



ISSN 1710-9477

**Legislative Assembly
of Ontario**

First Session, 41st Parliament

**Assemblée législative
de l'Ontario**

Première session, 41^e législature

**Official Report
of Debates
(Hansard)**

Monday 16 November 2015

**Journal
des débats
(Hansard)**

Lundi 16 novembre 2015

**Standing Committee on
Social Policy**

Smart Growth for Our
Communities Act, 2015

**Comité permanent de
la politique sociale**

Loi de 2015 pour une croissance
intelligente de nos collectivités

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Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
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Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Monday 16 November 2015

Lundi 16 novembre 2015

*The committee met at 1406 in room 151.*SMART GROWTH FOR OUR
COMMUNITIES ACT, 2015
LOI DE 2015 POUR UNE CROISSANCE
INTELLIGENTE DE NOS COLLECTIVITÉS

Consideration of the following bill:

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

The Vice-Chair (Mr. Jagmeet Singh): Good afternoon, everyone. The Standing Committee on Social Policy will now come to order. We're here for clause-by-clause consideration of Bill 73, An Act to amend the Development Charges Act, 1997 and the Planning Act.

I propose that consecutive sections with no amendments be grouped together unless any members would like to vote on a section separately. Before we continue, let's just make sure that we're in agreement with that. If there are consecutive sections and there's no amendments, would you be amenable to voting on those as a group, or would you like to vote on each section separately?

Mr. Lou Rinaldi: As a group is fine.

The Vice-Chair (Mr. Jagmeet Singh): "As a group," I hear from Mr. Rinaldi. Any objection to that?

Mr. Percy Hatfield: I'd like to go clause-by-clause.

The Vice-Chair (Mr. Jagmeet Singh): Sure, we can do so. Mr. Hatfield has a concern of wanting to not group them together. Anyone else have any opinion either way?

Mr. Ernie Hardeman: I would prefer to do them separately.

The Vice-Chair (Mr. Jagmeet Singh): Separately, okay. We have two folks talking about handling it separately, so I think in the interest of ensuring that everyone is able to vote on the section, they know what they're talking about and they know what the section is about, I guess it's okay to go ahead and keep it separate.

Are there any general comments or questions before we proceed? Seeing none, we will begin with section 1.

There are no amendments to section 1 in general, but we will first off ask: Are there any questions, comments or amendments to any section of the bill?

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): Specifically to section 1, is there any debate or any concern that anyone would like to raise with respect to section 1? Seeing none, shall section 1 carry? Okay. Carried.

Moving to section 2: There is an amendment in section 2. It's PC motion number 1. Ms. Martow.

Mrs. Gila Martow: I move that subsection 2(2) of the bill be struck out and the following substituted:

"(2) Subsection 2(4) of the act is repealed and the following substituted:

"Ineligible services

"(4) A development charge bylaw may not impose development charges to pay for increased capital costs required because of increased needs for any of the following:

"1. The provision of cultural or entertainment facilities, including museums, theatres and art galleries but not including public libraries.

"2. The provision of tourism facilities, including convention centres.

"3. The provision of a hospital as defined in the Public Hospitals Act.

"4. Other services prescribed in the regulations."

The Vice-Chair (Mr. Jagmeet Singh): Is there any debate on this motion? Yes, Mr. Hardeman.

Mr. Ernie Hardeman: I think the reason for this is that there's obviously a reason in the act presently to deal with those things that people should buy into when they come into a community, buying a new house. Development charges are paid on it, such as the sewers that go in the ground and the traffic that's going to be created to build roads, the sewer pipes and all the other things, the amenities that are needed in the community. But when you get to the list that presently are exempt, the bill generally says that we're going to keep things the same.

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The only one the bill actually moves from the ineligible services to eligible is transit, but there are other ones, the non-eligible ones, that they're going to put in by regulation, as opposed to the legislation. I think that the industry is going to feel much more comfortable investing in housing and keeping housing affordable for people—they're going to feel much better looking at some of these that definitely shouldn't be considered as something that people should have to pay capital cost on, even though they don't live there at the present time. If they are going to build a tourist attraction in a com-

munity, that shouldn't be paid by someone who's going to build a house today, or five years down the road pay back for when they decided to build the tourist attraction. In fact, that tourist attraction is being built for and required by the people who presently live in the community. The new housing should pay for the operation of it when they come into the community, but not pay up front even though they weren't there.

I think that rather than put those types of services in by regulation to say that the minister can regulate the non-eligible services, we think some of these facilities, like tourism facilities, including convention centres, provisions for hospitals—the hospital one is a little different, and we'll talk about that in a minute. Other services provided by regulation—the last one, of course, is to do exactly what the bill presently does, which is to allow the minister to set by regulation. But these here we believe should be taken out of that regulatory business and put in that they are ineligible services.

The hospitals have become a big thing. For years and years, in fact, when hospitals were first being built, the municipalities built the hospitals. The community built hospitals. That's why it's a public board that runs the hospital, not the Ministry of Health. That's how the hospital system was structured.

Over time, the province has become much more involved, but there's still a great contribution by the community out of the general tax base. It doesn't matter where you live in the country; you're involved in that same system. So you're paying out of your tax base to build hospital services in the community of Ontario. Just because you decided to move from London into a new house in St. Thomas, why should that house pay that much more in development charges to build a hospital, since they had been paying the same as everyone else in the province to build hospital services out of their property taxes all along? It should be a service that municipalities are presently providing, presently are not allowed in development charges, but they, out of their free will, out of their tax base, pay for that. That's how it's distributed evenly to all of the people of the province and health care is available to all of the people of the province.

The municipality doesn't get to decide when they're going to build a new hospital or if they are going to build a new hospital; the province does that. So I think this should be one of those where the municipalities, of their own free will, through the tax base, should be allowed to help build hospitals, but I don't think it should go onto new housing and make new housing less affordable to the people. I think we're having that challenge already. People can't afford to buy the houses that we're presently building, and adding more and more development charges on is going to make it more and more difficult and we're going to have an ever-increasing crunch in the housing system.

