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Mercredi 4 novembre 2015

Standing Committee on Regulations and Private Bills

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

Chair: Indira Naidoo-Harris Clerk: Christopher Tyrell Présidente : Indira Naidoo-Harris Greffier : Christopher Tyrell

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

Wednesday 4 November 2015

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

Mercredi 4 novembre 2015

The committee met at 0902 in committee room 1.

The Vice-Chair (Mrs. Kathryn McGarry): Good morning, committee. The Standing Committee on Regulations and Private Bills will now come to order. We have three private bills to consider this morning.

563523 ONTARIO LIMITED ACT, 2015

Consideration of the following bill:

Bill Pr29, An Act to revive 563523 Ontario Limited.

The Vice-Chair (Mrs. Kathryn McGarry): The first one is Bill Pr29, An Act to revive 563523 Ontario Limited. I understand that the sponsor this morning will be Mr. Bill Walker.

Mr. Bill Walker: It will.

The Vice-Chair (Mrs. Kathryn McGarry): Yes, thank you.

Mr. Bill Walker: Okay. I thought it was Gila. *Interjection*.

The Vice-Chair (Mrs. Kathryn McGarry): Mr. Walker will sponsor the bill and the applicant can come forward

Mr. Bill Walker: I'm happy to fill in for my colleague Gila Martow. I'll introduce—

Mr. David Aiken: David Aiken.

Mr. Bill Walker: David Aiken. David, you just basically introduce yourself—

Mr. David Aiken: Oh, wait a minute; I think I'm the wrong person.

Interjection.

Mr. Bill Walker: I'll correct my record: I would like to introduce Adelchi Franzolini.

Interjection: No.

Mr. Bill Walker: No? Wow.

The Vice-Chair (Mrs. Kathryn McGarry): Elizabeth A. Bottos.

Mr. Bill Walker: I'm really on a roll today.

Ms. Elizabeth Bottos: I'm Elizabeth Bottos.

Mr. Bill Walker: Elizabeth Bottos, who will introduce herself, to make sure we have it correct.

Interjection: You need your glasses on.

Mr. Bill Walker: I think so.

The Vice-Chair (Mrs. Kathryn McGarry): Go ahead and state your name for the purposes of Hansard, and then you have up to five minutes to explain the situation. Thank you.

Ms. Elizabeth Bottos: Good morning, Madam Chair and members. I'd like to thank Ms. Martow for sponsoring the bill and Mr. Walker for stepping in this morning. My name is Elizabeth Bottos. I am counsel for the applicant, Adelchi Franzolini.

This corporation was dissolved administratively on June 25, 1994, for failure to file special notices. The failure was inadvertent. There was a requirement between 1992 and 1995 for Ontario corporations to file a special notice and pay a \$50 filing fee each year. The penalty for failure to do so could be dissolution, as is what happened to this corporation. The failure was inadvertent. It wasn't discovered. Unfortunately, if a corporation has been dissolved for 20 years or more, it can only be revived by a bill such as the bill before you. If it had been discovered earlier, it would have been a relatively simple process to revive it with articles of revival.

The corporation is a holding company and it holds assets in another corporation that holds various assets. It is contemplated that there will be transactions in the future dealing with these assets.

The dissolution was discovered last fall. The client asked me to bring their minute book up to date, and as part of bringing the minute book up to date, I did a corporate search, and that's when I discovered that they were dissolved. We immediately started the process to revive, which has been a relatively lengthy process. Unfortunately, we discovered it in the fall of 2014. Had it been discovered in the spring of 2014, it would have been a much easier process to revive. So we've had to follow the process that it can only be revived now by a bill. So that's why I'm here.

The Vice-Chair (Mrs. Kathryn McGarry): Okay, thank you. Are there any interested parties in the room who would like to provide any comments?

Seeing none, are there any questions from the government side?

Seeing none, are there any from this side of the table? No. Okay. So no other questions.

Are the members ready to vote, then? I'll ask Mr. Walker to come back to his seat.

Committee, shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

And shall I report the bill to the House? Yes.

Thank you very much, Ms. Bottos. You may step down.

