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**Official Report
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(Hansard)**

Thursday 19 November 2015

**Journal
des débats
(Hansard)**

Jeudi 19 novembre 2015

**Standing Committee on
Finance and Economic Affairs**

Protecting Condominium
Owners Act, 2015

**Comité permanent des finances
et des affaires économiques**

Loi de 2015 sur la protection
des propriétaires
de condominiums

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
FINANCE AND ECONOMIC AFFAIRS**

**COMITÉ PERMANENT DES FINANCES
ET DES AFFAIRES ÉCONOMIQUES**

Thursday 19 November 2015

Jeudi 19 novembre 2015

The committee met at 0905 in room 151.

**PROTECTING CONDOMINIUM
OWNERS ACT, 2015
LOI DE 2015 SUR LA PROTECTION
DES PROPRIÉTAIRES
DE CONDOMINIUMS**

Consideration of the following bill:

Bill 106, An Act to amend the Condominium Act, 1998, to enact the Condominium Management Services Act, 2015 and to amend other Acts with respect to condominiums / Projet de loi 106, Loi modifiant la Loi de 1998 sur les condominiums, édictant la Loi de 2015 sur les services de gestion de condominiums et modifiant d'autres lois en ce qui concerne les condominiums.

The Vice-Chair (Mr. Peter Z. Milczyn): Good morning. When the committee adjourned on Thursday, November 5, we had completed schedule 1 of the bill, and this morning we will continue with section 1 of schedule 2 of the bill.

Mr. Jim McDonell: Chair?

The Vice-Chair (Mr. Peter Z. Milczyn): Yes, Mr. McDonell.

Mr. Jim McDonell: Just before we begin, we've been approached by managers who operate on a volunteer basis and who, in any case, are a very small number of units, usually rural or remote. We would like to ask the minister to consult with them and issue any appropriate regulations under paragraph 3, subsection 77(1) of the Condominium Management Services Act. Without those, they may not be able to continue, and I don't think that's really the intent of the bill. We can't really ask for an amendment because of it—it would be, I believe, out of order—but it's something that should be looked at, just so we don't end up getting something we're not looking for.

The Vice-Chair (Mr. Peter Z. Milczyn): Mr. McDonell, you'll pardon me. That might be an excellent point. Was that a point of order? Were you speaking to the approaching amendment—

Mr. Jim McDonell: I'm just asking that that may be run by the ministry, because I think it's an issue.

The Vice-Chair (Mr. Peter Z. Milczyn): I think the minister's staff are sitting there, and they heard your comments.

Mr. Jim McDonell: Okay.

The Vice-Chair (Mr. Peter Z. Milczyn): Proceeding with the clause-by-clause, schedule 2, section 1 of the bill: There are no proposed amendments. Is there any comment or debate? No comment or debate. Shall schedule 2, section 1 be carried? All those in favour? Opposed? That carries.

Schedule 2, section 2: There are no proposed amendments before us. Is there any comment or debate? Yes, Ms. Hoggarth.

Ms. Ann Hoggarth: Didn't we just pass section 2?

The Vice-Chair (Mr. Peter Z. Milczyn): Schedule 2, schedule 1. This is schedule 2, section 2.

Ms. Ann Hoggarth: Okay. Thank you. I think—

The Vice-Chair (Mr. Peter Z. Milczyn): My apologies if I didn't say that clearly.

Right now, we're on schedule 2, section 2. There are no proposed amendments to this section. All those in favour? Opposed? Schedule 2, section 2 carries.

Schedule 2, section 3: There is an amendment from the NDP, number 98. Mr. Singh.

Mr. Jagmeet Singh: Just to clarify, it's 98.1. I think it's an amended version. Do you have that?

The Vice-Chair (Mr. Peter Z. Milczyn): Yes.

Mr. Jagmeet Singh: You pulled 98.

Interjections.

Mr. Jagmeet Singh: Thank you very much. What I'd like to do is withdraw number 98 and proceed with 98.1.

The Vice-Chair (Mr. Peter Z. Milczyn): Very well. Mr. Singh, proceed.

Mr. Jagmeet Singh: I move that section 3 of schedule 2 to the bill be amended by adding the following subsection:

"Compliance with operating principle

"(2.1) The administrative agreement shall require the administrative authority to comply with the principle of promoting the protection of the public interest."

I can make some comments on that.

The Vice-Chair (Mr. Peter Z. Milczyn): Please.

Mr. Jagmeet Singh: This would be to ensure that in general, the operating principle, the guiding principle, for condominium management should be the protection of public interest. We've seen that without this express operating principle, there have been problems in other organizations. Tarion doesn't have a guiding principle which clearly elucidates that its principles are to protect the consumer, and absent that, we've seen a lot of complaints around Tarion. So to avoid that problem happening here, ensure that as this condominium management

authority is set up, it should be set up with that principle put foremost so that all of the decisions that are made and the direction that it takes should always comply with this principle of promoting the protection of public interest.

The Vice-Chair (Mr. Peter Z. Milczyn): Further debate?

Mr. Chris Ballard: I can recommend voting for the motion as drafted, because I think it addresses the concern that we had with the original motion, which talked about protection of owners. It broadens it and speaks about the protection of all impacted parties. I like that concept of public interest, and I think, for that reason alone, we can support this.

0910

The Vice-Chair (Mr. Peter Z. Milczyn): Any further debate or comment?

Mr. Jagmeet Singh: Mr. Chair?

The Vice-Chair (Mr. Peter Z. Milczyn): Mr. Singh.

Mr. Jagmeet Singh: I just want to say thank you.

The Vice-Chair (Mr. Peter Z. Milczyn): Seeing no further debate or comment, shall amendment 98.1 be carried? All those in favour? Opposed? That carries.

There are no further amendments to schedule 2, section 3. Is there any further debate or comment on this section? No? Shall schedule 2, section 3, as amended, be carried? All those in favour? Opposed? That is carried.

Interjection.

The Chair (Ms. Soo Wong): Okay, we're on schedule 2, section 4. There are no amendments. Any comments, questions or debate? Seeing none, I'm going to call the question. All those in favour? Opposed? Carried.

Schedule 2, section 5: It's government motion number 99. Mr. Ballard, do you want to read the motion into the record?

Mr. Chris Ballard: Sure. Thank you, Chair. I move that section 5 of schedule 2 to the bill be amended by striking out "and the regulations" at the end and substituting "the regulations and other applicable law".

The Chair (Ms. Soo Wong): Any comment or questions? Mr. Singh.

Mr. Jagmeet Singh: Thank you, Madam Chair. I'm just wondering what the explanation for that amendment is.

Mr. Chris Ballard: It's really a simple one. It's about keeping some internal consistency within the act by clarifying that the condo manager licensing authority must comply with all applicable law. That was a technicality, I suppose.

Mr. Jagmeet Singh: Sure. Thank you.

The Chair (Ms. Soo Wong): Any other comment? Seeing none, I'm going to call the question. All those in favour? Opposed? Carried.

Shall schedule 2, section 4, as amended, carry?

Interjection: It's section 5.

The Chair (Ms. Soo Wong): Sorry. Shall schedule 2, section 5, be carried, as amended? All those in favour? Opposed? Carried.

I believe there is a motion here. Mr. Singh, I heard that you're going to move your motion.

Mr. Jagmeet Singh: Yes. My apologies, but I need a five-minute recess to clarify something about this motion. Would that be okay with the members of committee? Maybe even three minutes. I just have to clarify something.

The Chair (Ms. Soo Wong): Yes, I think that's not a problem. Okay. Try to make it three, if you can, because we really want to get this done.

Mr. Jagmeet Singh: Yes, can do.

The Chair (Ms. Soo Wong): So let's say we come back—if I said 9:15—

Mr. Jagmeet Singh: Yes.

The Chair (Ms. Soo Wong): You've got three minutes, okay?

Mr. Jagmeet Singh: Thank you.

The Chair (Ms. Soo Wong): All right.

The committee recessed from 0915 to 0918.

The Chair (Ms. Soo Wong): Now that I see Mr. Singh is back, I'm going to resume the committee.

Mr. Chris Ballard: That was four minutes.

The Chair (Ms. Soo Wong): I know. Okay, we'll be kind and gentle with everybody.

Mr. Singh, can you read your motion into the record, please?

Mr. Jagmeet Singh: I can certainly do that, Madam Chair.

Motion 100: I move that the Condominium Management Services Act, 2015, as set out in schedule 2 to the bill, be amended by adding the following section:

"Oversight by Ombudsman

"5.1 The Ombudsman appointed under the Ombudsman Act shall oversee the administrative authority and accordingly,

"(a) the Ombudsman is deemed to have all the powers necessary for the exercise of the oversight functions; and

"(b) the administrative authority shall co-operate with the Ombudsman fully in the exercise of his or her oversight functions."

The Chair (Ms. Soo Wong): For the committee members, good morning. I'm going to rule the amendment out of order. In my opinion, it is beyond the scope of the bill.

Moving forward, schedule 2, section 5.2: Mr. Singh, I think you have another motion here.

Mr. Jagmeet Singh: This is an additional oversight amendment, similar to the last one.

I move that the Condominium Management Services Act, 2015, as set out in schedule 2 to the bill, be amended by adding the following section:

"Oversight by Integrity Commissioner

"5.2 The Integrity Commissioner appointed under the Members' Integrity Act, 1994 shall oversee the administrative authority and accordingly,

"(a) the Integrity Commissioner deemed to have all the powers necessary for the exercise of the oversight functions; and

"(b) the administrative authority shall co-operate with the Integrity Commissioner fully in the exercise of the oversight functions."

The Chair (Ms. Soo Wong): Okay, similar to my ruling earlier, in my opinion the motion is beyond the scope of the bill, so I will be ruling it out of order.

Schedule 2, section 6: There are no amendments. Are there comments, questions or any debate for that schedule 2, section 6? Mr. Singh.

0920

Mr. Jagmeet Singh: It would have been great to have in this section some legislation that would have addressed the oversight of the condominium authority. Absent any sort of legislation around that, absent any sort of clear provision of that, we will have an authority that provides services to all Ontarians who are condominium owners but that does not have the appropriate level of oversight. So I'd like to put it on the record that we had put amendments—and I don't challenge the Chair's decisions, but I'm saying that in this section, it would have been great to have seen some addition of oversight beyond the condominium authority providing that internally, and having some external sources of oversight would have been nice to see, but it's not present in this bill as it stands.

The Chair (Ms. Soo Wong): Thank you, Mr. Singh. Mr. Ballard.

Mr. Chris Ballard: I certainly heard Mr. Singh's comments. I think our concern is—first and foremost, the bill already permits that the Auditor General is able to conduct an audit of the authority. I think a broader concern is that subjecting the authority to oversight from the Integrity Commissioner may compromise its role as an arm's-length organization.

The Chair (Ms. Soo Wong): Okay. Any other comments or questions? Mr. Singh.

Mr. Jagmeet Singh: I do want to acknowledge the fact that the Auditor General does have oversight ability based on this legislation, so that is a positive step. The only concern with the Auditor General is that's oversight after the fact. That ongoing oversight that the Ombudsman is able to provide, if issues arise, if there are complaints that do arise—the Ombudsman provides a different service. Although the Auditor General provides phenomenal work, it's something that's after the fact as opposed to ongoing. That's why having an ongoing independent oversight mechanism would have been nice to see. But I do acknowledge the fact that there is an Auditor General, which will provide oversight after the fact.

The Chair (Ms. Soo Wong): All right. Any other comments or questions?

I'm going to call the question. Shall schedule 2, section 6 be carried? All those in favour? Opposed? Carried.

I believe we have government motion 102. Ms. McGarry, do you want to read the motion into the record?

Mrs. Kathryn McGarry: I move that section 7 of schedule 2 to the bill be amended by striking out “and” at the end of clause (a) and by adding the following clause:

“(c) the administrative authority's constating documents, bylaws and resolutions.”

The Chair (Ms. Soo Wong): Great. Are there any comments or questions to this particular motion? Mr. Barrett.

Mr. Toby Barrett: My only comment: We certainly support retaining any final decision-making power within either the Ontario Legislature or within the government.

The Chair (Ms. Soo Wong): Any other comments? Ms. McGarry.