We believe that the tourism facilities and convention centres and the provision for the hospital as defined by the hospital act—those two should remain in the exempt

class, that they are not to be covered by development charges, and that's why we're putting this one forward. We hope the government can see the wisdom to support that motion, because I think that would make it much clearer for people who are going to build in our communities and try and keep the housing affordable for people who are going to move into our communities. Recognizing that the vast majority of those people are coming from another community or even coming from the same community, why should they have to pay an extra share because they bought a different house?

The Vice-Chair (Mr. Jagmeet Singh): Any further question, comment or debate? Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Mr. Chair, and good afternoon. I think there's a basic principle, and that is that growth should pay for growth. I don't think there should be an ineligible list at all. I think a community benefits if there is a hospital in the community. I think a hospital can be an attraction to lure new medical personnel—doctors, nurses and specialists—to a community. I believe a community benefits from a hospital or a tourist and convention bureau. I believe a community benefits if more conventioners come and spend their money in a community.

So I don't think there should be a list of ineligible criteria at all. I think growth should pay for growth and that we should do away with the ineligibility list altogether.

The Vice-Chair (Mr. Jagmeet Singh): Any further comment? Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, I'm going to fall right between them, obviously, because we're going at opposite ends here.

I recommend not supporting the motion for a couple of reasons. Bill 73 proposes to identify ineligible services exclusively through regulations to provide greater flexibility to make changes to the list of ineligible services as we progress. The proposed motion will reduce the government's flexibility to make changes and to be responsive to stakeholder needs as they happen. All stakeholders agree that there is merit to revisiting the list of ineligible services when there's advanced asset management planning by the municipal sector.

For those reasons, Chair, I'm not prepared to support it.

The Vice-Chair (Mr. Jagmeet Singh): Any further questions? Mr. Hardeman.

Mr. Ernie Hardeman: Well, Mr. Chairman, to the parliamentary assistant's comments—and to the third party, I agree: Growth should pay for growth. But why would cultural services be part of growth? The growth isn't creating the need for the cultural services. If we're looking at building, that is building it for the people who are already there. And the people who are coming into the new houses are going to start paying the minute that they get there. So if they aren't already built, they're going to pay as much towards it as anyone else in the community. Why should their new house go up by that much to cover the cost of that when, in fact, they don't

really owe any more than anyone else in the community on building those cultural services? I think it's wrong that they would be considered the same.

I do want to correct one thing I said in my earlier remarks, Mr. Chairman. I mentioned that the one service we do agree to put in the allowable services—it wasn't transit; it was waste management. I think that's very important. Having been involved in a landfill siting for a long time, I know there's a lot of dollars involved in siting a landfill, and so the cost of doing that. I think it's practical to say, "Yes, the house will create that." All the money we're spending is for future space in a landfill, so it makes good sense that that would be part of coming and that the amount of space required is in direct connection to the number of people coming to the community. So that's part of growth and I think that should be part of an eligible service.

But cultural and tourist attractions and bureaus—it just doesn't make any sense that for people coming in, who are barely able to afford the down payment on the house, we have to increase it again by paying for a museum or cultural services. At this time, they don't want an art gallery. If they build an art gallery, it's not being caused by the growth; it's being caused by the number of people who are already there. If the art gallery needs replacing, it's not because new people are coming; it's because the art gallery has been used for a long time and it's worn out. In my mind, there's no reason why that is a cost of growth.

I agree with the principle that growth should pay for growth, but I don't think new people or growth should pay for all the future expansion in a municipality. I think it's that part of the expenditure that they could use that they should pay for, but they shouldn't pay any more than that.

The Vice-Chair (Mr. Jagmeet Singh): Any further questions or comments? Okay, are we prepared to go to a vote?

Mr. Ernie Hardeman: A recorded vote, please.

The Vice-Chair (Mr. Jagmeet Singh): A recorded vote has been noted by Mr. Hardeman, so this vote will be recorded.

Ayes

Hardeman, Martow.

Nays

Anderson, Dhillon, Hatfield, Mangat, Milczyn, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): The motion is defeated.

Next motion, motion number 2, is an NDP motion. Mr. Hatfield.

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Mr. Percy Hatfield: I move that subsection 2(2) of the bill be struck out and the following substituted:

"(2) Subsection 2(4) of the act is repealed."

The Vice-Chair (Mr. Jagmeet Singh): Any questions, comments or debate? Mr. Hatfield.

Mr. Percy Hatfield: It's basically the same argument, Chair, that growth should pay for growth, and if you have a list of ineligible criteria, then it's not paying for growth. I disagree with Mr. Hardeman in the sense that, to me, the value—if you will, the bragging rights of a community—is such that if you have a museum or you have a sports facility or you have cultural activity going on in your community, that is an attraction in itself. If you are trying to lure, for example, new doctors to come to an underserved community, you say to them that you have so many golf courses, so many libraries, so many museums, so many concerts where you bring in world-class entertainment. In order for those facilities to be there, somebody has to pay for them.

I think they benefit the entire community. I think arts and culture should be celebrated by everyone and should be made available on the widest scale. That's why I believe such criteria should be abolished and all growth should pay for growth, because it will benefit the entire community.

The Vice-Chair (Mr. Jagmeet Singh): Any other comments, any questions? Mr. Hardeman and then Ms. Martow.

Mr. Ernie Hardeman: Mr. Chair, my argument on this one is that, as Mr. Hatfield has done, it's exactly opposite to his argument. And, going back, it almost will sound like it would be out of order because I'm speaking more to the last motion, but I'm actually speaking to this one.

Mr. Hatfield is suggesting in this motion that if you had no exemptions, growth should pay for growth, but why should growth pay to build a new community for the people who are there? When growth starts, the person buying the house pays the development charges, not the developer. The person who is buying that first house pays that in their mortgage.