Ms. Elizabeth Bottos: Thank you all very much.

1064514 ONTARIO INC. ACT, 2015

Consideration of the following bill:

Bill Pr30, An Act to revive 1064514 Ontario Inc.

The Vice-Chair (Mrs. Kathryn McGarry): Now we'll call Bill Pr30, An Act to revive 1064514 Ontario Inc. Thank you, Mr. Walker, for stepping in as sponsor again. I will allow you to make any comments and introduce the applicant.

Mr. Bill Walker: Thank you very much, Madam Chair. On behalf of my colleague, Gila Martow, I'd like to introduce David Aiken.

Mr. David Aiken: Thank you.

The Vice-Chair (Mrs. Kathryn McGarry): Go ahead. Could you state your name for the purposes of Hansard? You have up to five minutes to give some comments.

Mr. David Aiken: My name is David Aiken and I'm acting as agent for Robert K. Moore, who is—was, I guess—the principal of 1064514 Ontario Inc. The company existed for the purpose of holding investments in publicly traded securities, and filings at the time were up to date. Robert Moore was somewhat reluctant to continue on with the company and decided, on the advice that was received at a party, to voluntarily dissolve the company. The person who gave him this advice assisted him with filing articles of dissolution.

At the time that that was done, he was oblivious and unaware of what the income tax consequences would be. At that time, I met with Mr. Moore and advised him of what the consequences were and he stated, "Had I been aware of that, I never would have gone ahead to dissolve the company." I inquired as to whether filings were up to date at the time and there was one filing that was outstanding. Having encountered that, I was wondering how articles of dissolution could have been granted and how a letter of consent from the Ministry of Finance could have been acquired.

Upon inquiry, I was told by the Ministry of Finance that at the time the articles of dissolution were filed, filings at the time were up to date, notwithstanding that there was one that was outstanding, but the outstanding one was not yet due. It was on that basis that the articles of dissolution were granted.

We tried to take the short route by applying for articles of revival and were told that we were not permitted to pursue that route. Accordingly, we're sitting here today. With the assistance of members of the ministry, amongst whom was Mr. Tyrell, we were able to formulate the bill, acquire someone to sponsor it, and we're here today with the purpose of reviving this company.

0910

The Vice-Chair (Mrs. Kathryn McGarry): All right, thank you. Are there any interested parties in the room who would like to speak to this bill? Seeing none, are there any questions from the government side? Ms. Mangat.

Mrs. Amrit Mangat: Thank you for your presentation. Are there any groups or persons, known or unknown, who are opposing the revival of the corporation?

Mr. David Aiken: No.
Mrs. Amrit Mangat: None?
Mr. David Aiken: None.
Mrs. Amrit Mangat: Theoler.

Mrs. Amrit Mangat: Thank you.

The Vice-Chair (Mrs. Kathryn McGarry): Any further questions? Any questions from the opposition parties? Seeing none, are the members ready to vote?

Shall section 1 carry? Carried.
Shall section 2 carry? Carried.
Shall section 3 carry? Carried.
Shall the preamble carry? Carried.

Shall the title carry? Carried. Shall the bill carry? Carried.

Shall I report the bill to the House? Merci.

Thank you for coming in this morning.

Mr. David Aiken: Thank you.

PRECISION PIPE MANUFACTURING INC. ACT, 2015

Consideration of the following bill:

Bill Pr31, An Act to revive Precision Pipe Manufacturing Inc.

The Vice-Chair (Mrs. Kathryn McGarry): The next bill we're calling is Bill Pr31, An Act to revive Precision Pipe Manufacturing Inc. The sponsor this morning is Ms. Mangat. Ms. Mangat, will you introduce yourself?

Mrs. Amrit Mangat: Thank you, Chair. My name is Amrit Mangat, MPP for Mississauga–Brampton South. On behalf of my colleague Glenn Thibeault, the member for Sudbury, I would like to introduce Mr. John Hanninen—

Interjection: No. Richard.

Mrs. Amrit Mangat: —Mr. Richard Hanninen, the solicitor for Precision Pipe Manufacturing Inc.