Mrs. Kathryn McGarry: This really is a proposed technical amendment to clarify that the act and the regulations prevail over the administrative authority's constating documents, bylaws and resolutions. So it helps to clarify that the act and regulations will be technically in—

Interjection.

The Chair (Ms. Soo Wong): Okay. Any other comments or questions to this particular motion? I'm going to call the question. All those in favour of the motion? All those opposed? Carried; the amendment is now carried.

Shall schedule 2, section 7, as amended, be carried? All those in favour? Opposed? Carried.

Schedule 2, section 8: There are no amendments. Are there any questions and comments for schedule 2, section 8? Seeing none, I'm going to call the question. All those in favour? Opposed? Carried.

Schedule 2, section 9: There are no amendments. Are there any questions or comments to schedule 2, section 9? Seeing none, I'm calling the question. All those in favour? Opposed? Carried.

I'm on schedule 2, section 10. There are no amendments here. Any questions or comments to schedule 2, section 10? There are no questions or comments. Okay, I'm calling the question. All those in favour? Opposed? Carried.

Ms. Ann Hoggarth: Point of order.

The Chair (Ms. Soo Wong): Yes?

Ms. Ann Hoggarth: Is it possible, when we get to other sections like that, if there are no amendments or anything, that we bundle them?

The Chair (Ms. Soo Wong): We could bundle them. Okay, we can do that.

Ms. Ann Hoggarth: Thank you.

The Chair (Ms. Soo Wong): I'm going to have to get the Clerk to direct me. I believe there is a motion. Am I correct, Mr. Clerk? Okay. Mr. Barrett, do you want to read your motion 103 into the record?

Mr. Toby Barrett: I move that section 11 of schedule 2 to the bill be amended by striking out “the minister” wherever it appears and substituting in each case “the Lieutenant Governor in Council”.

The Chair (Ms. Soo Wong): Any debate on this motion? Mr. Barrett.

Mr. Toby Barrett: Just by way of comment, most professions in Ontario are regulated through a body appointed by order in council. This is really an issue of accountability and transparency. We would like to see

this continued within this legislation by ensuring that appointments to the authority are made in public.

The Chair (Ms. Soo Wong): Any other comments? Ms. Fife.

Ms. Catherine Fife: Just to get it on the record, we'll be supporting this motion.

The Chair (Ms. Soo Wong): Okay. Mr. Ballard?

Mr. Chris Ballard: I would recommend voting against the motion. I've got a number of points, but one of the upfront ones is that, really, it would be inconsistent with other Ministry of Government and Consumer Services administrative authorities, which really has been a proven model for efficient and cost-effective service delivery. For that reason alone, I can't support this.

The Chair (Ms. Soo Wong): Any other comment? Ms. Vernile.

Ms. Daiene Vernile: Just to add, Chair, that the model we currently have right now has been consistently supported in the past by both PC and NDP governments.

The Chair (Ms. Soo Wong): All right. Any other comments? I'm going to call the question. All those in favour of the motion? I just want to make sure everybody knows what they're voting for. All those in favour of motion 103? All those opposed? The motion is defeated.

Shall schedule 2, section 11, be carried? All those in favour? All those opposed? Schedule 2, section 11, is carried.

I believe we have motion 104. Mr. Barrett, do you want to read your motion into the record?

Mr. Toby Barrett: I move that section 12 of schedule 2 to the bill be amended by striking out "the minister" at the beginning and substituting "the Lieutenant Governor in Council".

The Chair (Ms. Soo Wong): Okay. Any comments or questions to this particular motion? Mr. Barrett.

Mr. Toby Barrett: Yes, just to comment on this motion, we feel that it should be up to a regulation made by the Lieutenant Governor in Council, not made by the minister, to change the composition of a condo board.

The Chair (Ms. Soo Wong): Okay. Any other comments or questions? Mr. Ballard.

Mr. Chris Ballard: Again, I'd recommend against voting for the motion. It's inconsistent with established Ministry of Government and Consumer Services administrative authorities. Requiring the minister to appoint a minority of the board members and the chair ensures the authority remains at arm's length from government, while still allowing for close government oversight by the responsible ministry.

The Chair (Ms. Soo Wong): Any other comments or questions? Mr. Singh.

Mr. Jagmeet Singh: I think that far too often, we're seeing a growing trend towards too many decisions being made with a regulation. As a trend, this is something that we need to start looking at more closely. If we want to have proper scrutiny of legislation, it requires that those decisions are made as much as possible in legislation, so that all parties can have debate on it.

With respect to this amendment, it is at least one way of addressing this concern, even in the regulation process. I think that for the interests of greater accountability and the greater input that we can derive from all members in this House with respect to bills, the trend towards putting more things outside of the hands of this Legislature needs to be addressed. I think this amendment is a step in that direction.

0930

The Chair (Ms. Soo Wong): Mr. Ballard.

Mr. Chris Ballard: I just wanted to reiterate, really, what a colleague said earlier. It's a model that has been used consistently by both the opposition and the third party when they were in government, so we're just continuing that tradition of using a proven model for efficient and cost-effective service delivery.

Just a further point: Appointments would still be processed through the Public Appointments Secretariat.

The Chair (Ms. Soo Wong): Any other comments or questions? Seeing none, I'm going to call the question on this particular motion. All those in favour of the motion? All those opposed to the motion? The motion is defeated.

Shall schedule 2, section 12 be carried? Any questions and comment? Seeing none, I'm going to call the question. All those in favour of schedule 2, section 12? All those opposed? Schedule 2, section 12 is now carried.

Mr. Barrett, did you want to read your motion, motion number 105, into the record?

Mr. Toby Barrett: I move that section 13 of schedule 2 to the bill be amended by striking out "the minister" at the beginning and substituting "the Lieutenant Governor in Council".

The Chair (Ms. Soo Wong): Any questions or comments? Mr. Barrett.

Mr. Toby Barrett: Again, issues of transparency and accountability—even if cabinet or the minister decide to appoint any public reps to the authority, we feel it should be up to the Lieutenant Governor in Council to appoint a chair.

The Chair (Ms. Soo Wong): Any other questions? Ms. Fife.

Ms. Catherine Fife: Given the fact that the government has already voted against changing it so that the minister doesn't appoint directors or the number of the board of directors, you have to acknowledge that the chair of these committees has a great deal of power. I think that the intent of the motion is to at least bring some impartiality to that appointment. So the NDP will be supporting this.

The Chair (Ms. Soo Wong): Ms. Hoggarth?

Ms. Ann Hoggarth: I think it was stated in the last motion that was defeated. I recommend voting against this motion for the same reasons. It's inconsistent with the established MGCS administrative authorities, which is a proven model for efficient and cost-efficient service delivery. It would require the minister to appoint a minority of the board members and the chair. It ensures that the authority remains at arm's length from the

government, while still allowing for close government oversight by the responsible ministry.

The Chair (Ms. Soo Wong): Any other comments before I call the question? Seeing none, I'm going to call the question on motion 105. All those in favour of motion 105? All those opposed to motion 105? The motion is defeated.

Shall schedule 2, section 13 be carried? All those in favour? Opposed? Carried.

I believe there is one more motion, motion number 106. Mr. Barrett, can you read it into the record?

Mr. Toby Barrett: I think this is—

The Chair (Ms. Soo Wong): Oh, sorry. It's a government motion.

Mr. Toby Barrett: I defer to the members opposite.

The Chair (Ms. Soo Wong): Mr. Ballard, are you going to read it?

Mr. Chris Ballard: I move that section 14 of schedule 2 to the bill be amended by adding the following subsections:

“Access to compensation information

“(2) The administrative authority shall make available to the public the prescribed information relating to the compensation for members of its board of directors or officers or employees of the authority and relating to any other payments that it makes or is required to make to them, and shall do so in the prescribed manner.

“Processes and procedures

“(3) The administrative authority shall follow the prescribed processes and procedures with respect to providing access to the public to records of the authority and with respect to managing personal information contained in those records.”

The Chair (Ms. Soo Wong): Any questions or comments to motion 106? Mr. Barrett.

Mr. Toby Barrett: We support this amendment. It is important to let people know how much people are making.

The Chair (Ms. Soo Wong): Any other comments? I'm going to call the question. All those in favour of motion 106? We are unanimous. Thank you.

Shall schedule 2, section 14, as amended, be carried? All those in favour? All those opposed? Carried.

I notice that schedule 2, sections 15 and 16 do not have any amendments. Can I bundle them? Is that good with everybody? Okay. All right. Are there any questions and comments on these two sections? I'm talking about schedule 2, sections 15 and 16. I'm calling the question: All those in favour? All those opposed? Carried.

Mr. Barrett, I believe there's a motion from your side, 107. You want to read it into the record?

Mr. Toby Barrett: I move that schedule 2 to the bill be amended by adding the following section:

“Administrative authority is a public sector body

“16.1 The administrative authority is a public sector body for the purposes of the Ombudsman Act.”

Just by way of comment, Chair, we would like—

Interjection.

The Chair (Ms. Soo Wong): No, you know what? The Clerk just advised me. I'm going to be ruling this motion out of order, so therefore there will be no debate. Sorry.

Shall schedule 2, section 16—

Interjection.

The Chair (Ms. Soo Wong): It's a new section now. Sorry, it's all these changes in the amendments. Mr. Barrett, I believe you have another motion before us. Do you want to read that for the record?

Mr. Toby Barrett: This is on page 108?

The Chair (Ms. Soo Wong): Yes, 108.

Mr. Toby Barrett: I move that schedule 2 to the bill be amended by adding the following section:

“Administrative authority is an institution

“16.2 The administrative authority is an institution for the purposes of the Freedom of Information and Protection of Privacy Act.”

Again—

The Chair (Ms. Soo Wong): No, no, I'm going to be ruling this motion out of order. There will be no discussion.

I believe we have government motion 109. Mr. Milczyn, you're going to move the motion?

Mr. Peter Z. Milczyn: Yes, Madam Chair. I move that the English version of subsection 17(1) of schedule 2 to the bill be amended by adding “or” after “the regulations”.

The Chair (Ms. Soo Wong): Any questions or comments on this particular motion, 109? Seeing none, I'm going to call the question. All those in favour of the motion? All those opposed? Carried.

Shall schedule 2, section 17, as amended, be carried? All those in favour? Opposed? Carried.

I believe I'm on schedule 2, sections 18, 19, all the way down to 33. Can I bundle all of them? Okay. I'm going to call the question. I'm going to check: Are there any questions and comments on sections 19 through 33 before I call the question—

Mr. Chris Ballard: Sections 18 through 33.

The Chair (Ms. Soo Wong): Section 18, sorry. I'm just going to go back. Are there any questions and comments on schedule 2, sections 18 through 33? Are there any questions and comments? Seeing none, all those in favour of these sections? All those opposed? Carried.

I believe we have motion 110, a government motion. Who's going to read it into the record? Ms. Vernile.

Ms. Daiene Vernile: I move that subsection 34(3) of schedule 2 to the bill be struck out and the following substituted:

“Licence a requirement to bring action

“(3) Except as otherwise prescribed, no action, application, arbitration or other legal proceeding shall be commenced for remuneration for services in connection with providing condominium management services unless, at the time of providing the services, the person bringing the proceeding was licensed or exempt from licensing under this act and the proceeding may be stayed upon motion.”

“Exception

“(3.1) Subsection (3) does not affect,

“(a) any right of an employee, within the meaning of the Employment Standards Act, 2000 or a successor act to it, to commence an action, application, arbitration or other legal proceeding for the recovery of wages or the enforcement of other rights provided under an employment contract, the common law or other legislation; or

“(b) any right to commence an action, application, arbitration or other legal proceeding for the recovery of wages or the enforcement of other rights provided under a collective agreement.”

And I’m going to recommend that we vote in favour of this motion.

The Chair (Ms. Soo Wong): Any comments or questions to the motion? We’re dealing with motion 110. I’m going to call the question. All those in favour of the motion? All those opposed? Okay, we’ve got unanimous consent. Great.

0940

Shall schedule 2, section 34, as amended, be carried? All those in favour? Opposed? Carried.

There are no amendments for sections 35 and 36. Can I bundle those two sections? Okay. Any questions and comments for schedule 2, sections 35 and 36? Seeing none, all those in favour? All those opposed? Carried.

Mr. Barrett, there are two motions for your side. Do you want to read those into the record?

Mr. Toby Barrett: Yes, committee page 111.