If you're trying to lure people to your community by increasing the price of housing, that's not going to bring new people into the community. If you want to build a new library, yes, more people coming in will—and, incidentally, a library was something in our motion we exempted them from; they would be allowed to be charged. But if you're going to build a new museum in your community, if you have 100 new homes that are going to help pay for that, starting today—it hasn't been built yet—they're all going to come in and they're going to start paying for that. Why should they have to pay \$500 up front when no one else in the community paid \$500 because they haven't got a museum now? It just doesn't make any sense to say that that's part of growth.

Going back to it, I think growth should pay for growth. We should have no 10% reductions on some of the services. If it's part of growth, it should be considered development chargeable. If it's not part of growth, if it's just to build something more that the community doesn't have, that shouldn't be allowed to be put on a select few

who would have to pay more for their houses than they can afford to pay because the municipalities can.

If we support this motion, there is no limit at all. They technically wouldn't even need a development charges bylaw because they can charge for anything they want. They could actually come forward with a budget that pays for the maintenance on the road and pays for the snow plowing too so that the rest of the people don't have to pay any more taxes. They wouldn't ever be able to get a new person into the community because nobody could afford to buy the houses in that community. But the truth is, this is so wide open that I couldn't possibly support it.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Martow, you had your hand up before.

Mrs. Gila Martow: Thank you very much. I think there's almost a bit of confusion between development charges and tax levies. A tax levy is something that everybody's charged. In the city of Vaughan, where my house is located, we have a tax levy for a hospital. That means everybody pays a certain amount per year, a couple of hundred dollars. Everybody pays and everybody benefits from a new hospital.

I can't understand why people would think, when they're saying growth should pay for growth, that somehow cultural centres or things that would benefit the entire community should be paid for by the few. You could certainly see that if the community's going to grow by a fifth, they may need another community centre or things like that located in that area, but if something is going to benefit the entire community, then I think the entire community has to pay for it.

We keep talking about affordable housing in this province, specifically in York region. People cannot afford to purchase, and yet we're stacking on higher and higher development charges. We have to set our priorities. We cannot say to doctors, "We're slashing your fees," and yet we're trying to attract doctors to the province or to specific areas of the province by enticing them with golf courses. Well, they're not going to have the money to go play golf if we're slashing their fees. People who are paying high development charges are not going to have the money to join a fitness centre and live a healthy lifestyle.

I think it behooves us to sit down and think about what people can actually afford, not just another layer of taxation. People are paying high income taxes. They're paying gas taxes. They're paying sales taxes. They're paying municipal taxes. People want to start a family. They want to put their kids in hockey. Just last week, I heard people on the radio who said they were borrowing from the bank to pay for their kids to play hockey. We have to really think about our priorities, what people can afford and how we're going to help young families in this province be able to own a condo, a home or a townhouse, and be able to start a family. Higher development charges are not the way to help them.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Rinaldi and then we'll go back to Mr. Hatfield.

Mr. Lou Rinaldi: Thank you, Chair. I'm not prepared to support the motion, for a couple of reasons. The government has sought to provide a balanced approach to this to address concerns expressed by both the municipal and development stakeholders during the consultation process at the Development Charges Working Group and with the delegations at committee hearings. The proposed motion will not appropriately balance key concerns raised by all the stakeholders. So, Chair, we're just trying to provide a balanced approach.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield and then Mr. Hardeman.

Mr. Percy Hatfield: Thank you, Chair. I would love to pay more taxes on a hospital levy, because my community wants a new hospital and we have to raise 10% of the cost of it. If it's a billion dollars, we're going to have to raise \$100 million; and I look forward to the opportunity because I know that at the end of the day we'll have better medical services, better medical facilities. Yes, I will look forward to doing that, if and when we get the approval to design the hospital and to build it. I believe most people in my community would welcome that opportunity as well.

Look, all politics are local; okay? That's the basis. I know the member from Oxford had a distinguished career as a municipal leader. I know other members across the floor have served on municipal councils. I spent seven years on Windsor city council. I know that municipal councils set development fees, and the municipal councillors are the order of government with the most direct contact with the voters, their constituents. I know that on a regular basis municipal councillors look at development fees and say, "What do we need for growth to pay for growth? Do we have to adjust this?" There are consultations in their communities with the home builders and others on where we should go on development fees. I'll tell you, any time I went through it, not once did the development community say, "Yes, we want it." No, they want it to roll back as opposed to go forward. I know what stakeholders say.

I served some time on the executive at the Association of Municipalities of Ontario. I know what they think about growth paying for growth. I believe growth should pay for growth. It's not up to the provincial government to tell municipalities—you know, you can't have a view from Queen's Park that's going to fit in Oxford, Windsor or anyplace else. Those municipal politicians know what it takes for their community to grow. They also know how much they can charge, how much they can increase their rate if they have to do it—their fees—and they also know that if they increase it too much, it will stagnate growth.

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But that should be their decision. They should have all of the tools in the toolbox at their disposal. If they say to us that there shouldn't be a 10% discount and there shouldn't be ineligible services, I think we should listen.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hardeman?

Mr. Ernie Hardeman: I agree that the municipalities should be able to make their decisions on how much they can tax their people for the services that they believe the people want, and I think that people have to have a recognition of and an understanding that there is only so much money to go around, and they have to set priorities each year as to what they can or cannot do.

I found it interesting when Mr. Hatfield was talking about how he was looking forward to paying more taxes to build a hospital, and I couldn't agree with him more. It's not very often that people are looking forward to paying more taxes, but when—we just went through that; we built a new hospital in the city of Woodstock. People will contribute to building that hospital. But when they do that, the municipality, when they decided how much money they have to come up with to build a hospital, in fact, they came up with their money quicker than the province came up with theirs because they were anxious to get a new hospital.

But nowhere in that process did anyone suggest that people who did not yet live in the community but might be coming in in the next week or two, or the next month or two, should pay another \$500 or \$1,000 on their new house—

Interjection.

Mr. Ernie Hardeman: Well, depending on whether the municipality—with this resolution, there is no restriction on how much they can charge because they can charge what they want on whatever they will.

