you. Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Chair. I'm recovering from being shattered on the last vote.

I love the concept. I fully support the concept on this, but I've looked ahead—not putting the cart before the horse—and the government motion coming up on 51 does everything we're talking about here, but is a better motion. So I'll oppose this one and I'll support the government motion coming up after this vote.

The Chair (Mr. Peter Tabuns): Further commentary? Ms. Martow.

Mrs. Gila Martow: Maybe if the government motion is very similar to our motion with regard to the same section, it should be put before an opposition—no? That just doesn't work that way?

The Chair (Mr. Peter Tabuns): They're putting them as they come in.

Mrs. Gila Martow: Okay; just a comment because I find it interesting.

The Chair (Mr. Peter Tabuns): Okay. Any further commentary? Mr. Hardeman.

Mr. Ernie Hardeman: Again, I know that the intent of the next resolution is exactly the same thing, which is to allow municipalities to take action that lifts the freeze. The one difference between the two is the ability of a municipality in the next resolution—and I don't know whether we can debate one amendment against the other, but the intent is that they can specifically, by resolution, move forward with one application but not necessarily have to apply it across the board to others too for the same purpose.

I think that generally in a planning document that's not a positive when you can treat one person differently than another. If I come in and ask for an application and they say, "It's in the two-year freeze, but by resolution we can allow that application. We'll just allow that one," and then to my brother who has been having some difficulties with the municipality in the past, they say, "Oh, no, no. You can't get that application because we have to pass a resolution and we won't do that."

That's some concern, but I've seen from the government actions so far during these hearings that they're going to pass the second one and not the first one, so I'll say no more.

The Chair (Mr. Peter Tabuns): I see no further comment. The committee is ready to vote?

Ayes

Hardeman, Martow.

Nays

Anderson, Hatfield, Malhi, Mangat, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is lost. We go to government motion 51: Mr. Potts.

Mr. Arthur Potts: I move that section 25 of the bill be amended by adding the following subsection:

"(1.1) Section 34 of the act is amended by adding the following subsection:

"Exception

"“(10.0.0.2) Subsection (10.0.0.1) does not apply in respect of an application if the council has declared by resolution that such an application is permitted, which resolution may be made in respect of a specific application, a class of applications or in respect of such applications generally.”"

The Chair (Mr. Peter Tabuns): Any commentary? Mr. Potts.

Mr. Arthur Potts: Yes. I would just like to say, in reference to the previous motion: Of course we listened. We listened very carefully to municipalities that come forward. Where there has been an opportunity to make a change, we're happy to make it if it improves the bill.

The Chair (Mr. Peter Tabuns): Any further commentary? Ms. Martow.

Mrs. Gila Martow: I would just comment on that and say: Can you imagine that if, on every vote that we give here in these committees, we have to submit why we voted that way—how time-consuming that would be? That's basically what we're asking of the councils.

The Chair (Mr. Peter Tabuns): Thank you, Ms. Martow. Mr. Hardeman?

Mr. Ernie Hardeman: Just in relation to the member opposite's comment that you're going to give consideration when someone wants something done, are you suggesting that this resolution would—once you make that consideration, if someone asks for the opening of a zoning bylaw to allow a change in the zoning bylaw in the first two years, it would then become blanket for other people to get the same consideration?

Mr. Arthur Potts: I don't intend to enter into a debate on it at the moment, but the fact is, this gives the flexibility that the municipalities were asking for. We listened, and we've made the amendment as such.

The Chair (Mr. Peter Tabuns): No further commentary? The committee is ready to vote?

Ayes

Anderson, Hatfield, Malhi, Mangat, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is carried.

We now go to government motion 52: Mr. Rinaldi.

Mr. Lou Rinaldi: I move that subsection 34(10.9) of the Planning Act, as set out in subsection 25(2) of the bill, be amended by striking out the portion before clause (a) and substituting the following:

“Notice of refusal

“(10.9) When a council refuses an application to amend its bylaw, it shall ensure that written notice of the refusal is given in the prescribed manner, no later than 15 days after the day of the refusal,”

The Chair (Mr. Peter Tabuns): Any commentary? Mr. Hardeman.

Mr. Ernie Hardeman: Again, it’s hard to oppose a resolution like this. But after relating it to the last motion, and then the answer to my question was that it’s exactly what they asked for, I wonder if we had anybody asking for this one.