The Vice-Chair (Mrs. Kathryn McGarry): Thank you. You may introduce yourself for the purposes of Hansard. You've got five minutes to present some comments. Thank you.

Mr. Richard Hanninen: Good morning. My name is Richard Hanninen. I was the owner of Precision Pipe. It was dissolved in 2013 at the suggestion of the accountant, who instructed the lawyer to dissolve it, and it was done. There were some assets that were still within the company. I was offered to purchase these assets, and when we went to try to sell them, the lawyer pointed out that there was a dissolution of the company in 2013 and it couldn't be sold. The only way to do this, I was told, was to revive this company, and that's why I'm here today.

That's about it. Pretty simple.

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The Vice-Chair (Mrs. Kathryn McGarry): All right, short and simple. Thank you.

Are there any comments from interested parties in the room? Seeing none, are there any comments or questions from the government side? Seeing none, are there any questions or comments from the opposition parties? Seeing none, are the members ready to vote?

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Good.

Thank you very much.

Mr. Richard Hanninen: Thank you.

SUBCOMMITTEE REPORT

The Vice-Chair (Mrs. Kathryn McGarry): Now we'll deal with the subcommittee report. I understand that Ms. Vernile has the subcommittee report.

Ms. Daiene Vernile: Would you like me to read it into the record?

The Vice-Chair (Mrs. Kathryn McGarry): I would, yes. Thank you.

- **Ms. Daiene Vernile:** Your subcommittee met on Tuesday, November 3, 2015, to consider the method of proceeding on Bill 85, An Act to strengthen and improve government by amending or repealing various Acts, and recommends the following:
- (1) That the committee meet in Toronto on Wednesday, November 18, 2015, during its regular meeting time, for the purpose of holding public hearings.
- (2) That the committee Clerk, in consultation with the Chair, place a notification of public hearings on the Ont.Parl channel, the Legislative Assembly website and Canada NewsWire.
- (3) That interested parties who wish to be considered to make an oral presentation contact the committee Clerk by 5 p.m. on Friday, November 13, 2015.
- (4) That all witnesses will be scheduled on a first-come, first-served basis.
- (5) That witnesses be offered up to 10 minutes for their presentation, followed by nine minutes for questions divided equally among the three parties.
- (6) That the deadline for written submissions be Wednesday, November 18, 2015, at 5 p.m.
- (7) That the committee Clerk, on behalf of the committee, write to the Ministry of the Attorney General requesting briefing materials on the bill.
- (8) That, for administrative purposes, proposed amendments to the bill be filed with the committee Clerk by 5 p.m. on Thursday, November 19, 2015.
- (9) That the committee meet on Wednesday, November 25, 2015, for clause-by-clause consideration of the bill.

(10) That the Clerk of the Committee, in consultation with the Chair, is authorized immediately to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

Chair, I want to suggest an amendment, but I understand we're going to be voting on this first.

The Vice-Chair (Mrs. Kathryn McGarry): Ms. Vernile, I think I'll have you read the amendment first, please.

Mr. Jeff Yurek: Could we have a copy of the amendment, please?

The Vice-Chair (Mrs. Kathryn McGarry): Do we have a copy of the amendment?

Ms. Daiene Vernile: We can get a copy for you—if the Clerk would like to get a photocopy. May I read it first, and then we'll get it—

Mr. Jeff Yurek: No, we want a copy of it so—

The Vice-Chair (Mrs. Kathryn McGarry): We'll get the copy, and we'll have a five-minute recess while that happens.

Ms. Daiene Vernile: Thank you.

The committee recessed from 0918 to 0923.

The Vice-Chair (Mrs. Kathryn McGarry): Thank you. So all members have a copy of the amendment now?

Mr. Bill Walker: Yes.

The Vice-Chair (Mrs. Kathryn McGarry): Is there any discussion?

Ms. Daiene Vernile: Would you like me to read it into the record, Chair?

The Vice-Chair (Mrs. Kathryn McGarry): Yes, please read it into the record now.

Ms. Daiene Vernile: I move that paragraph 5 of the subcommittee report be amended as follows: the words "up to 10 minutes" be deleted and replaced with "up to five minutes."