The Chair (Ms. Soo Wong): Yes.

Mr. Toby Barrett: I move that subsection 37(1) of schedule 2 to the bill be amended by adding the following clause:

“(c.1) within the previous 10 years, the applicant has been convicted of an offence under this act, the Condominium Act, 1998 or the Criminal Code (Canada) or has been subject to an order made under section 135 of the Condominium Act, 1998;”

Again, we feel that they shouldn’t have a licence if they have a recent criminal conviction, or if they have a conviction under the condo act.

The Chair (Ms. Soo Wong): Any other comments? Ms. Fife.

Ms. Catherine Fife: We won’t be supporting this motion. We feel it goes too far. It’s too draconian.

The Chair (Ms. Soo Wong): Okay. Mr. Ballard?

Mr. Chris Ballard: Chair, I echo the third party’s comments. Really, the registrar is already given the discretion to determine whether the past conduct of the applicant disqualifies them from obtaining a licence. The bill was drafted to require that past conduct be considered but to allow the registrar to take into account individual circumstances. I know that other Ministry of Government and Consumer Services licensing regimes allow the registrar to make an individualized assessment of the applicant’s past conduct. So for those reasons, I recommend voting against the motion.

The Chair (Ms. Soo Wong): Any other comments to motion 111? Seeing none, I’m going to call the question.

All those in favour of motion 111? All those opposed to motion 111? The motion is defeated.

Mr. Barrett, do you want to read motion 112?

Mr. Toby Barrett: I move that subsection 37(1) of schedule 2 to the bill be amended by adding the following clause:

“(c.2) the applicant has been convicted of a prescribed offence under the Criminal Code (Canada),”

The Chair (Ms. Soo Wong): Any questions and comments to motion 112? Ms. McGarry.

Mrs. Kathryn McGarry: As we discussed in the previous motion, I’m going to be recommending voting against the motion, because the registrar, again, has been given the discretion to determine whether the past conduct of any applicant disqualifies them from obtaining a licence. The bill was drafted to require that the past conduct be considered, but allows the registrar to take into account individual circumstances.

The Chair (Ms. Soo Wong): Any other comments and questions? Mr. Barrett.

Mr. Toby Barrett: Just by way of explanation, with this motion, we would leave it in the hands of the minister to prescribe which offences, if any, would bar a person from holding a manager’s licence. I’m thinking of things like fraud, forgery, theft, things like that.

The Chair (Ms. Soo Wong): Okay. Ms. Fife?

Ms. Catherine Fife: We won’t be supporting this, and we wouldn’t want any of this power left with the minister as it is, because that would be, again, inconsistent.

The Chair (Ms. Soo Wong): Ms. McGarry.

Mrs. Kathryn McGarry: Just a final comment, Chair. The registrar has the authority to conduct a criminal record check and use his or her discretion to determine whether past conduct disqualifies an applicant.

The Chair (Ms. Soo Wong): Okay. I’m going to call the question. All those in favour of motion 112? All those opposed to motion 112? The motion is defeated.

Shall schedule 2, section 37, be carried? Any comments? Questions? Seeing none, I’m going to call the question. Shall schedule 2, section 37, carry? All those opposed? It’s carried.

Mr. Barrett, do you want to read motion 113 into the record?

Mr. Toby Barrett: I move that section 38 of schedule 2 to the bill be amended by adding the following subsection:

“Condition of licence

“(1.1) It is a condition of a licence that the licensee not be convicted of an offence under this act, the Condominium Act, 1998 or the Criminal Code (Canada) or be subject to an order made under section 135 of the Condominium Act, 1998 while the licensee holds the licence.”

It just continues the same line of reasoning. We feel they should lose their licence.

The Chair (Ms. Soo Wong): Okay, Ms. Hoggarth?

Ms. Ann Hoggarth: I’m going to recommend voting against this because this bill was drafted to require that past conduct be considered, but allows the registrar to take into account individual circumstances. Restrictions

that don't account for individual circumstances may unfairly deprive an individual from pursuing their chosen career. I recommend you vote against this.

The Chair (Ms. Soo Wong): Any other comments or questions to this motion, 113? Seeing none, I'm going to call the question. All those in favour of motion 113? All those opposed to the motion? The motion is defeated.

Mr. Barrett, do you want to read motion 114 into the record?

Mr. Toby Barrett: I move that section 38 of schedule 2 to the bill be amended by adding the following subsection:

“Condition of licence

“(1.1) It is a condition of a licence that the licensee not be convicted of a prescribed offence under the Criminal Code (Canada) while the licensee holds the licence.”

This is yet another try.

The Chair (Ms. Soo Wong): All right. Any other comments? Mr. Milczyn.

Mr. Peter Z. Milczyn: For similar reasons as we've discussed on the previous amendments, the registrar already has discretion to review the circumstances of an individual licensee. This is simply too draconian.

The Chair (Ms. Soo Wong): Any other comments or questions to motion 114? Seeing none, I'm going to call the question. All those in favour of motion 114? All those opposed to motion 114? The motion is defeated.

Shall schedule 2, section 38 be carried? Any comments or questions? Seeing none, I'm going to call the question. Shall schedule 2, section 38 be carried? The motion is carried.

I notice that schedule 2, sections 39 through 40—can I bundle those two sections together for the vote?

Shall schedule 2, sections 39 and 40, be carried? All those in favour? All those opposed? Carried.

I believe there is a government motion, 115. Who is going to read the motion into the record? Mr. Ballard.

Mr. Chris Ballard: I move that the French version of subsection 41(11) of schedule 2 to the bill be struck out and the following—oh, boy. Okay. You know what—

The Chair (Ms. Soo Wong): Daiene will read it.

Mr. Chris Ballard: Because we want it read accurately, so that shouldn't be me.

The Chair (Ms. Soo Wong): Ms. Vernile?

Ms. Daiene Vernile: I move that the French version of subsection 41(11) of schedule 2 to the bill be struck out and the following substituted:

“Annulation volontaire

“(11) Le registrateur peut annuler un permis à la demande écrite de son titulaire. Dans ce cas, le présent article ne s'applique pas à l'annulation.”

The Chair (Ms. Soo Wong): Any comments or questions to motion 115? Seeing none, I'm going to call the question. All those in favour of the motion? All those opposed? The motion is carried.

Shall schedule 2, section 41, as amended, be carried? All those in favour? All those opposed? Carried.

I see that schedule 2 until section 52—right, Mr. Clerk—has no motions. Can I bundle them all together?

I'm going to check: Are there any questions and comments to these sections before I call the question? Seeing none, shall schedule 2, sections 42 through 52, be carried? All those in favour? Opposed? Carried.

I believe we have motion 116. Mr. Barrett, do you want to read that motion—

Interjection.

The Chair (Ms. Soo Wong): Oh, sorry, motion 115.1. Do you want to read that into the record?

Mr. Toby Barrett: I move that schedule 2 to the bill be amended by adding the following section:

“Prohibition re: proxy instruments

“52.1 A licensee, or any person acting on behalf of a licensee, shall not solicit an instrument appointing a proxy for a meeting of owners where the subject matter of the meeting includes,

“(a) any matter directly related to the licensee;

“(b) the removal or the election of one or more of the directors of the client; or

“(c) any other prescribed matter.”

0950

The Chair (Ms. Soo Wong): Any comments or questions to this particular motion? Mr. Barrett.

Mr. Toby Barrett: I just want to mention that we have consulted with the government, and we moved this amendment instead of 117, just to let people know that.

The Chair (Ms. Soo Wong): The Clerk's going to give me some direction.

Interjection.

Mr. Toby Barrett: Oh, 116; sorry.

The Chair (Ms. Soo Wong): Mr. Ballard?

Mr. Chris Ballard: I would obviously recommend voting for this. It addresses concerns that have been raised involving condo managers having unfair influence on subjects in which they have a vested interest as well.

I acknowledge that we worked with the opposition and legislative counsel to determine wording that is specific and only prevents managers from soliciting proxies in these specific cases.

I think it allows for more flexibility so that certain condo corporations can continue to rely on condo managers to perform certain administrative functions where reviewing or collecting proxies may be necessary.

The Chair (Ms. Soo Wong): Ms. Fife?

Ms. Catherine Fife: We'll be supporting this as well. We heard very clearly from delegations that this was a concern. We feel strongly that managers should not be involving themselves with proxies.

The Chair (Ms. Soo Wong): Any other comments to motion 115.1? Seeing none, I'm going to call the question. All those in favour of motion 115.1? All those opposed? Carried.

Motion 116: Legislative counsel is going to have a word.

Mr. Michael Wood: Given that the committee has now passed a motion to insert a new section in the bill, I wonder if we could pass a general motion to authorize the Office of Legislative Counsel to update any cross-references that are necessary.

I notice, for instance, in section 41, there is a reference to section 72, which will no longer be section 72 as a result of the renumbering that takes place with the insertion of the new motion.

The Chair (Ms. Soo Wong): Are there any questions and comments? Ms. Fife.

Ms. Catherine Fife: Just a point of clarification: You're looking for a motion to move—what exactly are you asking for?

Mr. Michael Wood: Perhaps the Chair and the Clerk can advise me what vehicle is necessary to do this, but I need the authorization of the committee to update any cross-references as a result of the insertion of the new section.

Ms. Catherine Fife: So this is basically so that you can do your job, really.

Mr. Michael Wood: Yes.

Ms. Catherine Fife: Okay. That's fine.

The Chair (Ms. Soo Wong): Do we have unanimous consent? Yes. Okay, you've got the direction now.

Mr. Michael Wood: Thank you.

The Chair (Ms. Soo Wong): Mr. Barrett, do you want to talk about motion 116?

Mr. Toby Barrett: I think, as we understand it, that is withdrawn.

The Chair (Ms. Soo Wong): I just want it on record: Motion 116 has been withdrawn.

I'm going to go back now. Shall schedule 2, section 53, as amended, be carried? Are there any questions and comments with regard to—

Interjection.

The Chair (Ms. Soo Wong): I'm sorry. The Clerk just advised me that there is motion 116.1. Mr. Barrett, do you want to read that particular motion into the record?

Mr. Toby Barrett: I move that subsection 53(1) of schedule 2 to the bill be struck out and the following substituted:

“Duty re records

“(1) Subject to the regulations and subsection (1.1), every licensee that provides condominium management services to a client shall immediately transfer to the client all documents and records relating to the client upon termination of any contract for the condominium management services provided.

“Copies

“(1.1) Subject to the regulations, a licensee may make and retain a copy of a document or record mentioned in subsection (1) if the licensee requires the copy for purposes relating to the contract or such other purposes as are prescribed.”

I'll just check with the Clerk. As a result of this, I think we withdraw 117. Is that correct?

The Chair (Ms. Soo Wong): Why don't we stay focused on this particular motion first, Mr. Barrett.

Mr. Toby Barrett: You want us to do it in order? Yes.

The Chair (Ms. Soo Wong): Are there any questions and comments to motion 116.1? Ms. Fife.

Ms. Catherine Fife: Just a question for Mr. Barrett: What's the motivation behind this? I want to know more of the rationale.

Mr. Toby Barrett: We consulted with the government, and I'm just going to read this because I didn't write this. It highlights an obligation to transfer all records immediately that may prevent the manager from fulfilling filing and financial obligations arising from the contract. This was highlighted by ACMO; I can't remember what that is.

The Chair (Ms. Soo Wong): Mr. Ballard.

Mr. Chris Ballard: We can certainly support this motion. The current act doesn't prevent condominium managers from making copies of client records, but we certainly heard from stakeholders that they wanted the legislation to specifically outline their ability to do so. The motion would amend the legislation to ensure condo managers have the ability to make copies of records in order to fulfil contractual obligations or for other prescribed purposes. Specifically, we support that this motion states that managers can retain copies of records for prescribed purposes as this will allow the government to properly consult and create regulations as to when condo managers may need to retain copies of the records.

As I said at the beginning, we understand this is a concern brought forward by ACMO, and we've worked with the opposition to ensure that the motion is worded in a way that will address the needs of condo managers.

The Chair (Ms. Soo Wong): Any other comments and questions to motion 116.1? I'm going to call the question. All those in favour of motion 116.1? All those opposed? The motion is carried.

Shall schedule 2, section 53, as amended, be carried? Any questions and comments? All those in favour? Opposed? Carried.