The Chair (Mr. Peter Tabuns): Is there any further commentary? There’s none. It looks like we’re ready to go to the vote.

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Potts, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is carried.

Mr. Percy Hatfield: A word, Chair?

The Chair (Mr. Peter Tabuns): Mr. Hatfield?

Mr. Percy Hatfield: I don’t know if it’s a point of order or not, but I would request that we take a five-minute recess.

The Chair (Mr. Peter Tabuns): Unanimous consent? People are agreeable to a five-minute recess?

Interjection: Sure.

The Chair (Mr. Peter Tabuns): Agreed.

The committee recessed from 1721 to 1728.

The Chair (Mr. Peter Tabuns): The committee is back in session.

We now go to PC motion 53: Ms. Martow.

Mrs. Gila Martow: I move that subsection 34(10.10) of the Planning Act, as set out in subsection 25(2) of the bill, be struck out and the following substituted:

“Contents

“(10.10) The notice under subsection (10.9) may contain a brief explanation of the effect, if any, that the written and oral submissions mentioned in subsection (10.11) had on the decision.

“Same

“(10.10.1) The notice under subsection (10.9) shall contain any information that is prescribed.”

The Chair (Mr. Peter Tabuns): Any commentary?

Mrs. Gila Martow: Sure. You go ahead.

The Chair (Mr. Peter Tabuns): Mr. Hardeman.

Mr. Ernie Hardeman: This amendment would address the concerns raised by municipalities that reporting the impact of oral submissions to planning decisions, as laid out in Bill 73, may not be feasible.

A number of municipalities raised concerns about this clause, such as the resources required to record oral submissions, as well the city of Toronto pointed out that they deal with thousands and thousands of applications every year and there may be multiple reasons that councillors made the decision to vote as they did. Interviewing each councillor to determine the impact of written and oral submissions simply isn’t feasible.

Obviously this is exactly the same thing again as those other motions. The parliamentary assistant was a municipal councillor, as I was, prior to coming here. At a council meeting, when you have your discussions, you talk about the motion and the issues before you and then you come to a decision. When the minutes of the meeting come out, the recording on what the meeting had, the Municipal Act is quite clear that it says that the clerk shall prepare the minutes “without note or comment.” In other words, the individual discussions are not part of the process at all because it’s only the action that is recorded in council minutes.

Bill 73 is asking that we ask that same clerk of the committee to actually record not only the oral discussions but what part of those oral discussions had an impact on the councillors’ decision to vote the way they did. I think he would have to agree that that’s just not a feasible way of dealing with keeping track of how people make their decisions.

Again, I put it out there in the nicest possible way to get him to look at it and say, “This isn’t practical to have municipalities, committees of adjustment, planning committees, advisory committees, whatever it is—that the clerk of the meeting must then interview each person. They heard what the audience said, but they have to record those add-ins that the audience said and record whether they had an impact on the decision of the individual voter.”

If it was an hour-long meeting, it’s quite possible that, of the five people who were making the decision, at the end of that hour not one of them had any similarities in which ones made them decide the way they voted. All of them could have a totally different reason. What was the positive to the public or to the transparency of the process for everybody to know what drove them? Everybody who was at the meeting knew what was said. Which one person picked on to use as to why they voted the way they did was totally irrelevant at the end of the decision.

I would hope that they would at least see their way clear to support something like this, to make it more practical for municipalities to make their decision.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Hardeman. Is there any further discussion? Ms. Martow.

Mrs. Gila Martow: This has come up a couple of times, and I’ve been trying to think of who this would benefit because it certainly would make life complicated. As I said perfectly seriously before, can you imagine if at our committee meetings here, every time we vote, we then had to—the Clerk—poor Valerie would have to interview us and ask us why we voted that way and which discussions affected our vote? It just sounds like a

bunch of journalists interviewing somebody, and it's very subjective.

All I can think of are political rivals. Very often at council meetings a lot of the people who are there, we all know, would be council members or people with an axe to grind, people with a chip on their shoulder, and this would just give them a field day in terms of attacking whoever is on council.

I think that once somebody is elected to be on council and to represent their community, they have to answer to the voters in a few years. Voters can—if they want to question a councillor on why they voted a certain way, they can always email them, they can phone them, they can meet with them. But to actually demand and record I think is very cumbersome, and I would just ask the government why they think this is necessary.