Chair, the reason I'm suggesting this is that if we stay with 10 minutes, it's going to mean that we're only going to hear from three people, at the most, on the morning of November 18, whereas if we go back to the five which was originally suggested—and I believe, Mr. Walker, you were okay with that at the time when we chatted about it yesterday—we're going to be able to hear from up to five people on the morning of the 18th.

We of course are going to invite people to give us written submissions if they can't make it on the morning of the 18th, and if there is great demand, if we have many witnesses who come forward and do want to speak to us—although I suspect not, because this is not a controversial bill, and we all agreed to this in the House—then we can always extend to 10 minutes.

But again, my suggestion here with this amendment is about being able to hear from more people on the morning of November 18. Rather than just three, we can go to five if there's the demand for that.

The Vice-Chair (Mrs. Kathryn McGarry): Any discussion?

Mr. Bill Walker: I'm a little confused, because I thought the discussion yesterday was that we could go into the afternoon if we needed to, and we wanted 10

minutes because five minutes was very much rushed. Certainly the member from the NDP made it pretty clear that he felt that was extremely rushed. We may not have a large volume, and that's why we all agreed to leave it as up to 10 minutes—they don't have to have 10 minutes, but we can give up to 10 minutes. So I'm kind of challenged as to why we're going back to five when we were all in agreement.

The Vice-Chair (Mrs. Kathryn McGarry): Ms. Vernile?

Ms. Daiene Vernile: Well, at the time, I was trying to be accommodating. I looked, though, at the schedule, and several of us on this committee here also sit on the Select Committee on Sexual Violence and Harassment. We are sitting that afternoon, writing our report, so we would have to be subbed in. It's about a capacity issue.

Again, it's not a controversial bill. I think that within five minutes, if people are concise, they are able to get their point across. As the case is, many times a particular side will give up their time to allow a person more time if they need to speak. I know we'd be willing to do that. It's about being able to hear from more people.

The Vice-Chair (Mrs. Kathryn McGarry): Ms. French and then Mr. Walker.

Ms. Jennifer K. French: Just as a point of clarification, I wasn't able to participate in the subcommittee, but my colleague, I believe, was under the impression, as I think Mr. Walker just said, that there was the understanding that, should there be more people coming in the morning or more people interested in speaking to the committee, there would be time to extend into the day. It's my understanding now that you have said, after leaving that subcommittee meeting and checking your schedule, that you won't be able to attend in the afternoon, and therefore we are minimizing their time in the morning to allow for more people in the morning, because there cannot be an extension during the day.

Mr. Bill Walker: My concern would be—I respect that you have a busy schedule, but there are 56 of you, so that's the whole reason to have subs for committee. I don't want to subvert someone who's coming here and wants to share that information because of a scheduling issue that may or may not even arise.

I thought we had consent for the 10 minutes. I feel it's needed for people to have up to their 10 minutes. So this is quite a shock.

The Vice-Chair (Mrs. Kathryn McGarry): Ms. Vernile.

Ms. Daiene Vernile: Mr. Walker, I do recall that yesterday you were in agreement to the five minutes when we first began suggesting this. It was Mr. Singh who stepped in and wanted to extend it, but at the time, you were in agreement initially to the five.

It is a capacity issue; it's challenging. We are here, though, to listen to the people who come and speak to us. It's not just the select committee that is meeting that day. We have three committees that are meeting on that day.

What I can say is that we do want to accommodate people when they come. I would suggest that we agree to the five minutes but, if we have more people who do want to appear before us, that we can extend.

The Vice-Chair (Mrs. Kathryn McGarry): Ms. French and then Mr. Yurek.

Ms. Jennifer K. French: I guess, just for my own understanding, when you say "we can extend," what does that mean? Because if it's in writing here that it's up to five minutes, do you mean extend the five minutes, or do you mean if there are more people than there is time during that time, the regular meeting time for committee, that we can extend into the day, regardless of conflict, or is it extend and postpone to another time? I'm not sure what "extend" means.