I'm now on motion 117. Mr. Barrett—or Mr. McDonell.

Mr. Jim McDonell: That's being withdrawn.

The Chair (Ms. Soo Wong): It's being withdrawn. Okay. Motion 117 has been withdrawn. I just want everybody to know.

There's no motion for this particular section. Any questions and comments—

Interjection.

The Chair (Ms. Soo Wong): New section, okay. There have been a lot of changes.

We're now on sections 54 to 66. There are no motions, so can I bundle them in terms of votes?

Any questions and comments on schedule 2, sections 54 through 66? Seeing none, all those in favour of these sections? All those opposed? Carried.

We're now on motion 118. Mr. McDonell, do you want to read it into the record?

Mr. Jim McDonell: I move that section 67 of schedule 2 to the bill be amended by adding the following subsection:

“Same

“(5) A person or entity that is convicted of an offence under this act is not eligible, for a period of 10 years from

the date of conviction, to hold a position on the condominium corporation's board of directors."

The Chair (Ms. Soo Wong): Ms. Fife.

Ms. Catherine Fife: We'll be supporting this. This just makes sense.

The Chair (Ms. Soo Wong): Any other comments? Ms. Vernile.

Ms. Daiene Vernile: I'm going to suggest that this motion is likely out of order because director qualifications are subject to the Condominium Act and not the Condominium Management Services Act. We're going to be voting against this.

The Chair (Ms. Soo Wong): Ms. Fife.

Ms. Catherine Fife: I would say that it's not out of order. This is an opportunity to modernize the Condominium Management Services Act, 2015, and to amend other acts with respect to condominiums, so this is the opportunity to actually make legislation stronger. That's why we're here.

The Chair (Ms. Soo Wong): Mr. McDonell.

Mr. Jim McDonell: We just think that we did a lot of consultation and we heard from people. There's that stigma, if nothing else, about the condominium board not looking after or being there for the owners of the units. If you've got somebody who's in contravention of the law, why should he be back in the same place where he broke the law, basically?

1000

The Chair (Ms. Soo Wong): Any other comments, questions?

Ms. Daiene Vernile: Again the concern is, if this motion were to include minor contraventions, it could be very potentially punitive.

The Chair (Ms. Soo Wong): Any other comments before I call the question? So I'm going to call the question to motion 118. All those in favour of motion 118? All those opposed to motion 118? The motion is defeated.

I believe we have motion 119. Mr. McDonell, do you want to read it into the record?

Mr. Jim McDonell: Yes. I just want to first of all point out there's a typo in it.

The Chair (Ms. Soo Wong): There's a typo. Okay.

Mr. Jim McDonell: "Is not eligible" should be struck out, but I'll read it without it. It doesn't read right if you look at it as well.

Mr. Toby Barrett: We sent a note to the Clerk just a few minutes ago.

The Chair (Ms. Soo Wong): Okay. Can you read the new version?

Mr. Jim McDonell: I move that section 67 of schedule 2 to the bill be amended by adding the following subsection:

"Same

"(6) A person or entity that is convicted of an offence under this act shall not provide condominium management services for a period of 10 years from the date of conviction."

We just took out "is not eligible."

The Chair (Ms. Soo Wong): Okay. Any comments, questions to motion 119?

Mr. Peter Z. Milczyn: Similar to comments on other motions that were in the same vein, the registrar is already going to have discretion to determine whether a potential licensee should be allowed to be a licence holder, and this is overly punitive.

The Chair (Ms. Soo Wong): Any other comments?

Mr. Jim McDonell: Breaking the law should have consequences. The act is a new act; it's got a lot of, I would hope, good new legislation. If you can't follow it and you deliberately—if you contravene it for any reason, then really, should you be charged with following through with the act in the future?

The Chair (Ms. Soo Wong): Okay. Ms. Fife?

Ms. Catherine Fife: It's interesting that the government just voted and said that condo managers who are convicted of a criminal offence can then serve on a condo board. We heard through delegations that condo boards have an immense amount of power over the tenants. I guess this is another one of those contradictions that we're seeing throughout this process.

The Chair (Ms. Soo Wong): Any other comments to this particular motion?

Mrs. Kathryn McGarry: Just a final comment, Chair: Just that criminal records could already help inform these determinations. Restrictions that don't account for individual circumstances may unfairly deprive an individual from pursuing their chosen career.

The Chair (Ms. Soo Wong): Okay. I'm going to call the question to motion 119. All those in favour of motion 119? All those opposed to motion 119? The motion is defeated.

Shall schedule 2, section 67 be carried? All those in favour? Opposed? Carried.

I believe that in schedule 2, sections 68 through 76, there are no motions. Can I bundle them? Okay. Are there any questions or comments to these sections? Seeing none, I'm going to call the question. Shall schedule 2, sections 68 through 76, be carried? All those in favour? All those opposed? Carried.

We are on section 77. There's a government motion before us. Ms. Hoggarth, do you want to read it into the record?

Ms. Ann Hoggarth: I move that paragraphs 4 and 5 of subsection 77(1) of schedule 2 to the bill be struck out.

The Chair (Ms. Soo Wong): Any comments or questions to motion 120?

Mr. Chris Ballard: Just for the record, it's really a technical amendment to support the proposed amendments in motion 106.

The Chair (Ms. Soo Wong): Okay. Any other comments and questions? Seeing none, all those in favour of motion 120? All those opposed to the motion? The motion carries.

I believe there is motion 121. Mr. McDonell, do you want to read it into the record?

Mr. Jim McDonell: Sure.

Interjections.

The Chair (Ms. Soo Wong): It's motion 121. I have motion 121. Mr. McDonnell?

Mr. Jim McDonnell: There's an extra on the desk.

I move that subsection 77(1) of schedule 2 to the bill be amended by adding the following paragraph:

"20.1 governing the making and retaining of copies of documents and records by a licensee under subsection 53(1.1), including,

"i. specifying conditions that apply to the making of the copies,

"ii. specifying the time period during which the licensee is authorized to retain the copies, and

"iii. requiring the licensee to return the copies to the client or to destroy the copies after the expiry of the time period mentioned in subparagraph ii and governing the disposition of the copies under this subparagraph;"

The Chair (Ms. Soo Wong): Any comments and questions to motion 121? Mr. Ballard.

Mr. Chris Ballard: I would recommend voting for the motion. It complements motion 116.1 by ensuring that condo managers have the ability to make copies of records in certain cases—

Interjection.

Mr. Chris Ballard: Whoops. Am I on the wrong one?

Ms. Daiene Vernile: No.

Mr. Chris Ballard: We appreciate the policy concerns brought forward by ACOMO. We're pleased that the motion clarifies the government's regulation-making authority to specify conditions where a condominium manager can make and retain copies.

I think it's important that the government set specific timelines and conditions under which managers can retain copies of records, and support that this motion allows the government to do so.

The Chair (Ms. Soo Wong): Any other comments and questions? Mr. McDonnell.

Mr. Jim McDonnell: Yes, just in line with that, if a condo manager is allowed to make and keep certain records, there should be corresponding regulation as to when and how these should be kept.

The Chair (Ms. Soo Wong): Any other comments and questions to motion 121? I'm going to call the question. All those in favour of motion 121? All those opposed? The motion is now carried.

Shall schedule 2, section 77, as amended, be carried? I'm calling the question. Shall schedule 2, section 77, as amended, be carried? All those in favour? Opposed? Carried.

There are no motions from sections 78 through 83, so I'm going to bundle them. Any questions and comment to these sections? Seeing none, shall schedule 2, sections 78 through 83, be carried? All those in favour? Opposed? Carried.

The last part of this vote for the schedule: Shall schedule 2, as amended, be carried? All those in favour? Opposed? Carried.

Shall schedule 1 be carried—

Interjections.

The Chair (Ms. Soo Wong): Shall section 1 of the bill be carried? Any debate? All those in favour of section 1? All those opposed? Carried.

Shall section 2 be carried? Any debate? None. Shall section 2 be carried? All those in favour? Opposed? Carried.

Section 3: Any questions or comments? Seeing none, shall section 3 be carried? All those in favour? Opposed? Carried.

Shall the title of the bill be carried? All those in favour? Opposed? Carried.

Shall Bill 106, as amended, be carried? All those in favour? Opposed? Carried.

Shall I report the bill, as amended, to the House? All those in favour? Opposed? Carried.

All right, so we're done with Bill 106.

Now I want to see what the committee is in favour of. We have six minutes—right, Mr. Clerk? We have some committee business. If we don't do the committee business now, we'll have to come back at 2 o'clock, because we have some discussions dealing with pre-budget consultations. Mr. Ballard?

1010

Mr. Chris Ballard: I would suggest we adjourn to 2 o'clock.

The Chair (Ms. Soo Wong): Okay. Ms. Fife?

Ms. Catherine Fife: I thought that we could deal with this right now. This is housekeeping.

The Chair (Ms. Soo Wong): Okay. Is there enough time? We have five minutes. I'm just giving a heads-up.

Mr. Toby Barrett: Let's do this.

Ms. Catherine Fife: Let's do this.

The Chair (Ms. Soo Wong): So what is the will of the committee? We have five minutes because I have to recess the committee at 10:15. Does everybody know?

Mr. Chris Ballard: Recess to 2 o'clock.

The Chair (Ms. Soo Wong): Recess, okay. Ms. Fife?

Ms. Catherine Fife: Madam Chair, your email was very clear. As soon as clause-by-clause is done, we can actually have this conversation about setting budget dates and times and schedules, and there is some urgency, obviously. So let's just deal with it right now.

Mr. Victor Fedeli: I agree.

Mr. Toby Barrett: That's why we're all here.

The Chair (Ms. Soo Wong): Mr. Ballard?

Mr. Chris Ballard: Chair, I want to clarify. I would suggest that it's going to require more than five minutes.

Ms. Daiene Vernile: We'll just get started on our conversation, then we'll just have to stop.

The Chair (Ms. Soo Wong): Okay. I have no problem to start for five minutes and then we're going to have to recess until 2 o'clock. All right, I can start. I'm ready to start. We have five minutes and then we have to recess until 2 o'clock.

I just want to give everybody some context why there is a committee of the whole. Usually, this kind of discussion is done through subcommittee, but we had no consensus when we had a subcommittee meeting. There is an urgency because—we heard it from the staff—in

order for the Clerk and his staff to organize the 2016 pre-budget consultations, the staff needs some direction from the committee. I just want it to be on record for that purpose.

All right, so we're going to start the discussion right now. Unfortunately, time is of the essence. We need some direction from the committee in terms of the dates—how many dates of pre-budget consultations for 2016—and the timeline of our pre-budget consultation. Let's begin the discussion. Can someone begin the discussion?

Ms. Catherine Fife: Just for context, in the subcommittee, both the PC and the NDP caucus felt that there were additional dates that were needed, basically as a follow-up to the Financial Accountability Officer's report, which indicates that the revenue from the province is actually going to be very challenged going forward and that program spending is going to have to be cut. That was the game-changer.

I would say that we did have consensus earlier, but the game-changer for us is the Financial Accountability Officer report. All House leaders had these additional 14 days. Your House leader and our House leader had a conversation. It was our responsibility to bring it to the subcommittee.

We are proposing 14 dates over four weeks. The only significant change was how witnesses appear before the committee. We thought it would make sense for all parties to at least be able to ask a question of the delegations. We were proposing 19 minutes, 10 minutes for presentations and then three minutes per party for questions, because I think that this is going to be a very difficult budget process for everyone. We wanted to be more inclusive of the process.

It's true that we didn't have consensus at the subcommittee, but two thirds of the parties at least think that this warrants a conversation here at committee.

The Chair (Ms. Soo Wong): Okay. I hear Ms. Fife proposing 14 days. Can you specifically tell us, the committee, which 14 days we're talking about?

Ms. Catherine Fife: I guess we are asking that the committee hold pre-budget consultations in Thunder Bay, Sault Ste. Marie, Sudbury, Ottawa, Windsor, Sarnia, London, Niagara Falls, Hamilton, Oshawa, Kingston and two days in Toronto, between the dates of January 11 and February 5, and that the Chair, on behalf of the committee, request the House leaders to authorize the committee to meet up to 13 days during the winter adjournment for the purpose of pre-budget consultations.

I can give you this in writing, if you wish.