The Chair (Mr. Peter Tabuns): Thank you, Ms. Martow. Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Chair. As a former journalist, I take exception to the “bunch of journalists” phrase. I would much prefer a “scrum of journalists.”

Mrs. Gila Martow: Okay. Sorry.

The Chair (Mr. Peter Tabuns): Fair enough. Any other commentary? There being none, we can go to the vote.

Ayes

Hardeman, Hatfield, Martow.

Nays

Anderson, Malhi, Mangat, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is lost. We go to NDP motion 54.1; 54 has been replaced by 54.1.

Mr. Percy Hatfield: I move that section 25 of the bill be amended by adding the following subsection:

“(3.1) Subsection 34(11) of the act is amended by striking out ‘120 days’ and substituting ‘240 days.’”

The Chair (Mr. Peter Tabuns): Any commentary?

Mr. Percy Hatfield: Very briefly, it just extends the time period for municipalities to make a decision with respect to a zoning bylaw before the applicants can go to the OMB. Some decisions require more time, and they need more time to get all their ducks in a row.

The Chair (Mr. Peter Tabuns): Any other commentary? Mr. Hardeman.

Mr. Ernie Hardeman: Yes, Mr. Chairman. Again going back to putting great stock in what the public told us when we had our presentations, I don't remember that that was a big issue: that the timelines were not long enough for getting these applications through. It's important to do whatever we can to make the system work more efficiently and effectively so when somebody is needing to get a rezoning, it can be done in as short a period of time as possible. I think that 180 days is a long

time, so I think that we should leave it at 180 days. I'll not be supporting this resolution.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Hardeman. I don't see any other commentary. The committee is ready to vote.

Ayes

Hatfield.

Nays

Anderson, Hardeman, Malhi, Mangat, Martow, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is lost.

We now go to government motion 55: Mr. Rinaldi.

Mr. Lou Rinaldi: I move that subsection 34(18) of the Planning Act, as set out in subsection 25(7) of the bill, be struck out and the following substituted:

“Notice of passing of bylaw

“(18) If the council passes a bylaw under this section, except a bylaw passed pursuant to an” other “of the municipal board made under subsection (11.0.2) or (26), the council shall ensure that written notice of the passing of the bylaw is given in the prescribed manner, no later than 15 days after the day the bylaw is passed,

“(a) to the person or public body that made the application, if any;

“(b) to each person and public body that filed a written request to be notified of the decision; and

“(c) to any prescribed person or public body.”

The Chair (Mr. Peter Tabuns): Mr. Rinaldi, before you proceed further: When you were reading out this motion, under number 18, the wording here we see is “pursuant to an order of the municipal board,” and what we heard up here was “pursuant to an other of the municipal board.” Just for clarity, you did mean “order,” correct?

Mr. Lou Rinaldi: Yes, I did, Chair.

The Chair (Mr. Peter Tabuns): Okay. Thank you. Do you have any commentary?

Mr. Lou Rinaldi: This is really a technical change to provide for the consistency of giving a decision notice as part of the modernization of giving notices, and this aligns with other legislative provisions, Chair.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Rinaldi. Any further commentary? Mr. Hardeman?

Mr. Ernie Hardeman: Yes, Mr. Chairman. Again, we will be supporting this amendment as it's an amendment that's trying to improve the system to make it more effective and efficient. I think anything that we can do to do that, to make the system work better, we support.

The Chair (Mr. Peter Tabuns): Seeing no further discussion, we're ready to go to the vote.

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is carried.

We now go to PC motion 56: Ms. Martow.

Mrs. Gila Martow: I move that subsection 34(18.1) of the Planning Act, as set out in subsection 25(7) of the bill, be struck out and the following substituted:

“Contents

“(18.1) The notice under subsection (18) may contain a brief explanation of the effect, if any, that the written and oral submissions mentioned in subsection (18.2) had on the decision.

1740

“Same

“(18.1.1) The notice under subsection (18) shall contain any information that is prescribed.”

The Chair (Mr. Peter Tabuns): Do you have any commentary?

Mrs. Gila Martow: Do you want me to go ahead?

The Chair (Mr. Peter Tabuns): Mr. Hardeman?

Mr. Ernie Hardeman: Again, Mr. Chairman, this is another one. This is an amendment that would address the concerns raised by municipalities that reporting the impact of oral submissions on planning decisions, as laid out in Bill 73, just may not be feasible.