Ms. Daiene Vernile: If we only have three people as witnesses who sign up and want to appear before us, then by all means, let's allow them to speak for 10 minutes each, because we have the time in the morning.

However, if there are more than three that wish to appear, we may have to find a different day at a different time in order to sit and meet.

I take us back to the fact that this is a non-controversial bill. We all agreed to this in the House. I don't see that there's going to be an issue with this.

The Vice-Chair (Mrs. Kathryn McGarry): Mr. Yurek.

Mr. Jeff Yurek: I'm just bringing forward that yesterday, in the subcommittee, in talking with Mr. Walker, he may have agreed to a five-minute discussion, but he also was of the understanding, under an agreement, under your party, that there would be an extension in the afternoon, if need be. Now, you're pretty much saying there isn't going to be the availability to extend in the afternoon.

I would be supportive of this amendment, if we were going to pass the amendment, to start to put it in writing that, if need be, we will extend committee. We can't just go on your word at this point, because your word yesterday was that you would extend in the afternoon, and you come to us today and it's not going to happen.

We need this as a written amendment, going forward, to support this amendment.

Ms. Daiene Vernile: Just to clarify, Mr. Yurek, within a committee like this—and I have sat on a number of committees. I sit on four committees, and I often see amendments coming and going, and members agreeing on various changes. This isn't the first time that there has ever been an amendment to discuss a possible change.

In terms of extending, perhaps it could be another day other than a Wednesday. I'm just asking you, considering that this is not a controversial bill, and we don't know at this point how many witnesses are going to step forward, and we do want to expedite it—because there are going to be more bills coming before this committee—does it make sense for us to listen to witnesses for five minutes and, if they need more time, we can certainly give up our speaking time with them, and we can accommodate more people?

Mr. Jeff Yurek: Thanks for sharing your experience. I too sit on a number of committees, and have sat in the

House a little longer. I do see amendments come and go. However, what I've learned over the years is, anything can change when it's a verbal agreement, but once we have it in writing and voted on, we tend to see the committees stay true to the object of the amendments and the written, passed amendments.

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I think my request still stands, that we'd need support from this government that the availability to extend committee time is down in writing, to support your word that you gave the subcommittee yesterday.

The Vice-Chair (Mrs. Kathryn McGarry): Mr. Walker.

Mr. Bill Walker: The other thing I just want to add is that member Vernile is suggesting we would give up our speaking time. I'm not certain how we can do that and do our due diligence. We may not know what's going to arise. We're assuming it's going to be non-controversial, but there could be a clause in there that we want to discuss. If we're subverting and trying to minimize that time and then suggesting, before we even get in there, we'll give up our time, I don't think that's fair to the process.

What we're supposed to do here is do our job, and legislate and give proper time. I am concerned that we would just unilaterally say, "We'll give up our time." I don't know what questions are going to arise; I don't know what the information is going to be. To say, "I'm going to give them more time and give up my time to ask questions"—I don't think that's allowing me to do my job. I'm very concerned from that perspective.

We agreed to the 10 minutes, up to 10 minutes. To my colleague's thought process, if we're going to be guaranteed that if we need, on behalf of the public, to extend it to more days for more time for the committee to meet, then I'm okay with it. But I don't like the thought that we're just going to try to ram—because we're presuming there are not going to be any challenges or conflicts. How do we know that?

The Vice-Chair (Mrs. Kathryn McGarry): Ms. Vernile.

Ms. Daiene Vernile: Just to provide clarity to Mr. Yurek, you said that amendments don't occur after it's been voted on. We haven't voted on this yet. We're discussing it still, and I would hope that we could have an open and fulsome conversation about this amendment that will allow us to hear from more people.

The Vice-Chair (Mrs. Kathryn McGarry): Mr. Yurek.

Mr. Jeff Yurek: Actually, my point was that yesterday in subcommittee, you promised to extend the afternoon. You've come to us today saying that you will not extend to the afternoon, and now you're saying that you will extend if we do need to extend it. I'm just asking that you put that in writing so we can have that right in front of us in black and white so we know the committee will stick to that agreement.

You seem to be flip-flopping back and forth on what you will and what you won't do.