Everybody would pay, but nobody is suggesting at this point that somebody that doesn't live there yet should also pay. This is what it's enshrining: that they don't live there yet, but when they get there, they have to back-pay their contribution to the hospital that no one that presently lives in the community had to pay, and then their taxes have to pay the extra tax, just like everybody else. It's double taxation for those people coming in, and I think that's the challenge.

I think your comment that developers never want to pay more—I don't know a single developer that's going to absorb this cost. The developers are going to pass this on to the homeowners. This isn't about developers taking the money; this is about passing it directly to the municipality, and the municipality can put it pretty much to what they deem appropriate. They could put development charges in for a hospital—and in our lifetime, the government never approves a hospital. What's going to happen to that money that all of these people have paid into it? I think that things like hospitals, where we would all pay our taxes to build them—a levy as was suggested earlier, specifically for hospitals, makes a lot more sense than putting it on people who were not there.

One of the other things in this whole development charge thing that I think is very important to remember is that the people who are making the decisions at the local level, again evaluating what the people are willing to pay for and how much they're willing to pay, set the tax rate. I know that people would be very distressed when they got the tax bill if the municipality went higher than they

were supposed to, but they do control how much tax they charge on each thousand dollars of assessment on the properties in their municipality.

If this is just doing it to raise money to help municipalities pay for services that are not directly related to growth, it's just a way of hiding the taxes that people are paying. And it's not the people presently in the municipality; it's newcomers to the municipality who are being charged more than their fair share for that. I think that's just totally wrong. That's why I think broadening it up so that no one is even going to have any control—through this, the minister cannot even, by regulation, eliminate—with this motion—the ability of municipalities deciding that what we want to do is we want to buy a new fleet of trucks. I think we should put that in development charges, because our taxes are going up far too fast, and we can just cover that with development charges and do it just prior to a new developer coming in to develop, and we'd add it all on and the minister couldn't do anything about it. So I think this is far too open a resolution to support.

The Vice-Chair (Mr. Jagmeet Singh): Any further comments? Any questions? Okay, let's move to the vote. All those in favour of motion number 2? All those opposed? The motion is defeated. That completes section 2.

At this point, we are in a position to vote on section 2. Any debate on section 2 as it reads? Okay. Now, moving to the vote. All those in favour?

Mr. Ernie Hardeman: Recorded vote, please.

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote on section 2 indicated by Mr. Hardeman.

Ayes

Anderson, Mangat, Milczyn, Rinaldi.

Nays

Hardeman, Hatfield, Martow.

The Vice-Chair (Mr. Jagmeet Singh): The section carries.

Mr. Percy Hatfield: Point of order, Chair.

The Vice-Chair (Mr. Jagmeet Singh): Yes.

Mr. Percy Hatfield: Maybe for the rest of the afternoon we should just have a recorded vote for every vote so that we don't have to ask for it each time, if we can do that.

The Vice-Chair (Mr. Jagmeet Singh): Sure. I think that's acceptable.

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): I don't know the rationale for this, but the Clerk is indicating that the custom is to request it. I don't have an issue with it being recorded from now onwards. Can I overrule that custom? Let's just do that, because why not. Right? So we are going to record every vote moving forward.

Section 3: We have NDP motion number 3. Mr. Hatfield.

Mr. Percy Hatfield: I move that section 3 of the bill be amended by adding the following subsection:

“(0.1) Paragraph 4 of subsection 5(1) of the act is repealed.”

The Vice-Chair (Mr. Jagmeet Singh): Any questions, comments or debate? Sorry, Mr. Hardeman—yes?

Mr. Ernie Hardeman: I’m just a little curious as to what it all means, if Mr. Hatfield could explain what we’re trying to do with this amendment.

The Vice-Chair (Mr. Jagmeet Singh): Okay. Any other questions, comments or—

Mr. Lou Rinaldi: Chair, while Mr. Hatfield finds his notes—we’re not going to support the motion. Once again, the government has tried to bring a balanced approach to, actually, the whole bill. The proposed motion will not appropriately balance key concerns raised by all stakeholders. The government has committed to applying a 10-year forward-looking service level for transit service through regulation to help increase transit funding, subject to the passage of this bill. We’re already looking at a certain length of time to create some stability.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments? Seeing none at this point—Mr. Hatfield, any additional comments?

Mr. Percy Hatfield: No, I have none to make. Thank you.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, sir. We will now move to the vote. As indicated before, it’s a recorded vote.

Ayes

Hatfield.

Nays

Anderson, Dhillon, Hardeman, Mangat, Martow, Milczyn, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): The motion fails.

We have another motion in subsection 3: Motion number 4. Mr. Hatfield?

Mr. Percy Hatfield: I move that section 3 of the bill be amended by adding the following subsection:

“(0.2) Paragraph 8 of subsection 5(1) of the act is repealed.”

The Vice-Chair (Mr. Jagmeet Singh): Any questions, comments or debate? Mr. Rinaldi?

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Mr. Lou Rinaldi: Chair, I again recommend opposing this particular motion, for basically the same reasons as the previous motion. Just to recap: We’re trying to bring a balanced approach to the whole Bill 73 piece, and the proposed motion would not appropriately balance key

concerns—once again, taking into account all the stakeholders.

Bill 73 proposes to remove the 10% discount on transit to help increase the transit funding that is much needed in this province.

The Vice-Chair (Mr. Jagmeet Singh): Any further comments? Mr. Hardeman.

Mr. Ernie Hardeman: I’m opposed to this motion, too, and I think it’s exactly in the same way.

I appreciate that the government is removing it on transit, and I can see the need for that, but the 10% is there to make sure that municipalities have some onus to do things in a cost-effective and appropriate manner. If they get all the cost, then who’s to decide how much that’s going to be?

It goes back to my earlier comment. This is more about making sure that the development charges pay for the growth, not necessarily for operating the growth or for helping rebuild that portion of the infrastructure that’s presently worn out and needs rebuilding. I think it’s appropriate that there is a 10% discount there, shall we say, that they can’t change because that’s how much they would be overcharged for an asset that wasn’t worth anything going forward. So I will not be supporting this motion either.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield?