After all this, I’m convinced that it’s not feasible. A number of municipalities raised concerns about this clause, such as the resources required to record them, as well as the city of Toronto saying that they deal with thousands of applications every year and there may be multiple reasons why councillors made the decision to vote as they did. Interviewing each councillor to determine the impact of written or oral submissions simply isn’t feasible.

I’m sitting here thinking, as I’m going through this over and over again, that I can’t understand why, if it was so important in the Planning Act that we have to record what’s on the minds of the people who are voting so we can tell the world to make sure that they understand the voter as opposed to the decision, we would have that in the Planning Act but we didn’t do that in the Municipal Act.

Why is it that council can actually pass a resolution to remove the two-year freeze that the province is putting on the application in this bill? They can do that and they don’t have to record why they’re doing that. The clerk doesn’t have to ask each member, “Do you have any personal connection that made you want to do this? Do you know who this person was who asked you to remove that freeze? Why did you vote that way?” No one asks. You just vote the way you deem it appropriate.

Now all of a sudden in this part of the bill where they’re making decisions because it was held in a public forum, the clerk has to find out how they made the decision, not the decision they made. There’s no question

when they voted yes or when they voted no. They themselves know why and they’re recording how they voted.

It’s like right here today, when you call the vote on this motion, Mr. Chairman. It’s like the Clerk asking, when the hands go up on the other side, “I want to know what was on your mind. What was it that made you decide to vote the way you did on this motion?” Would that be appropriate? I know the answer is going to be because Lou told you to. That’s going to be the answer because that was the only—you may have noticed that each time that the parliamentary assistant speaks, he starts off by saying, “I think we will be voting against this motion,” and that tells everybody how they’re going to vote. Do you really think it’s important that we put that in the minutes of this meeting? We just did.

But why would you put that in the meeting for others when we think it’s ludicrous for us to do it here? Again, that’s why I think—one more chance—you can support this motion and do the right thing for municipalities.

The Chair (Mr. Peter Tabuns): Further commentary? Seeing none, we’re ready to go to the vote.

Ayes

Hardeman, Hatfield, Martow.

Nays

Anderson, Malhi, Mangat, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is lost.

We go to government motion 57: Ms. Mangat.

Mrs. Amrit Mangat: I move that section 25 of the bill be amended by adding the following subsection:

“(8.1) Subsection 34(20) of the act is amended,

“(a) by striking out ‘subsection (19)’ in the portion before clause (a) and substituting ‘subsections (11.0.3) and (19)’; and

“(b) by adding the following clause:

“(a. 1) where notice is given by email on the day that the sending by email of all required notices is completed;”

The Chair (Mr. Peter Tabuns): Any commentary?

Mrs. Amrit Mangat: I support this motion.

The Chair (Mr. Peter Tabuns): Fair enough. Any others? Mr. Hardeman.

Mr. Ernie Hardeman: Yes, Mr. Chairman. This is another one. I guess if we look at it, it is just another housekeeping one to facilitate the use of more modern technology as to how we deal with email notifications and so forth. In keeping with the restrictions, I guess I have to say that it wasn’t the reading of the motion that made me want to vote this way, but the fact that it is doing something to speed up the process. I will be voting in favour of it and that’s why.

If that could just be recorded in the minutes.

The Chair (Mr. Peter Tabuns): I’m sure it will be—in the Hansard, at least. Any further commentary? Mr. Rinaldi.

Mr. Lou Rinaldi: Just to clarify on the previous comments from the member opposite, everything is recorded here so people have an opportunity to read word-by-word what we say.

The Chair (Mr. Peter Tabuns): That being said, we're ready for the vote.

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is carried.

We now go to NDP motion 58: Mr. Hatfield.

Mr. Percy Hatfield: I move that section 25 of the bill be amended by adding the following subsection:

“(12) Section 34 of the act is amended by adding the following subsections:

“The L.G. in C. may confirm, vary or rescind orders

“(35) Upon the petition of any party or person interested, filed with the clerk of the executive council within 28 days after the date of any order or decision of the municipal board under this section, the Lieutenant Governor in Council may,

“(a) confirm, vary or rescind the whole or any part of such order or decision; or

“(b) require the board to hold a new public hearing of the whole or any part of the application to the board upon which such order or decision of the board was made, and the decision of the board after the public hearing ordered under clause (b) is not subject to petition under this subsection.