Ms. Daiene Vernile: No, I'm not, Mr. Yurek. We have this in front of us and now I have an amendment. It happens quite frequently within committees.

Mr. Jeff Yurek: No, I'm not talking about your five-minute talk. Yesterday in subcommittee, you told Mr. Walker you will extend in the afternoon if needed. You came to committee and said that you're not going to do that now. Ms. French spoke up and now you're saying that you may do that. I'm just asking let's put this in writing.

Ms. Daiene Vernile: My suggestion is that we try to accommodate more people and we do that with five-minute presentations.

Chair, I'm just going to ask for a five-minute recess, if I may.

The Vice-Chair (Mrs. Kathryn McGarry): Okay, a five-minute recess.

The committee recessed from 0932 to 0938.

The Vice-Chair (Mrs. Kathryn McGarry): Thank you, committee. We are discussing the proposed amendment. Is there further discussion? Any further discussion? Ms. Vernile.

Ms. Daiene Vernile: Yes, I have a question for the Clerk. Mr. Clerk, if we are needing to bump back sections 6 through 10, can you please instruct us on how to do that?

Mr. Bill Walker: "Bump back"?

Ms. Daiene Vernile: We would hold it for subcommittee for further discussion.

The Clerk of the Committee (Mr. Christopher Tyrell): So you're looking to only approve sections 1 to 5—

Ms. Daiene Vernile: Yes.

The Clerk of the Committee (Mr. Christopher Tyrell): —or bump them back by a week?

Ms. Daiene Vernile: Is it possible to do that, or would you rather have us have a new subcommittee meeting?

Chair, may I ask for another five minutes?

The Vice-Chair (Mrs. Kathryn McGarry): Yes, we'll have another five-minute break.

Ms. Daiene Vernile: We're trying to make this work, so we want to be accommodating. If I may have another five minutes.

The Vice-Chair (Mrs. Kathryn McGarry): A five-minute recess.

Ms. Daiene Vernile: Thank you.

The committee recessed from 0939 to 0954.

The Vice-Chair (Mrs. Kathryn McGarry): The committee will resume. We have an amendment on the floor that we've been discussing. Ms. Vernile, did you want to say something about that?

Ms. Daiene Vernile: In the spirit of co-operation and moving this forward, I would like to move that in the event that more witnesses wish to appear on November 18, 2015, than can—

The Vice-Chair (Mrs. Kathryn McGarry): I would just like to interrupt. We have another amendment on the floor. It either needs to be voted on or withdrawn, and then we can entertain another amendment.

Ms. Daiene Vernile: Chair, I would like to withdraw the previous amendment and put before you this new amendment.

The Vice-Chair (Mrs. Kathryn McGarry): Okay. Would you please read it into the record?

Ms. Daiene Vernile: I move that in the event that more witnesses wish to appear on November 18, 2015, than can be scheduled, the committee sit for an additional day of public hearings on November 25, 2015, and the timeline in the subcommittee report in paragraphs 6, 8, and 9 be rescheduled to one week after the respective dates.

This would allow us to respect the 10-minute witness proceedings.

The Vice-Chair (Mrs. Kathryn McGarry): Any discussion? Mr. Walker.

Mr. Bill Walker: Just a point of clarification, because I think I'm confused on one thing. When we say "day," we actually only have an hour, right? That's what we're scheduled—

The Vice-Chair (Mrs. Kathryn McGarry): An hour and 15.

Mr. Bill Walker: An hour and 15, sorry—and if we wanted to go into an afternoon, we have to take that back to the House and ask for unanimous consent?

Interjection.

Mr. Bill Walker: Thank you.

The Vice-Chair (Mrs. Kathryn McGarry): Further discussion? All right. Are the members ready to vote on the amendment? All those in favour? Any opposed? That's carried.

Now we'll move on to the subcommittee report, as amended. Any further discussion? Seeing none, are the members ready to vote? All those in favour of the Standing Committee on Regulations and Private Bills subcommittee report, as amended? Any opposed? Carried.

With no further business, committee, we stand adjourned.

The committee adjourned at 0956.

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