Mr. Percy Hatfield: I believe we heard from the financial officers’ association of Ontario as well as the Association of Municipalities of Ontario very strongly that the 10% discount isn’t working for them. These are the first order of government. They deal with this on a daily basis. They know how much it costs to provide services in their community and how much growth costs in their community. If you believe in the basic principle that growth should pay for growth, then I agree with the financial officers and the municipal politicians that they know better than we do. They know better than we do, and they say there should not be a 10% discount, and I support them in that. That’s why this motion is here.

The Vice-Chair (Mr. Jagmeet Singh): Any further comments or questions? Seeing none, we’ll now move to the vote.

This is a recorded vote.

Ayes

Hatfield.

Nays

Anderson, Dhillon, Hardeman, Mangat, Martow, Milczyn, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): The motion fails.

We move to motion number 5. Mr. Hatfield.

Mr. Percy Hatfield: I move that section 3 of the bill be amended by adding the following subsection:

“(0.3) Subsection 5(2) of the act is repealed and the following substituted:

“Capital costs, deductions

“(2) The capital costs, determined under paragraph 7 of subsection (1), must be reduced, in accordance with the regulations, to adjust for capital grants, subsidies and other contributions made to a municipality specifically for the purpose of funding increased services attributable to the anticipated development for which development charges can be imposed or that the council of the municipality anticipates will be made in respect of the capital costs.”

The Vice-Chair (Mr. Jagmeet Singh): Any discussion or debate? Mr. Hatfield.

Mr. Percy Hatfield: Chair, I’ll just basically say that this would remove the mandatory deduction for capital grants, as in the OPTA recommendation. It stills requires the deduction for capital contributions intended specifically for growth to which development charges apply.

The Vice-Chair (Mr. Jagmeet Singh): Any other comments? Mr. Hardeman.

Mr. Ernie Hardeman: I have a problem with this in suggesting that in fact the—we already have it in smaller municipalities, where you look at a bridge in the municipality and you say, “If that bridge needed replacing today, there was no possible way that municipality could ever do it without the help of the province.” I think there are a lot of those situations in the province. If you say that you can put into development charges—when you’re doing your bylaw—the total cost of repairing that bridge because you need another one to get to the subdivision; you can put that all in. If it’s impossible for the tax base there to pay for it now and you don’t include the capital that it would take, then all of a sudden you would double the price of that house to build a bridge, if they can take it and don’t have to put in that which they expect in grant money.

It’s a \$5-million bridge and they’re going to get \$4.5 million in capital grants to do it. But for the one that they actually use when they calculate it for development charges, they calculate the whole \$5 million and it increases the house exponentially so that no one could afford to possibly buy that house. That just doesn’t make any sense. So I think you have to look at, when they’re evaluating it, what it actually will cost the tax base to do it. Again, it’s paying all of the growth costs but not the money that they’re getting from somewhere else, that the community is never paying themselves for their own already, so why should the new people pay double on that?

The Vice-Chair (Mr. Jagmeet Singh): Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, basically put, the development charges regime already appropriately accounts for grants in the calculation of development charges. That piece is already there. I recommend opposing the motion.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or questions? Ms. Martow.

Mrs. Gila Martow: I think that most consumers don’t mind paying for something that they feel they’re getting

and they’re getting value. I hear from homeowners and developers that people feel they’re being charged development fees for things like parks and they don’t see a park. So they’re like, “What am I paying for? There was no park put in.” It just went into the general coffers of the city and the money was used for supporting the community.

People are very frustrated. I think that if we’re going to do long, complicated bills to address development charges, then we have to look at what people are actually paying for and giving them some transparency and accountability, which we always hear about from the government, to tell them, “This is what you’re being charged for and this is what you’re getting for it.”

People are paying for condos—we’re seeing incredible condo development all around the GTA—and they’re being charged development fees for things like community centres. We all know that these community centres aren’t even getting built because the municipalities recognize that condos have their own fitness centres. So people feel that they’re being ripped off, that somehow they’re being charged for something that they shouldn’t be charged for. The concern is that if they’re charged, say, \$40,000 in development fees on a \$400,000 condo, they’re worried that the resale value with that development charge isn’t there. If they buy that condo and a year later they get transferred to Ottawa and they need to sell the condo, yes, the value was there in their purchase price of \$400,000, but that \$40,000 of development fees they did not recoup. They felt that they paid for something that they didn’t get value for.

I think that we’re all talking around in circles a little bit, and I recognize that. But I think that we have to understand the frustration from the developers because they’re being forced to charge the consumers for something. It’s not coming out of their pocket. They’re being forced to add—it’s another layer of taxation. People want to see that they’re getting value for what they’re paying for the development fees.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments, questions, debate? Seeing none, we’ll move to a vote—a recorded vote.

Ayes

Hatfield.

Nays

Anderson, Dhillon, Hardeman, Mangat, Martow, Milczyn, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): The motion does not pass.

Moving to motion number 6: Mr. Hatfield?

Mr. Percy Hatfield: Thank you, Chair. I’d like to withdraw number 6.

1450

The Vice-Chair (Mr. Jagmeet Singh): Motion number 6 withdrawn. That completes subsection 3, so we're now in a position to vote on subsection 3.

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): Sorry; section 3. Thank you.

Any debate before we go to the vote? Recorded vote on section 3. All those in favour of section 3?

Ayes

Anderson, Dhillon, Hardeman, Hatfield, Mangat, Martow, Milczyn, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): Section 3 passes.

Moving to section 4: There are no amendments—

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): Yes. There's a notice on section 4. First of all, is there any debate or any discussion with respect to section 4? Yes, Mr. Hardeman.

Mr. Ernie Hardeman: Mr. Chairman, I'm not sure if the parliamentary assistant can answer, but this section is used to change transit from one column to the other, taking the 10% away so it can be charged in full.