The Chair (Ms. Soo Wong): I believe the committee does not have a copy of this, so we're going to need staff to get a copy. The subcommittee—

Mr. Chris Ballard: Chair?

The Chair (Ms. Soo Wong): Yes, Mr. Ballard.

Mr. Chris Ballard: I just wanted to go on the record to say that there was no House leader agreement.

Ms. Catherine Fife: I didn't say there was agreement. I said House leaders had a copy of this, so it didn't come

as a surprise to the government that we were proposing this.

Mr. Chris Ballard: I heard you say that there was agreement. There was no agreement.

Ms. Catherine Fife: No, I said there was no consensus, so that's why I came to committee—

The Chair (Ms. Soo Wong): Seeing that the committee as a whole does not have a copy of this report that Ms. Fife just read, we have to make sure that the staff have time to make copies for everybody.

It's after 10:15. I'm going to have to recess the committee and come back at 2 o'clock to discuss this. I'm going to recess the committee to 2 o'clock.

Mr. Victor Fedeli: So we're getting the—

The Chair (Ms. Soo Wong): Yes, this afternoon.

The committee recessed from 1015 to 1401.

COMMITTEE BUSINESS

The Chair (Ms. Soo Wong): I'm going to resume the Standing Committee on Finance and Economic Affairs. I believe that, on your desks, there is a sheet of paper the Clerk left for all of us. Is somebody going to move this, or is there any discussion about this particular piece? There's no agenda per se.

Mr. Jagmeet Singh: Yes, sorry. I can move this.

Mr. Victor Fedeli: A few of us weren't paying attention.

The Chair (Ms. Soo Wong): I'm just waiting. Mr. Singh?

Mr. Jagmeet Singh: I can move this, most certainly, with great honour. Do I need to read this into the record?

The Chair (Ms. Soo Wong): Yes, you have to read it into the record.

Mr. Jagmeet Singh: I will certainly do so, then, Madam Chair.

I move the following motion:

(1) That the committee hold pre-budget consultations in Thunder Bay, Kenora, Sault St. Marie, Sudbury, Ottawa, Windsor, Sarnia, London, Niagara Falls, Hamilton, Oshawa, Kingston and two days in Toronto between January 11 and February 5, 2016.

(2) That the Chair, on behalf of the committee, request the House leaders to authorize the committee to meet for up to 14 days during the winter adjournment for the purpose of pre-budget consultations.

(3) That the Clerk of the Committee, with the authorization of the Chair, post information regarding the pre-budget consultations on the Ontario parliamentary channel, on the Legislative Assembly website and with Canada NewsWire.

(4) That the Clerk of the Committee, with the authorization of the Chair, place an advertisement in a major newspaper for one day in each of the cities where the committee intends to hold pre-budget consultations, and that the advertisements be placed in both English and French papers where possible.

(5) That interested people who wish to be considered to appear before the committee contact the Clerk of the

Committee by 12 noon on Wednesday, December 16, 2015.

(6) That following the deadline for requests, the Clerk of the Committee provide the subcommittee members with an electronic list of all potential witnesses who have requested to appear before the committee.

(7) That, if all requests to appear cannot be accommodated in any given location, each of the subcommittee members supply the Clerk of the Committee with a prioritized list of witnesses chosen from the Clerk's list and that the scheduling be done in the order of the government, the official opposition and the third party.

(8) That, if all requests to appear can be accommodated in any given location, the Clerk of the Committee, in consultation with the Chair, be authorized to schedule the witnesses.

(9) That late requests to appear may be considered, space permitting.

(10) That witnesses be offered a total of 19 minutes, 10 minutes for presentations and nine minutes for questioning split between the three recognized parties.

(11) That the deadline for written submissions be 5 p.m. on Friday, February 5, 2016.

(12) That the research officer provide the committee with a summary of the oral and written submissions by Friday, February 12, 2016, and a draft report by Monday, February 22, 2016.

(13) That, with the exception of procedural motions during public hearings, the committee consider all other motions during report-writing.

(14) That the committee authorize one staff person from each recognized party to travel with the committee, space permitting, for the purpose of pre-budget consultations and that reasonable expenses incurred for travel, accommodation and meals be paid for by the committee upon receipt of a properly filed expense claim.

(15) That the Clerk of the Committee, in consultation with the Chair, be authorized prior to the adoption of the report of the subcommittee to commence making any preliminary arrangements to facilitate the committee's proceeding.

The Chair (Ms. Soo Wong): Any questions or comments on the motion moved by Mr. Singh?

Mr. Singh, do you want to start the discussion?

Mr. Jagmeet Singh: I'll just provide a little bit of background for it. The main concern here is that we want to ensure that for the pre-budget, we have a very wholesome consultation process which travels the committee around the province and adequately hears from all parts of this province, with respect to the north, the south, the GTA, and that all of the regions have an opportunity to provide their input.

In addition, the timing that has been suggested allows for presentations—so that people can present their ideas, but, in addition, so the members of the committee can ask questions with respect to details of their presentation or any other question they may have. That is why it is being moved as discussed.

The Chair (Ms. Soo Wong): Mr. Fedeli?

Mr. Victor Fedeli: We support this. A lot has changed since we saw the Financial Accountability Officer's report. I think it raised alarm bells, and I think there's serious debate that needs to be held. I have received a tremendous amount of interest in my office from nurses, from doctors, from people who are concerned about their energy bills.

I support this, our party supports this, knowing that there will be far more cities, which will allow far more people to attend. The amount of time that is devoted, I think, is far more appropriate than some of the timing issues that we've had in the past.

The Chair (Ms. Soo Wong): Mr. Baker.

Mr. Yvan Baker: I want to suggest that we keep—and I'm referring to the draft report that was circulated; in paragraph 1, where we have a number of consultations proposed. To me, that seems adequate. I don't see the need to add additional consultations. It's consistent with what has been done in the past and allows us to travel all parts of the province and hear from folks across the province on these issues.

I would also say that the FAO report, to my mind, doesn't really change anything. The second FAO report signalled that the government is on track in terms of its fiscal management, and that it's on track to balance the budget by 2017-18, and that its approach is strong and very reasonable. As far as the report on Hydro One, the FAO's report confirms the government's valuation of Hydro One.

So in my view, there's not much that has changed, and I don't see why we would need to add additional dates.

The Chair (Ms. Soo Wong): Mr. Baker, I think you're reading from the previous note that we circulated around two weeks ago—the subcommittee's original report that was circulated to the committee. I believe you're reading from that one and not today's. Am I correct?

Mr. Yvan Baker: I'm reading from the draft report of the subcommittee. That's right.

The Chair (Ms. Soo Wong): I just want to make sure that people understand, if there's some confusion, because Mr. Singh just moved his motion, and you're talking about a motion of the subcommittee.

Mr. Yvan Baker: Correct.

The Chair (Ms. Soo Wong): Any other comments or questions with regard to the motion before us? Mr. McDonell.

Mr. Jim McDonell: My riding has been left off this sheet, but I know that people in Ontario will want to get a chance to talk about some of the issues.

1410

The member opposite was talking about the Financial Accountability Officer's report not changing anything. I would hope that it would change something. I would hope that there was information in it that they weren't aware of. If they were, it really questions where this government is going with their budgeting. He clearly shows that there are lots of questions.

I know that in my riding, people come up every day, upset with different issues and wanting to know why

certain health care services are being cut, why programs aren't there for autism or Community Living programs. I think there's a lot out there. People want to get a chance to show why some of these programs should be funded.

The Chair (Ms. Soo Wong): Any other comments? Mr. Baker, then Mr. Ballard.

Mr. Yvan Baker: I think the issue is around—you named a number of issues, health care and others. These are all important issues to people across Ontario. Of course, that's the case, and I agree that they're important. I do think, though, that the amount of consultation—I'm referring back to the draft reported to the subcommittee as the basis here—would be appropriate to cover those important issues that you're talking about.

The Chair (Ms. Soo Wong): Mr. Ballard.

Mr. Chris Ballard: I agree with my colleague. When it comes to the FAO's report, I think we're being asked to head out on a fishing expedition, quite frankly. I look at the number, the breadth and the depth and the geography of the communities that this group will be visiting, and it looks to me that east, west, north and south are well represented. People in those communities and surrounding communities will be able to make appropriate comment. I really don't see any need to expand.

The Chair (Ms. Soo Wong): Are you making references to the subcommittee report, Mr. Ballard?

Mr. Chris Ballard: Yes, sorry.

The Chair (Ms. Soo Wong): I just—clarification. There are so many reports going on.

Mr. Fedeli.

Mr. Victor Fedeli: I appreciate your clarification because when he talked about the north, south, east and west being so well represented, I of course presumed he was referring to the report that we're dealing with, and I was very encouraged to hear that.

I'm not encouraged now to learn that he's referring to a two-week-old report, when we now have a report brought by the NDP, supported by the PCs—so two thirds of the subcommittee—

The Chair (Ms. Soo Wong): The motion.

Mr. Victor Fedeli: The motion, I should say. I appreciate the fact that I now understand that he's not referring to the motion that we're dealing with; he's referring to something from two weeks ago—which I do believe is under-representative of the north, south, east and west.

I think we are at a crossroads in Ontario. I think we have a lot of new material. In fact, just yesterday we were surprised with a new finance bill that nobody—at least on this side; maybe on the other side—was aware was coming. This is absolutely brand new. The sheer fact that a finance bill was brought to us tells us that there's a lot happening in finance, and it's moving quickly and it's changing every day. We were caught absolutely unaware that there would be that change yesterday.

I think the people of Ontario need a lot of opportunity to debate all these new issues that have come up, in addition to what they would normally debate pre-budget. We've now got a pre-budget debate, which we're talking

about, but also a brand new finance bill from yesterday that needs a tremendous amount of discussion throughout Ontario as well—unless they know something on the other side that we don't know.

The Chair (Ms. Soo Wong): Mr. Baker.

Mr. Yvan Baker: Mr. Fedeli was saying that there's a lot happening in finance. I agree, and that's just a sign that the government is working hard for the people of Ontario. I think that you could apply that to all the ministries across the government. But I don't think that's a sign for alarm; I think that's a sign that the government is hard at work. We should be rejoicing, I think.

This is a pre-budget consultation. It's about getting input from the people of Ontario about the budget, which will be coming out in the spring sometime—or in the new year, at least. I think if that's the purpose of this, then we should be approaching it in a way consistent with how it's been approached in the past. If you look at how it's been approached, what's in the draft report of the subcommittee is a very reasonable proposal and consistent with how we've gone to speak to Ontarians in the past and reached out to all parts of the province.

The Chair (Ms. Soo Wong): Any questions or comments to the motion before us? Mr. Singh.

Mr. Jagmeet Singh: I just want to make really clear two things. One is that the motion I put forward included the following cities: Thunder Bay, Kenora, Sault Ste. Marie, Sudbury, Ottawa, Windsor, Sarnia, London, Niagara Falls, Hamilton, Oshawa, Kingston, and two days in Toronto. That's what I put forward.

I want to understand if the government supports going to these cities, which would be very representative of the province of Ontario. I want to understand, because the comments that have been made have not been to this motion. I've listed those cities, and my question is, one, does the government, regarding this motion, support going to these cities?

My second point is that the initial draft, which is referred to, is not consistent with what we've done in the past. In the past, we've had at least eight days of travel. So it's not consistent with what has gone on in the past. I want that to be clear as well.

I'm suggesting, on behalf of the NDP, and, I believe, supported by the Conservatives, that we need to have a wholesome consultation process that looks at the entire province and that is representative of the north, the east, the south and the west, and the number of days that are attributed to this process should be meaningful. That's why I've suggested up to 14 days.

The Chair (Ms. Soo Wong): Okay. Mr. Baker?

Mr. Yvan Baker: We're supportive of visiting the cities that are in the draft report of the subcommittee. As far as consistency—

Mr. Jagmeet Singh: Just a point of order.

The Chair (Ms. Soo Wong): Mr. Singh?

Mr. Jagmeet Singh: We're speaking on this motion, so—

The Chair (Ms. Soo Wong): No, I think he's answering your question, because I believe you asked the government side for some answers.

Mr. Jagmeet Singh: Then I just don't know what was in the draft report. Maybe we could have that circulated?

The Chair (Ms. Soo Wong): You asked a question, and you asked the government side to answer the question. I believe Mr. Baker is trying to answer your question.