“Withdrawal of petition

“(36) Any party or person who has filed a petition under subsection (35) may at any time withdraw the petition by filing a notice of withdrawal with the clerk of the executive council.”

The Chair (Mr. Peter Tabuns): Any commentary? Mr. Hatfield.

Mr. Percy Hatfield: Very briefly, Chair, it's an important amendment. I believe that policy should be written by elected governments. I know the Liberals used to have the power to overturn decisions of the OMB upon petition, but gave it up in 2009. I think it's an important amendment to restore the government's powers to have that ability to overturn OMB decisions upon petition with respect to zoning bylaws.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Hatfield. Any other—Mr. Rinaldi.

Mr. Lou Rinaldi: My comment is the same as in the past, same as this motion, Chair. I think this is a concern to be considered under the Ontario Municipal Board review that's upcoming.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Rinaldi. Mr. Hardeman.

Mr. Ernie Hardeman: I agree with the parliamentary assistant. I think it's important that if the way that the OMB operates, in the opinion of Mr. Hatfield, is over-

riding the documents that the municipality used in their process of making their decision, the parameters of the scope of their authority should be changed within the review of the Ontario Municipal Board, not by saying that the minister can override them and totally make them—I guess the right word is “useless.”

The Chair (Mr. Peter Tabuns): Thank you, Mr. Hardeman. I see no other commentary. Committee is ready to go to the vote.

Ayes

Hatfield.

Nays

Anderson, Hardeman, Malhi, Mangat, Martow, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is lost.

Now we go to vote on the section as a whole. Shall section 25, as amended, carry?

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Rinaldi.

The Chair (Mr. Peter Tabuns): Section 25, as amended, is carried.

We go to section 26. We have no amendments. Any commentary on section 26 before we go to the vote? There being none, shall section 26 carry?

Mr. Ernie Hardeman: Chair?

The Chair (Mr. Peter Tabuns): My apologies. Mr. Hardeman?

Mr. Ernie Hardeman: Section—

Mr. Percy Hatfield: Section 26.1.

Mr. Ernie Hardeman: Oh, okay. Excuse me. I see the next one is 26.1. I thought it was in 26.

The Chair (Mr. Peter Tabuns): No, it is not.

Mr. Percy Hatfield: But thank you for the support.

Mr. Ernie Hardeman: No, I wasn't supporting, I was just calling it into question.

1750

The Chair (Mr. Peter Tabuns): Shall section 26 carry?

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Rinaldi.

The Chair (Mr. Peter Tabuns): Section 26 is carried. NDP motion 59.

Mr. Percy Hatfield: I move that the bill be amended by adding the following section:

“26.1 The act is amended by adding the following section:

“Inclusionary housing bylaw

“37.1(1) The council of a local municipality may, in a bylaw passed under section 34,

“(a) require that a specified percentage of housing units in all new housing developments containing 20 or more housing units be affordable; and

“(b) specify the percentage.

“Condition

“(2) A bylaw shall not contain a requirement described in subsection (1) unless there is an official plan in effect in the local municipality that contains provisions relating to inclusionary housing requirements.

“Bylaw applies to all developments

“(3) A bylaw described in subsection (1) applies regardless of whether a new housing development requires amendments to an existing bylaw or not.

“Incentives

“(4) The existence of a bylaw described in subsection (1) does not require the municipality to provide any financial assistance or other incentives to developers.

“Agreements

“(5) If a municipality has passed a bylaw described in subsection (1), the municipality may require the developer of a new housing development containing 20 or more housing units to enter into one or more agreements with the municipality dealing with affordable housing requirements in the development.

“Agreement re: affordability

“(6) Without restricting the generality of subsection (5), an agreement entered into under that subsection may restrict the ownership and occupancy of affordable units to eligible persons.

“Registration of agreement

“(7) Any agreement entered into under subsection (5) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the developer and, subject to the provisions of the Registry Act and the Land Titles Act, any and all subsequent owners of the land.

“Regulations

“(8) The Lieutenant Governor in Council may make regulations dealing with the following matters in connection with affordable housing units that are required by bylaws described in subsection (1):

“1. The number of bedrooms in the affordable units.

“2. The size of affordable units.

“3. The timing of the construction of the affordable units.

“4. The location and distribution of the affordable units.

“5. The design and construction standards required for the affordable units.

“6. The eligibility requirements for ownership and occupancy of affordable units.

“7. Alternative methods for satisfying inclusionary housing requirements, including but not limited to payment of fees in lieu and the provision of land.