The rest of the 10% ones, according to the bill, are going to be through regulation by the minister. In doing that, if it's by regulation from the minister to exempt them from the 10%, is there any particular reason why, in section 4, you're doing it via legislation on this one, as opposed to—are you looking at doing the other ones through regulation or is it just for convenience? I just can't figure out why that one particularly would be moved from one to the other in the legislation, and the only one. Our previous motion was to move two more this way to make them stay there, out of the regulation, and that wasn't accepted.

The Vice-Chair (Mr. Jagmeet Singh): Any further questions, comments? Mr. Rinaldi?

Mr. Lou Rinaldi: Our legal folks tell us that this is the direction to go, and it's not recommended to do it any other way.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments? Mr. Hardeman?

Mr. Ernie Hardeman: I would just say that I support that section of it. I'm just questioning whether you had in mind to do more of that through regulation, the way you have the bill structured.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate on section 4?

Seeing none, we will now move to a vote on section 4. It's a recorded vote. All those in favour of section 4?

Ayes

Anderson, Dhillon, Hardeman, Hatfield, Mangat, Martow, Milczyn, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): Okay, section 4 carries.

Moving to section 5: There is an NDP motion—sorry, my apologies. There is a government motion, number 7. Mr. Rinaldi.

Mr. Lou Rinaldi: I move that section 5 of the bill be amended by adding the following subsection:

“(3) Section 10 of the act is amended by adding the following subsection:

“Background study to be made available

“(4) The council shall ensure that a development charge background study is made available to the public at least 60 days prior to the passing of the development charge bylaw and until the bylaw expires or is repealed by posting the study on the website of the municipality or, if there is no such website, in the municipal office.”

The Vice-Chair (Mr. Jagmeet Singh): Any debate or any discussion on this motion? Yes, Mr. Rinaldi.

Mr. Lou Rinaldi: As a way to explain—certainly I recommend supporting this. The motion is aimed at making the development charges system more transparent by announcing public disclosure requirements for the background study. This change is in response to concerns raised by developers during working group consultations about the need for the public to review background studies for a longer period of time. Municipal stakeholders indicated that making studies available for a longer time period is not something that they would oppose.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or questions? Mr. Hardeman.

Mr. Ernie Hardeman: I wanted to make sure—we've heard some comments from Bracebridge and Durham about making sure that the asset management plan is consistent with the other requirements to avoid municipalities being required to create a whole new asset management plan. Can you advise us that that is being done, that somehow this asset management plan will comply with all the other plans that they've done? They have an asset management plan for their road system. They have a management plan, maybe, for their waste management system. It would all fit this format, this management plan that they have to prepare for the—

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Mr. Hardeman.

Mr. Ernie Hardeman: —development charge by-laws?

The Vice-Chair (Mr. Jagmeet Singh): My apologies, Mr. Hardeman. Thank you very much. Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, my understanding is that the municipality, in the majority of the cases, in order to comply with many things, has to have proper asset management plans, so I suspect that would be the case here, as well.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hardeman.

Mr. Ernie Hardeman: Just on that, the municipal finance officers said, “Municipalities should be permitted to augment existing asset management plans using

existing approaches and methodologies. Development of these plans requires considerable staff time and financial resources, and requiring asset management plans to be redone to a new methodology would place a burden on a number of municipalities.”

I guess that my concern is: Has the ministry looked at that to make sure that that is being complied with?

The Vice-Chair (Mr. Jagmeet Singh): Mr. Rinaldi.

Mr. Lou Rinaldi: Through you, Chair: Yes, we did hear that and, obviously, it’s something that we’re looking at. The ministry is reviewing, as we go through the process.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments, questions, concerns? Seeing none, at this point, we’ll move to a vote. All those in favour of motion 7—recorded vote, sorry.

Ayes

Anderson, Dhillon, Hardeman, Hatfield, Mangat, Martow, Milczyn, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): Seeing none opposed, the motion carries.

The next motion, motion 8, is an NDP motion. Mr. Hatfield—

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): My apologies, Mr. Hatfield. We’ve completed section 5 now—

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): I see. Sorry; we’re now dealing with section 5, as amended. Shall section 5, as amended, carry? All those in favour? Recorded vote.

Ayes

Anderson, Dhillon, Mangat, Milczyn, Rinaldi.

Interjections.

Mr. Percy Hatfield: Did we deal with motion 8?

The Vice-Chair (Mr. Jagmeet Singh): Motion 8 is 5.1, so it’s a separate section. It doesn’t fall under section 5. All those in favour—now all those opposed to section 5, as amended? There’s no one?

Mr. Lou Rinaldi: Chair, we’re voting for section 5, right?

The Vice-Chair (Mr. Jagmeet Singh): Yes, as amended.

Mr. Lou Rinaldi: We just voted on that, no?

The Vice-Chair (Mr. Jagmeet Singh): Yes, we did. We just completed it. We voted first on the amendment and then section 5, as amended. That vote is completed. I just have to say: All those opposed? And there’s no one opposed.

Now, there’s a new section—

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): Sorry, section 5 carries.

Now we’re on section 5.1. There was bit of confusion because it sounds like it’s a part of the same, but because it’s 5.1, it’s technically a new section.

Now we’re going to motion number 8, section 5.1.

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

“5.1 Clause 16(4)(a) of the act is repealed.”

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Mr. Hatfield. Just a moment’s indulgence, please.

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): So because section 16 was technically not opened by this bill, I have to regretfully rule that this motion is out of order.

1500

Mr. Percy Hatfield: I respect your ruling, Chair, but I must say to the government members that it has been a long-standing request by municipalities that it’s unfair that developers can’t lose if they appeal a development charges bylaw. What I was hoping to do was remove the limit on the OMB that prevents the board from increasing a development charge on appeal.

The Vice-Chair (Mr. Jagmeet Singh): We now move to—

Mr. Lou Rinaldi: Chair?

The Vice-Chair (Mr. Jagmeet Singh): Yes, Mr. Rinaldi?