Mr. Baker, can you please proceed?

Mr. Yvan Baker: Yes. I'm referring to the draft report of the subcommittee, and we can circulate that. That's what we're supportive of, for the reasons that I've stated before; I won't restate them. It does cover all parts of the province. It's consistent with what we've done in the past.

Mr. Singh referred to the fact that it's not consistent with what we've done in the past. If I look at the document that we have in front of us—now I'm looking at A Cross-Jurisdictional Comparison of Pre-Budget Consultation Dates—it's very consistent with what we've done in the past.

I do think it's consistent. I do think it allows us to reach out to all Ontarians. I don't think anything substantive has changed that requires us to do something above and beyond, as Mr. Fedeli has suggested.

We support the consultation schedule and cities that are listed in the draft report of the subcommittee.

The Chair (Ms. Soo Wong): The Clerk is coming around with the dates and locations of previous pre-budget consultations' locations as well as the number of dates.

I believe Mr. Baker made reference to a report that is dated September 3, 2015. Research officer Susan Viets submitted a report to this committee, A Cross-Jurisdictional Comparison of Pre-Budget Consultation Dates. I believe that report was circulated to all the committee members. I think that's what Mr. Baker is making reference to. There are lots of reports and motions being forwarded. The committee as a whole did receive a report from the research officer.

Mr. Singh, I'm not sure you did directly, because you're not a regular committee member, but there was a report to all of the standing committee members of finance and economic affairs. It was a review of all the pre-budget consultation processes across Canada. That's just for clarification.

Mr. Singh?

Mr. Jagmeet Singh: Could I just have a copy of the report that's being referred to? If the Clerk could prepare that copy?

The Chair (Ms. Soo Wong): I have my copies here, Mr. Singh. Maybe the Clerk—

Mr. Jagmeet Singh: Maybe just the cities in that report are sufficient.

Mr. Victor Fedeli: I don't have one either.

The Chair (Ms. Soo Wong): You can take my copy, Mr. Fedeli. This is the copy that was sent. All the permanent members of the committee got that report.

Are there any other comments or questions with respect to Mr. Singh's motion?

Mr. Victor Fedeli: What is the process after this, then? How do we move on, is my question? Maybe I'll ask after Mr. Singh asks.

The Chair (Ms. Soo Wong): Mr. Singh, you had a question?

Mr. Jagmeet Singh: Yes. In 2015, according to the History of Pre-Budget Consultations in Ontario, there were eight days set aside for consultation, January 20-23 and 27-30—eight days and seven cities.

1420

This time around, referring to the draft report of the subcommittee, there are five cities—that's two less—and there are six days—that's two less days. So when I say that it's not consistent, it's less. It's two days less, and two cities less. That's what I meant. I'm giving you an evidentiary basis for why I'm suggesting it's not consistent: Two days less and two cities less is not consistent.

Last year, there were two more cities and two more days. I'm saying Sault Ste. Marie is one city, Ottawa, Windsor, Hamilton and Toronto; that's five cities. Last year, in 2015, there was Fort Frances, Sudbury, Ottawa, Cornwall, Fort Erie, London, Toronto; seven cities—two more cities.

How can the government claim that it's consistent, when it's two less cities, and the days that were done in 2015—that's eight—and here we have January 18, 19, 20, 21, 22 and February 1; six days. That's less. That's why I'm saying it's not consistent. I want to make it clear that that means the government does not want to go to these additional cities that we've said, which would be more representative of the entire province, cities like Thunder Bay, Kenora, Sudbury, Ottawa, Sarnia, London, Niagara Falls, Hamilton, Oshawa and Kingston.

The Chair (Ms. Soo Wong): Before I turn it over to Mr. Baker, Mr. Fedeli had a question, Mr. Clerk, about the process piece—he was just inquiring when you stepped out—can you just clarify the process for the committee? He asked what are we going to do with these motions—what's the next step?

The Clerk of the Committee (Mr. Katch Koch): I guess, at the end of the day, if the committee adopted a motion, it would give me instructions to go ahead and make the arrangements.

Now, there's a caveat to that, because the committee would still need authorization from the House to meet when the House is not sitting.

Mr. Victor Fedeli: So does Mr. Singh bring this motion for a vote? Is that what we do?

The Clerk of the Committee (Mr. Katch Koch): He could. The motion is debateable, as you can see. It's also amendable. At the end of the day, I believe there's point number two, which directs the Chair to request authorization to meet during the winter adjournment.

So all this would be subject to the House approving the committee meeting outside of the regular House session.

Mr. Jagmeet Singh: I think that Mr. Baker was next, though, so I don't want to—

The Chair (Ms. Soo Wong): Okay, I'm going to turn to Mr. Baker.

Mr. Yvan Baker: I'll just say, I think Mr. Singh has chosen some selected years, but if you look at the norm, the draft report of the subcommittee is very much consistent with the norm. The second point I would say is that the subcommittee had agreed on the draft report, so that's the basis from which we're working. I think it's a very reasonable proposal in terms of the number of cities and the number of dates—it's six dates and five cities, I believe, if I'm counting correctly. I would just move that we put this to a vote, Chair.

The Chair (Ms. Soo Wong): Okay, the question is now put; the committee is calling for a vote.

Mr. Jagmeet Singh: The question—what did you say?

The Chair (Ms. Soo Wong): Mr. Baker has called the question. The question right now before the committee is the entire motion that has been put before us—this one page before us is Mr. Singh's motion.

Mr. Victor Fedeli: But it's not one page, though.

The Chair (Ms. Soo Wong): I know. There are 15 sections.

Mr. Victor Fedeli: So that's the one?

The Chair (Ms. Soo Wong): The entire page, that's what we're voting on. The question has been put with respect to the entire page, with regard to all 15 pieces.

Mr. Singh?

Mr. Jagmeet Singh: There are two things that I would like to do. One is, I would request a recorded vote when we're at the time of the vote, and before the vote, I would ask for a 20-minute recess.

If we're still discussing, then I'm happy to discuss, but before the vote happens, I would request a 20-minute recess and then we return and immediately vote.

The Chair (Ms. Soo Wong): So there's now a request for a 20-minute—

Ms. Ann Hoggarth: A point of order.

The Chair (Ms. Soo Wong): Ms. Hoggarth?

Ms. Ann Hoggarth: I thought that once there's been a request for a vote, you cannot have a recess.

The Chair (Ms. Soo Wong): No, we haven't taken the vote.

Ms. Ann Hoggarth: No, but it has been requested.

The Chair (Ms. Soo Wong): Under the committee proceedings, we do allow a 20-minute recess, just so people understand.

Ms. Ann Hoggarth: After a vote has been requested?

The Chair (Ms. Soo Wong): Yes. We haven't voted, so there is now before us a 20-minute break. I'm looking at the clock right now. We're back at 2:45 p.m., Mr. Clerk, because there's a request—

Interjection.

The Chair (Ms. Soo Wong): No further debate on this.

Mr. Yvan Baker: Do we have to agree to that, Chair?

The Chair (Ms. Soo Wong): No, you can't. It's automatic. Any member of the committee has the right to ask for a 20-minute recess at any time.

Any comments, questions?

I'm going to recess the committee. We're coming back at 2:46, so watch your clock. I'm going to put the gavel back down at 2:46, for a 20-minute recess.

The committee recessed from 1426 to 1446.

The Chair (Ms. Soo Wong): My clock says 2:46, so we're going to reconvene the Standing Committee on Finance and Economic Affairs.

I believe we now have a vote. I'm calling the vote. It's a recorded vote, according to Mr. Singh.

Ayes

Fedeli, Singh.

Nays

Baker, Ballard, Hoggarth, Milczyn, Vernile.

The Chair (Ms. Soo Wong): The motion is now lost. Mr. Baker.

Mr. Yvan Baker: I'd like to move a new motion.

The Chair (Ms. Soo Wong): Yes.

Mr. Yvan Baker: I'm just going to read it out here.

Mr. Victor Fedeli: Chair?

The Chair (Ms. Soo Wong): Mr. Fedeli.

Mr. Victor Fedeli: Would you mind—just before you read the whole motion, the two salient points. Has anything changed other than number 1 and number 8 in the bulk of it? Just so we know.

The Chair (Ms. Soo Wong): Mr. Fedeli, according to the Clerk, we have to read the entire piece for the record.

Mr. Victor Fedeli: I will ask, then, after you read it. Just tell us, is it just the two changes?

Mr. Yvan Baker: Okay.

The Chair (Ms. Soo Wong): Mr. Baker, you may begin.

Mr. Yvan Baker: I move:

(1) That the committee hold pre-budget consultations in Sault Ste. Marie, Thunder Bay, Ottawa, Windsor, Hamilton and Toronto on January 18, 19, 20, 21 and 22 and February 1 and 2, 2016.

(2) That the Chair, on behalf of the committee, request the House leaders to authorize the committee to meet for up to six days during the winter adjournment for the purpose of pre-budget consultations.

(3) That the Clerk of the Committee, with the authorization of the Chair, post information regarding the pre-budget consultations on the Ontario parliamentary channel, on the Legislative Assembly website and with Canada NewsWire.

(4) That the Clerk of the Committee, with the authorization of the Chair, place an advertisement in the Turtle Island News and a major newspaper for one day in each of the cities where the committee intends to hold pre-budget consultations, and that the advertisements be placed in both English and French papers where possible.

(5) That interested people who wish to be considered to appear before the committee contact the Clerk of the Committee by 12 noon on January 8.

(6) That following the deadline for requests, the Clerk of the Committee provide the subcommittee members with an electronic list of all potential witnesses who have requested to appear before the committee.

(7) That, if all requests to appear cannot be accommodated in any given location, each of the subcommittee members supply the Clerk of the Committee with a prioritized list of witnesses chosen from the Clerk's list and that the scheduling be done in the order of the government, the official opposition and the third party.

(8) That witnesses be offered a total of 15 minutes, 10 minutes for presentations and five minutes for questioning by party rotation.

(9) That the deadline for written submissions be 5 p.m. on Tuesday, February 2, 2016.

(10) That the research officer provide the committee with a summary of the oral and written submissions by February 8, 2016.

(11) That, with the exception of procedural motions during public hearings, the committee consider all other motions during report writing.

(12) That the committee authorize one staff person from each recognized party to travel with the committee, space permitting, for the purpose of pre-budget consultations and that reasonable expenses incurred for travel, accommodation and meals be paid for by the committee upon receipt of a properly filed expense claim.

Chair, if I may, I'd like to make a small adjustment to point 2. I said "up to six days," but it should say "up to seven days."

1450

The Chair (Ms. Soo Wong): Seven days. Okay. So it was a minor change.

Mr. Yvan Baker: Yes.

The Chair (Ms. Soo Wong): Okay. All right. I see Mr. Singh has his hand up.

Mr. Jagmeet Singh: I don't take issue with the minor amendment of six to seven, if required, because the dates that are listed are seven days. It makes sense for that six to be a seven. I have no issue with that, in case there needs to be any permission.

I can make comments in addition, though.

The Chair (Ms. Soo Wong): Okay. I saw Mr. Fedeli's hand, so I'm going to come back to you, Mr. Singh.

Mr. Victor Fedeli: I want to jump down to the NDP proposal, numbers 8 and 9, and just ask why they're missing. Number 8 used to say "That, if all requests to appear can be accommodated in any given location, the Clerk of the Committee, in consultation with the Chair"—

The Chair (Ms. Soo Wong): Okay—

Mr. Victor Fedeli: I'm just asking why that one is out. I could just read a sentence—why is this sentence out?—rather than refer to it. That's number one.

Number two is the next sentence, number 9, "That late requests to appear may be considered, space permitting." My first question is, why are those two out? Any particular reason? I just didn't see that.

That's the first of three questions.

Mr. Yvan Baker: I can speak to the—

The Chair (Ms. Soo Wong): Mr. Baker.

Mr. Yvan Baker: Sorry, if I may?

The Chair (Ms. Soo Wong): Yes.

Mr. Yvan Baker: On the issue of the late request to appear: Our view is there should be no late request to appear because the deadline to appear is actually quite long. Therefore, there shouldn't be a need.

That's the late request to appear part. Was there another question as well?