“8. Such other matters as the Lieutenant Governor in Council considers necessary or advisable in connection with the provision of inclusionary housing.”

The Chair (Mr. Peter Tabuns): Mr. Hatfield, I'm sorry to say that I find the amendment is outside the scope of the bill as set out by the bill's parameters. I therefore rule this amendment out of order.

Mr. Percy Hatfield: Oh, Chair, you know as well as the government that there's an affordable housing crisis in Ontario. There are 168,000 households on a waiting list. That waiting list is on an average of four years for people to get into affordable housing.

The Chair (Mr. Peter Tabuns): I understand that, Mr. Hatfield.

Mr. Percy Hatfield: But, Chair, you would think the government would seize the first available opportunity to use one of the tools in the tool box, such as inclusionary zoning—

The Chair (Mr. Peter Tabuns): You can ask for unanimous consent to let it go forward.

Mr. Percy Hatfield: I ask my members opposite and alongside for unanimous consent to allow this argument to be put forth this afternoon.

The Chair (Mr. Peter Tabuns): I heard a no.

Mr. Percy Hatfield: I heard more than one. I'm deeply shocked.

The Chair (Mr. Peter Tabuns): Unfortunately, your motion is out of order.

We are running out of time. We'll just go to section 27. We have no amendments. Is there any commentary on section 27? Ms. Martow.

Mrs. Gila Martow: I just wanted to make a very quick comment that I think we're all looking forward to Cheri DiNovo's private member's bill which will address a lot of these concerns.

The Chair (Mr. Peter Tabuns): Thank you, and on—

Mr. Percy Hatfield: Chair, you can't let that go—a point of order.

The Chair (Mr. Peter Tabuns): I can, because I'm on another section, Mr. Hatfield.

We're on section 27. Any commentary on section 27? There being none, shall section 27 carry?

Ayes

Anderson, Hardeman, Hatfield, Malhi, Mangat, Martow, Rinaldi.

The Chair (Mr. Peter Tabuns): Section 27 is carried. Colleagues, we're just about out of time—

Mr. Lou Rinaldi: Chair?

The Chair (Mr. Peter Tabuns): Mr. Rinaldi.

Mr. Lou Rinaldi: I would ask for unanimous consent to carry on.

The Chair (Mr. Peter Tabuns): Apparently, Mr. Rinaldi, even with unanimous consent, we've been given instructions by the House and we can't overrule those.

Mr. Lou Rinaldi: Ah, okay. I accept.

The Chair (Mr. Peter Tabuns): You accept? I ask, is the committee in agreement to meet on Monday, November 30, 2015, to continue clause-by-clause consideration of Bill 73? I have to say to all of you, we have been given time allocation by the House to consider Bill 115 next Monday.

Mr. Lou Rinaldi: How does that work, Chair?

The Chair (Mr. Peter Tabuns): November 30 is the earliest date that we can come back on this.

Mr. Lou Rinaldi: Sorry, I missed that.

The Chair (Mr. Peter Tabuns): Is the committee in agreement to meet on Monday, November 30, 2015, to continue clause-by-clause consideration of Bill 73?

Mr. Lou Rinaldi: So what happens next Monday?

The Chair (Mr. Peter Tabuns): We go to Bill 115, as we've been directed by the House. If you want to change that, the House leaders, I'm sure, can discuss this.

Mr. Hardeman.

Mr. Ernie Hardeman: Mr. Chairman, is it possible, after the Clerk knows that in fact there's an order to have

the committee review another bill, that we can meet to do this one?

The Chair (Mr. Peter Tabuns): Apparently, we can set a date to meet—that would be November 30—but we can't meet next Monday because Monday and Tuesday have already been set by the House.

Mr. Ernie Hardeman: I would suggest that we pass a motion that we meet at the earliest convenience that can be arranged. It may very well be able to be next Monday.

The Chair (Mr. Peter Tabuns): Currently, that is November 30, but I can ask the parliamentary assistant to talk to the House leader and see if an arrangement can be made between the House leaders on this matter.

Mr. Lou Rinaldi: Absolutely.

The Chair (Mr. Peter Tabuns): Pending that, I see that you would be agreeable to November 30 and, if possible, maybe an earlier time.

The committee is adjourned until 2 p.m. on Monday, November 23, 2015, to consider Bill 115.

The committee adjourned at 1757.

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