Mr. Lou Rinaldi: I know that the motion is deemed out of order, but the ministry has committed to reviewing the OMB Act sometime next year, so that’s something that we could certainly chat about then.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments? Ms. Martow?

Mrs. Gila Martow: Yes. I’m just sort of concerned because yes, I can understand what the member from the third party said, but it’s not just developers who bring appeals to the OMB; there are also organizations that bring appeals to the OMB. I would be concerned that this could almost be used in a threatening manner, that if you bring a complaint to the OMB about the height of a building, well, you may increase the development charges along the way. I heard that in council meetings before I was elected, where city councillors warned community groups, “If you complain about the rezoning of eight storeys to 12 storeys, the OMB may very well decide it should be 20 storeys.” So that’s a bit of a scary presumption for people.

People should feel comfortable, whether they’re developers or organizations or just concerned citizens, taking something to the OMB. I don’t think it’s really the OMB’s place to start raising development charges.

The Vice-Chair (Mr. Jagmeet Singh): Okay. I’ll now move to motion 9, and it deals with section 6. It’s a PC motion. Who will be moving this motion?

Mrs. Gila Martow: Okay, me. Sorry.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Martow.

Mrs. Gila Martow: I thought the next one was the NDP. Did I pass it?

Interjection.

Mrs. Gila Martow: Okay, you’re right.

I move that section 6 of the bill be amended by adding the following subsection to section 26 of the Development Charges Act:

“Multiple phases

“(1.2) If a development consists of two or more phases that will not be constructed concurrently and are anticipated to be completed in different years, each phase of the development is deemed to be a separate development for the purposes of this section.”

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments, concerns, debate? Mr. Hardeman.

Mr. Ernie Hardeman: This amendment would make it clear that when a development is going to be completed in multiple phases, the builder will not be forced to pay the development charges for the entire project when the first building permit is issued. This would make it clear that if a condo developer is building two adjoining towers 10 years apart, the development charges for the two projects would be separate, or if a company is building a plant with a plan to expand that plant five or 10 years down the road, they wouldn't pay the entire development charges right away.

We heard the concern from municipalities and AMO that this could be used to lock in development charges at a lower level years before the development actually takes place. At the same time, we heard concerns from builders about how this section would be implemented.

While we understand the goal of the section, it seems that the government hasn't gotten it quite right for either side. I suppose one could try and make an argument that if nobody's happy, it must be a compromise, but I think in these here that they are actually both unhappy for the same reason: that the development could be over quite a number of years.

I think the intent of this section would be to say that the building permit is issued for the building completely; you can't get it one phase at a time for the development charges. The two towers built five years apart—I think we should make it clear that the development charges are paid when the next building permit is required.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Rinaldi?

Mr. Lou Rinaldi: Chair, this is a rare occasion. We're going to recommend supporting this motion for the sake of clarity. It's something that already happens, but for the sake of clarity we're prepared to support the motion.

The Vice-Chair (Mr. Jagmeet Singh): Excellent. Mr. Hatfield?

Mr. Percy Hatfield: After hearing Mr. Rinaldi, I'm speechless. I will support the motion as well.

The Vice-Chair (Mr. Jagmeet Singh): Interesting things happening in this committee. Wonderful, Mr. Hatfield.

Mr. Ernie Hardeman: I don't want to put this on the record, but maybe I should withdraw. No, I don't. I appreciate—

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hardeman made some comments that are not to be made on the record.

Mr. Ernie Hardeman: I do believe we heard from quite a number of presenters about the concern about the time lag, so we thank everyone for that.

The Chair (Mr. Jagmeet Singh): Any additional comments or debate? Seeing none, we'll move now to the vote.

Shall motion number 9 carry? Recorded vote.

Ayes

Anderson, Dhillon, Hardeman, Hatfield, Mangat, Martow, Milczyn, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): All those opposed? Seeing none, the motion carries.

Any debate on section 6 before we move to a vote on it? Seeing none, now we move to a vote on section 6. Shall section 6, as amended, carry?

Ayes

Anderson, Dhillon, Hardeman, Mangat, Martow, Milczyn, Rinaldi.

Nays

Hatfield.

The Vice-Chair (Mr. Jagmeet Singh): Section 6 carries, as amended.

Now we move to motion number 10. It's an NDP motion. Mr. Hatfield.

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

“6.1 Subsection 38(3) of the act is repealed.”

The Vice-Chair (Mr. Jagmeet Singh): Would you like to make any comments about your motion before I make my ruling?

Mr. Percy Hatfield: I just think it's a little bit better than the previous one. Requiring the development charges to be paid when the first building permit is issued—the Municipal Finance Officers' Association of Ontario and the Ontario Home Builders' Association have said it's impractical. So I just think it's an improvement.

The Vice-Chair (Mr. Jagmeet Singh): In this case, again, with motion 10, subsection 38(3) is not opened up by this bill, so for that reason I have to rule this motion out of order.

1510

We will now move to the next section, section 7. There are no amendments to section 7. Is there any debate on section 7? Seeing no debate, I now ask the question: Shall section 7 carry? Recorded vote.

Ayes

Anderson, Dhillon, Hardeman, Hatfield, Mangat, Martow, Milczyn, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): Okay. Section 7 carries.

We have motion number 11. It's an NDP motion. Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Chair. I believe I will be withdrawing motions 11 and 12. I should have withdrawn number 10 as well, I guess. Thank you.

The Vice-Chair (Mr. Jagmeet Singh): So right now, Mr. Hatfield, you're withdrawing motion 11?

Mr. Percy Hatfield: Yes.

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): And 12. Motions 11 and 12 are withdrawn.

Moving right along, now we're moving to section 8. We have a PC motion for section 8, motion number 13. Who will be moving this motion? Ms. Martow.

Mrs. Gila Martow: I move that section 59.1 of the Development Charges Act, as set out in section 8 of the bill, be amended by adding the following subsection:

"Exception

"(2.1) In the case of a municipality in which a development charge bylaw is not in force, subsection (1) does not apply with respect to charges that a municipality and a developer mutually agree to in respect of prescribed services."