Mr. Victor Fedeli: Yes, the one before that: "all requests to appear can be accommodated in any given location, the Clerk of the Committee, in consultation with the Chair, be authorized to schedule the witnesses." That's out of this one now. Is there any particular reason?

Ms. Ann Hoggarth: Which number are we on?

Mr. Victor Fedeli: On the NDP one, it would have been number 8: "That, if all requests to appear can be accommodated in any given location, the Clerk of the Committee, in consultation with the Chair, be authorized to schedule the witnesses." That's gone. I just don't know why.

Mr. Yvan Baker: I just don't see the need for number 8. I'm not going to defend the NDP motion.

Mr. Victor Fedeli: No, no, it's—

Mr. Yvan Baker: I can't justify the NDP motion, so it's difficult for me to argue, but I don't believe it's required.

Mr. Victor Fedeli: Okay. We'll forgo number 8 for the moment. So number 9 again, "That late requests to appear may be considered, space permitting." We've always extended that as a courtesy. The Clerk has come to us sort of casually and said, "Oh, John Smith has shown up. Do we want to show him the door? Do we want to take him in?" We've always, to the best of my knowledge in my four years of various committees, let somebody come in. If we're up in Fort Frances and somebody shows up, we're not going to show them the door. So we're asking for that to not happen. I'm just a bit concerned.

Mr. Yvan Baker: I would just say that I think the request to appear is quite long and is quite reasonable. I can't speak to what has been done in the past on that front. I think we just had—

Mr. Victor Fedeli: But I just did.

Mr. Yvan Baker: I know, but I'm saying that I don't think any of us can, because in the previous discussions we were speaking about cities that we visited and we debated back and forth, and some of us had one impression and some of us had another impression. Without the facts in front of us about what was actually done, I think it's tough to have that discussion on that basis. All I'm saying is that I think that there is a long lead time to

appear. The deadline to appear is quite long, and so I don't think there's a need for the late requests.

Mr. Victor Fedeli: Okay. My third of this round of questions will be—again, I go back to the NDP one because it's the one that was typed: “That the Clerk of the Committee, in consultation with the Chair,”—it's item 15, the last one; it's now removed—“be authorized prior to the adoption of the report of the subcommittee to commence making any preliminary arrangements to facilitate the committee's proceeding.” That's gone. Is there any reason why that item is not here any longer? Any thoughts on that?

Those are the three paragraphs that are gone.

Mr. Yvan Baker: Again, I'm not going to defend the NDP motion. I don't see the need for it.

Mr. Victor Fedeli: Okay. So I'll come back, Chair, to—those were the three questions that I had as to why things were omitted. I have other questions about things that have been added. I'll share the floor later, if that's okay.

The Chair (Ms. Soo Wong): Okay. Mr. Singh?

Mr. Jagmeet Singh: There are certain things that can be considered partisan in nature. This is for the benefit of the government. You may be concerned because you don't want to go to certain cities because you don't want to give respect to those cities for some particular reason. We're saying we want to go to all cities. That might be an area where I'm opposed to you on.

But there are certain things that are not actually partisan at all. Late-showing is not defending an NDP motion; it's just a convention. If someone shows up to a committee and we have time in that committee—if we finish an hour early; if we finish 30 minutes early—if someone else doesn't show up and someone happens to be there, without having the “late requests ... may be considered, space permitting,” in there, that person will not be able to testify. It's not a partisan thing. Imagine we're in the committee now, and two of our people didn't show up, and someone shows up and says, “Hey, I'm a citizen. Can I be on the list?” This would allow that person to be on the list. It's not partisan. There's no trick. It's just a nice thing to do. It's pretty fair. I would say that it would make sense to do that.

The last one, again, is not an NDP thing to defend. “That the Clerk of the Committee, in consultation with the Chair”—there's a Clerk there, there's a Chair there, and none of them are NDP, those two folks right there; you see them, right?—“be authorized prior to the adoption of the report of the subcommittee to commence making any preliminary arrangements to facilitate the committee's proceeding.” It's just a beneficial thing for us to have that ability for them to make decisions. I trust that the Chair is not going to be partisan and do anything inappropriate with that power. It just facilitates this committee doing its job. Again, it's not defending an NDP position. There's nothing partisan about that. In fact, I'm suggesting that the Chair and the Clerk, neither of whom are NDP, have the ability to take certain steps to make sure that the work gets done.

I just want to make sure that's clear on the record: that certain things are not partisan by any means.

In fact, number 8 was in the previous motion that I put forward. “That, if all requests to appear can be accommodated in any given location, the Clerk of the Committee”—Mr. Koch—“in consultation with the Chair”—Madam Chair—“be authorized to schedule the witnesses.” Again, you're not defending an NDP motion by doing that. It's just allowing them to schedule the witnesses.

Sometimes, we've got to take our partisan turbans off and look at it just as, will it facilitate the committee doing its work? You're not defending anything by responding to Mr. Fedeli's question about those amendments.

My concern that is directly related to the substance of this motion is the lack of other cities, so I'll be asking to amend the motion on the table. I have copies.

Let me confer. Have we given the copies to everyone yet?

Interjection.

Mr. Jagmeet Singh: We have copies here to provide to everybody. I can read the motion in, before I provide the copies, or, if you'd like, give the copies of my amendment first, whatever—

The Chair (Ms. Soo Wong): The Clerk will take—

Mr. Jagmeet Singh: I find it's easier to have the amendment in front of you instead of hearing the words alone, so I have copies here.

The Clerk of the Committee (Mr. Katch Koch): Thank you.

Mr. Jagmeet Singh: He wanted a copy too, I think. Est-ce qu'on en a une autre pour notre—comment dit-on « translators »? Je ne sais pas le mot pour « translators ». You guys can sign it to me, maybe.

The Chair (Ms. Soo Wong): I'm going to recess for two minutes, Mr. Clerk, because there aren't enough copies. The staff needs a copy for translation purposes.

The committee recessed from 1500 to 1502.

The Chair (Ms. Soo Wong): I'm going to resume the committee. I believe Mr. Singh has now tabled in front of us a written motion, an amendment to Mr. Baker's motion. Am I correct?

Mr. Jagmeet Singh: I'll read it in.

The Chair (Ms. Soo Wong): I think you have to read it for the record.

Mr. Jagmeet Singh: I do. I'm ready to read it in.

I also have to acknowledge that I didn't give Mr. Baker or anyone from the Liberal side time to respond to some of the comments I made, so I apologize that I quickly dropped this in. I should have maybe let you respond first and then done the amendment, but hopefully you can respond to both.

I move that sections 1 and 2 of the motion be struck out and the following substituted:

“(1) That the committee hold pre-budget consultations in Thunder Bay, Sault St. Marie, Sudbury, Ottawa, Windsor, Sarnia, London, Niagara Falls, Hamilton, Oshawa, Kingston and two days in Toronto between January 11 and February 5, 2016.

“(2) That the Chair, on behalf of the committee, request the House leaders to authorize the committee to meet for up to 13 days during the winter adjournment for the purpose of pre-budget consultations.”

I have some comments for whenever.

The Chair (Ms. Soo Wong): Okay. Mr. Baker.

Mr. Yvan Baker: What I’d like to do is take the opportunity, Chair, if you’ll allow me, to respond to the earlier comments that were made by Mr. Singh.

The Chair (Ms. Soo Wong): No. We’re going to have to debate on the amendment. Sorry.

Mr. Yvan Baker: Okay. Then on the amendment itself, again, I think I’ve been pretty clear as to our position as far as committee travel. We started with the draft report of the subcommittee, with the travel there. In the motion that I presented earlier that Mr. Singh is amending, we’ve actually added a location. We added Thunder Bay.

As far as I’m concerned, what we’re trying to do is make sure that we’re consistent with how things have been done in the past in terms of pre-budget consultation. Nothing has changed this year above and beyond previous years. This is allowing us to reach out to all parts of the province, and we’re giving a lot of lead time so people can access the committee, speak and provide submissions as part of the pre-budget consultation.

The Chair (Ms. Soo Wong): Okay. Any other comments or questions regarding the amendment? Mr. Fedeli.

Mr. Victor Fedeli: I support this amendment and look forward to the vote on it.

The Chair (Ms. Soo Wong): Any other questions or comments to the motion by Mr. Singh? Mr. Singh.

Mr. Jagmeet Singh: Yes. You’ll note that the motion is different. Initially, I put forward a motion requesting a number of cities, and now, understanding that the government is not prepared to go to as many cities as I would love to go to, we have sadly removed lovely Kenora from the list. We’re hoping that the government will be willing to go to these cities—and I’ve removed one, even though I didn’t want to—at least to get more representation from the province of Ontario. We’ve removed one city, but we still want to have more than the government is proposing, so this is the compromise position.

I’m hoping that the government will accept this.

The Chair (Ms. Soo Wong): Any more comments? Mr. Baker.

Mr. Yvan Baker: I have nothing to add to my further comments. I think I’ve responded to that. I just move that we vote on this.

The Chair (Ms. Soo Wong): Okay. The question has been put.

Mr. Jagmeet Singh: Can I ask for a recorded vote?

The Chair (Ms. Soo Wong): Mr. Singh has asked for a recorded vote. Mr. Clerk, are you ready?

Mr. Yvan Baker: Chair, just for clarification, we’re voting on Mr. Singh’s amendment?

The Chair (Ms. Soo Wong): Mr. Singh’s amendment first.

Ayes

Fedeli, Singh.

Nays

Baker, Ballard, Hoggarth, Milczyn, Vernile.

The Chair (Ms. Soo Wong): The motion is defeated.

I believe we are back to the government motions. Mr. Singh first, then Mr. Fedeli.

Mr. Jagmeet Singh: I just would suggest that, at this point, the government wasn’t able to respond to some of the comments that I made before, so I think it would be fair to give them the opportunity to respond to those.

The Chair (Ms. Soo Wong): I believe that Mr. Singh has some questions for the government side. Does anybody want to respond? Mr. Baker.

Mr. Yvan Baker: I’ll just respond briefly to a couple of points. One is that Mr. Singh made a few comments that suggested that we are disagreeing with some of the NDP points in the motion for partisan purposes. None of it is partisan. All of this is just about making sure that we reach out to people in an effective way on the issues that matter to Ontarians. The reasons for disagreement are just around how we make sure that this is as effective a process as possible. That’s the first thing I would say.

The second thing: When I was talking about that I can’t speak to the NDP motion—Mr. Fedeli was asking me to comment on your submission, the NDP submission. That’s why I was saying that I can’t speak to the NDP submission. That’s why I was saying that. Again, our rationale on this is not partisan, it’s about making sure we have an effective pre-budget consultation.

The last piece was that you had asked about point number 8 and why we had eliminated that. I think it’s just to avoid duplication of witnesses, where you have a single meeting with multiple people from the same body—

Ms. Ann Hoggarth: The same presentation.

Mr. Yvan Baker: The same presentation, effectively. That’s feedback that we’ve received from members who have been on the committee before. We want to make sure that space doesn’t get eaten up through that duplication, and that we hear from a broad cross-section of people.

The Chair (Ms. Soo Wong): I believe Mr. Fedeli had his hand up.

Mr. Victor Fedeli: A couple of things: On item number 10—the research officer provide a summary—is there a particular reason why it’s February 8? Is there any comment or reason why? In our draft committee report, I don’t recall that we had a date picked—unless we did that and I don’t see it. So we didn’t have a date picked and you picked that date. Is there a sense of why?

The Chair (Ms. Soo Wong): Mr. Baker.

Mr. Yvan Baker: Yes, it’s just so we have a chance to review before the first meeting of SCOFEA before we start drafting.

Mr. Victor Fedeli: My final question then would be, we're looking at 15 minutes: 10 minutes for presentations and five minutes for questions by party rotation. I was at committee recently where we did three minutes each rotation. That really was efficient. It gave all three parties an opportunity to talk to every presenter. I would look for a friendly amendment there. I don't want to submit a formal amendment. I'm looking for any head-nodding that we can look at the three minutes for each party. If it is, it is and if it isn't, it isn't.

The Chair (Ms. Soo Wong): Am I hearing that, Mr. Fedeli, you want to amend number 8 to have nine minutes for questioning, because it's three, six, nine, right? Am I correct?

Mr. Victor Fedeli: Yes.

The Chair (Ms. Soo Wong): So in total, the witness will actually be offered 19 minutes, 10 of which is for the presentation and nine minutes is for three minutes per party to ask questions.

Mr. Victor Fedeli: Now you're talking. I was looking for a friendly amendment on that one.

Interjection.

The Chair (Ms. Soo Wong): I'm being told by the Clerk that there's no such thing as a friendly amendment.

Mr. Victor Fedeli: There was a friendly amendment to change six to seven. That was changed without a formal written amendment.

The Chair (Ms. Soo Wong): Any comments from the government side?

Mr. Yvan Baker: So, my understanding, if I understand what you're proposing, Mr. Fedeli, is that this would extend the amount of time. You give three minutes to each party for questions?

Mr. Victor Fedeli: Yes.

Mr. Yvan Baker: To your point, we want to make sure that as many people as possible can come and submit. The more you extend the time, the more you eat into the slots available to other people to make submissions.

Mr. Victor Fedeli: You're making a quantity-versus-quality presentation, then. I don't know that's the argument I would have gone with.

Mr. Yvan Baker: I think five minutes allows for a high-quality submission. Chair, can I also move that we put this to a vote?

1510

The Chair (Ms. Soo Wong): Okay. There's a question that's been put. Is there further debate first?

Mr. Jagmeet Singh: Yes, further debate.

The Chair (Ms. Soo Wong): Okay.

Mr. Jagmeet Singh: I have a question for the Clerk. One of the things that I wanted to see—just because if it's not included now, then future finance committees will say, "Oh, we didn't do it last year." I just want to confirm that previously, the component that says, "Late requests to appear may be considered, space permitting"—can we have confirmation that that was something that was done in previous years—for example, last year?

The Clerk of the Committee (Mr. Katch Koch): Yes, it was.

Mr. Jagmeet Singh: Okay. Do you know, the year before that, if it was done as well?

The Clerk of the Committee (Mr. Katch Koch): I would have to check the record, but I'm pretty sure it was.

Mr. Jagmeet Singh: Would it be fair to say it's a convention that has been going on for some time now?

The Clerk of the Committee (Mr. Katch Koch): Because I don't have the records in front of me, I wouldn't be able to say with certainty how far back it would go.

Mr. Jagmeet Singh: Okay. In your experience, is it something that's common or uncommon, in a finance committee setting?

The Clerk of the Committee (Mr. Katch Koch): It has been done by the committee. I really can't pass judgment on whether it's common or not.

Mr. Jagmeet Singh: Sure. Thank you. To you through the Chair, Mr. Clerk: Last year at least, at a minimum, it was the case that late requests to appear were considered, space permitting?

The Clerk of the Committee (Mr. Katch Koch): Correct.

Mr. Jagmeet Singh: Okay. Before we go to a vote, if this needs to be a written amendment, I'll be asking for an amendment to include, as point 13 in this, "That late requests to appear may be considered, space permitting." The language is in the motion that was handed out before.

The Chair (Ms. Soo Wong): Mr. Baker?

Mr. Yvan Baker: A point of order: I had moved that we put this to a vote.

Interjection.

The Chair (Ms. Soo Wong): I've been advised that the normal practice is, as everybody knows, this kind of discussion about pre-budget consultations is done by the subcommittee, and we did not get consensus at the subcommittee level. Therefore, it's up to the Committee of the Whole to discuss this particular piece.

Given the fact that we have to make sure that there's enough discussion about this piece—because this is critically affecting all three parties—with regard to the debate, if there's enough discussion, then I will put the question to a vote, Mr. Baker.

I see that Mr. Singh has now put forward a so-called amendment. It's not considered friendly. I believe that there is a motion supposedly put forward by Mr. Singh. If we need to draft it, we have to put it in writing.

Mr. Jagmeet Singh: Sure.

The Chair (Ms. Soo Wong): Then we need to include that piece, the late request to appear—

Mr. Jagmeet Singh: Yes.

The Chair (Ms. Soo Wong): —and put it to a vote first, before we vote on the entire piece of the government motion. I just want people to understand where we're coming from.

Mr. Jagmeet Singh: Sure. I can do that.

The Chair (Ms. Soo Wong): Because any time there's an amendment to the existing motion, the amendment gets discussed and debated, and then we call the question—and then the whole motion piece. I just want it done procedurally.

Mr. Singh, how fast can you write?

Mr. Victor Fedeli: It's one sentence.

The Chair (Ms. Soo Wong): It's one sentence. Can you write that fast?

Mr. Jagmeet Singh: Yes, for sure. I just need a sheet of paper, and I will get back to it. Can I request a brief adjournment?

Interjection.

The Chair (Ms. Soo Wong): Okay. Mr. Clerk is going to get somebody to type it up. Can we get that done? How long?

The Clerk of the Committee (Mr. Katch Koch): Five minutes.

The Chair (Ms. Soo Wong): Five-minute recess.

The committee recessed from 1514 to 1525.

The Chair (Ms. Soo Wong): Okay, I'm going to resume the committee. I believe the Clerk just distributed four pages of motions before the committee. I believe we're going to need them read into the record, right, Mr. Clerk?

The Clerk of the Committee (Mr. Katch Koch): Into the record, yes.

The Chair (Ms. Soo Wong): The first one here—who's moving that particular motion?

Mr. Jagmeet Singh: I can move it.

The Chair (Ms. Soo Wong): Okay, this is 13. Mr. Singh, can you read it into the record?

Mr. Jagmeet Singh: Sure, 13: I move that the motion be amended by adding the following:

“(13) That, if all requests to appear can be accommodated in any given location, the Clerk of the Committee, in consultation with the Chair, be authorized to schedule the witnesses.”

The Chair (Ms. Soo Wong): Any questions or comments on this motion number 13? Seeing none, I'm going to call the question. All those in favour?

Mr. Jagmeet Singh: Sorry. I want to just explain the motion.

The Chair (Ms. Soo Wong): Okay. You've got to move fast, Mr. Singh. You know my rules.

Mr. Jagmeet Singh: I know you're fast, Madam Chair.

Mr. Victor Fedeli: You're a lawyer.

Mr. Jagmeet Singh: You know I like to take my time.

Mr. Victor Fedeli: Do you get paid by the hour when you're—

Mr. Jagmeet Singh: We get paid by the word.

The Chair (Ms. Soo Wong): Okay, stop.

Mr. Singh, please.

Mr. Jagmeet Singh: In this case, this is a house-keeping motion amendment, and it would just allow that in any particular given location, the Clerk and the Chair be given the authorization to schedule the witnesses. If they can be accommodated in a particular location, the

Clerk and the Chair, working together, should be authorized to schedule those witnesses in.

The Chair (Ms. Soo Wong): Any questions and comments? I'm going to put the question to everybody.

All those in favour of the motion? All those opposed? The motion is defeated.

I see motion number 14. Mr. Singh, do you want to read it for the record?

Mr. Jagmeet Singh: I move that the motion be amended by adding the following:

“(14) That late requests to appear may be considered, space permitting.”

I also want to make comments on it.

The Chair (Ms. Soo Wong): You may begin.

Mr. Jagmeet Singh: This is a very fair amendment. Essentially, if someone shows up to the committee the day of, and there is space permitting—if they're able to be accommodated, they should be accommodated and be able to provide input. Just because they didn't make a cut-off point, if they do show up and there is space—this wouldn't cut into anyone who has taken the time to schedule themselves in. This is simply, in any given city, if someone shows up on the day and they want to make a deputation and they're able to do so, it provides us with the flexibility to do so. I also note that it was done last year. Specifically, the Clerk confirmed that but did not confirm other years, was not able to, in fairness—but it has been done in other years. Certainly, it was done last year. I think it's a good amendment.

The Chair (Ms. Soo Wong): Mr. Baker.

Mr. Yvan Baker: I'll just quickly repeat what I said earlier. In our motion, we've allowed for written submissions to be provided to give maximum access to people who want to submit to the committee. We also extended the deadline for people to appear from what was originally in the subcommittee report, from December 1 to January 8. So we've given a lot of additional time for people to appear. There's really no need for this motion, I believe.

The Chair (Ms. Soo Wong): Mr. Fedeli.

Mr. Victor Fedeli: I'm very much in favour of this motion. I spoke on it earlier, so I won't speak at length this time. I would think that should this be defeated, this does not negate the Clerk from doing this. There would be no instruction that should a late request appear, they cannot appear. Am I correct in that assumption? If this gets defeated, do we leave it in the hands of the Clerk to bring to us on an ad hoc, as-is basis?

The Chair (Ms. Soo Wong): Mr. Clerk?

The Clerk of the Committee (Mr. Katch Koch): I would do that if the presenter or the potential witness asks me to take it to the committee; otherwise, I would not.

Mr. Victor Fedeli: Would they know to ask you that? Would they just say, “Hey, I'm here now. Can I speak?”

The Clerk of the Committee (Mr. Katch Koch): It has happened in the past. People would show up at hearings and they did not have a time slot assigned to them, and they—

Mr. Victor Fedeli: So would there be anything stopping you from asking us at the committee level, then?

The Clerk of the Committee (Mr. Katch Koch): If it's at the request of the presenter, I would take it to the committee, and the committee can still, by unanimous consent, schedule the witness.

Mr. Victor Fedeli: Thank you.

The Chair (Ms. Soo Wong): Any other questions and comments? Seeing none, I'm going—

Mr. Jagmeet Singh: Recorded vote.

The Chair (Ms. Soo Wong): All right.

Ayes

Fedeli, Singh.

Nays

Baker, Ballard, Hoggarth, Milczyn, Vernile.

The Chair (Ms. Soo Wong): The motion is defeated. Mr. Singh, is that your other motion?

Interjection.

The Chair (Ms. Soo Wong): Oh, I'm so sorry—

Mr. Jagmeet Singh: If there's a 15, I withdraw 15.

The Chair (Ms. Soo Wong): You're withdrawing this one here?

Mr. Jagmeet Singh: Yes.

The Chair (Ms. Soo Wong): Okay. Sorry. Motion 15 has been withdrawn, everybody.

Mr. Fedeli, do you want to read your motion?

Mr. Victor Fedeli: Mine is number 14. I don't know if that—

The Chair (Ms. Soo Wong): No.

Mr. Victor Fedeli: It doesn't matter? Okay. I move that the government motion be amended by adding the following:

“(14) That witnesses be offered a total of 19 minutes, 10 minutes for presentations and nine minutes for questioning split between the three recognized parties.”

The Chair (Ms. Soo Wong): Any questions or comments to the motion? Mr. Fedeli.

Mr. Victor Fedeli: I have spoken twice on this already, and I would not care to repeat my comments, but I would look for support on this motion.

The Chair (Ms. Soo Wong): Any questions? Mr. Singh.

Mr. Jagmeet Singh: Well, you'll have mine, Mr. Fedeli.

The Chair (Ms. Soo Wong): Any other questions or comments? I'm going to put the question to the floor.

Mr. Victor Fedeli: Recorded vote.

The Chair (Ms. Soo Wong): A recorded vote has been asked for.

Ayes

Fedeli, Singh.

Nays

Baker, Ballard, Hoggarth, Milczyn, Vernile.

The Chair (Ms. Soo Wong): The motion is defeated. We're going back to the government motion. Mr. Baker.

Mr. Yvan Baker: Chair, what I'd like to do is, at the request of research staff, they've asked that we change the date in point 10 from February 8, 2016, to February 12, 2016. I'd like to propose that we make that friendly amendment at staff's recommendation.

Mr. Victor Fedeli: What is the number?

Mr. Yvan Baker: February 8 to February 12. It's point 10 in the motion.

Mr. Victor Fedeli: So there is such a thing as a friendly amendment here.

The Chair (Ms. Soo Wong): Well, not really—it's an amendment. Is everybody clear on the number? It's now changed from February 8 to February 12, 2016. Everybody's clear about that? Mr. Baker.

Mr. Yvan Baker: Yes, and I move that we vote on the motion, Chair.

The Chair (Ms. Soo Wong): Further debate?

Mr. Victor Fedeli: Recorded vote.

The Chair (Ms. Soo Wong): A recorded vote has been asked for.

Ayes

Baker, Ballard, Hoggarth, Milczyn, Vernile.

Nays

Fedeli, Singh.

The Chair (Ms. Soo Wong): Carried. That's it. I will now adjourn the committee. Thank you.

The committee adjourned at 1531.

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