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Martow. Any debate or questions on this motion? Mr. Hardeman.

Mr. Ernie Hardeman: Yes, Mr. Chair. This amendment would allow municipalities who do not have a development charge bylaw to enter into co-operative agreements with builders to cover prescribed costs related to the development.

In committee, we heard that only about half of Ontario municipalities are collecting development charges. As the Building Industry and Land Development Association said during their presentation, there are times when the developer wants to enter into a co-operative agreement to advance required infrastructure. This would allow municipalities without development charge bylaws to work with developers to come to agreements for infrastructure cost-related development.

According to the Municipal Finance Officers' Association, in 2013 only 204 municipalities collected development charges. Mr. Chairman, that's just slightly under half the municipalities.

The Building Industry and Land Development Association said during their presentation, "However, what Bill 73 fails to acknowledge is that there are instances involving co-operative agreements where a developer agrees to make payment, to advance required infrastructure that is found in the approved municipal development background studies of the municipality and is in the best interests of the municipality and community."

As Watson and Associates said during their presentation, and, Mr. Chairman, they do the majority of the development charge bylaws in the province, "If a small municipality that doesn't have a" development charge "bylaw has maybe a shopping mall, maybe has an

industry, maybe has a big box store that's being built, there are a lot of localized services they would ask for. 'Put in a taper lane. Put in signalization. Put in sidewalks.' The way it's written right now, I would deem that they're not able to recover those costs. So they're either forced into a development charge process or they're not allowed to recover these costs."

I think that's why we have this in there, so, in fact, without a development charge, one-off, they can actually make a mutual agreement. How can one say that a mutual agreement would not be in the best interest of the planning process in that area? I would hope that this is another one of those that the government side sees the benefit of supporting—a good motion. With that, we'll hear from them.

The Vice-Chair (Mr. Jagmeet Singh): We see Ms. Martow.

Mrs. Gila Martow: I think that it's hard for us sometimes in the GTA to remember what it's like in other small communities. They need the flexibility, I think, these small municipalities—it's what we're hearing—to get the needed infrastructure in place that the developers are willing to do and could often do a lot more cost-effectively, in lieu of set development charges that we would maybe think would be standard in the GTA; they don't have the same standard agreements.

I'm reminded of purchasing a new home, where I agreed right away to the asking price but put in the offer, "I'll give you your asking price, no bargaining, but you finish the basement for me." I knew that the builder could finish off a basement reasonably cheaply—far cheaper than I could certainly negotiate. And he was quite happy to take that agreement, even though, an hour before, somebody had offered him a price that wasn't that much lower without asking for any upgrades. They were quite furious because they would have agreed to the same deal.

I think that we need to allow the municipalities to have that same flexibility. I understood what my needs were, the builder understood what his needs were and we were able to come to a very happy, mutually beneficial agreement. I think that we have to allow municipalities and developers in those municipalities to do the same.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or debate? Mr. Milczyn.

Mr. Peter Z. Milczyn: Thank you. Just very briefly, the purpose of what's being proposed to be deleted here would allow a municipality to try to do something which they're not really doing properly. If they really want to have a broad-based way of charging for growth-related issues, they should have a development charges bylaw. If they do not, they should not try to implement one along the side.

Certainly when a development in a small town occurs, where there is no development charges, if they need a left-turn lane, if they need a new access road, there are any number of ways a municipality can legally secure that: through site plan agreements, through development agreements or through plans of subdivision. Those legal remedies exist. This is essentially to stop municipalities

from trying to do what they should be doing properly by doing it without a proper development charges bylaw or background study.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Chair. I support the amendment. I think we heard loud and clear from the financial officers' association and others that, in smaller municipalities, you have to be flexible. I think "flexibility" was the word we heard most frequently: that opportunity only knocks a few times, and you've got to be able to say, "Yeah, we can make that happen."

The length of time it would take to come up with a development charges bylaw versus the time it would take using common sense and flexibility in a small municipality to encourage a new development when somebody knocks on your door—I think that timing is of the essence because if they can't get it from you, they may go to the other side of the road, which could well be a boundary, and go to another municipality. You're going to lose out on the assessment that would normally accrue if you could prove that you were flexible enough to make things happen on a voluntary basis. The developer would recognize that and be willing to do what, in fairness, would benefit both sides, so I see this as one of those common-sense types of things where you give the local municipality—those who know best about their own municipality—the flexibility and the creativity, if you will, to encourage development if somebody knocks on the door and says, "I'd like to do this. Can we make it happen?" without going through the time and the expense of a development charges bylaw. I know that in larger or medium-sized municipalities, it's not such a huge cost, but in a small municipality it is. So I certainly support the motion.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hardeman.

Mr. Ernie Hardeman: Thank you very much, Mr. Chair. With the greatest respect to my colleague across the floor here, obviously there's a misunderstanding of small communities in rural Ontario. Over half of the municipalities in this province don't have a development charge bylaw. That doesn't mean they don't want development; it just means that they haven't had any approaches of people who do that.

They use alternatives such as local improvement charges to charge it along the road, and so forth. But if somebody comes in that's slightly out of the norm, this—because they're not allowed to enter into mutually agreed-upon agreements, they cannot accept the developer to extend the sewer to the edge of town unless they have a development charge bylaw, because they can't charge for that service because it's not on their property and they can't charge a special agreement, unless the developer comes up and pays cash and gives it to the municipality and builds it right now. They couldn't build it on a shared basis.

1520

One of the things that we used to use a lot of, if you had a place where you wanted to develop a small

development at the end of the road but the services weren't there: The developer would come in and you would sign an agreement. They would agree to put the services from downtown to that subdivision and then get the money back, front-end-loaded. They would pay for it all and they would get that money back when the rest of the development took place. This prevents them from doing that. This resolution is to make that possible so they don't have to necessarily do a development charge bylaw.

The real purpose of development charge bylaws is to make sure that both parties believe that they're getting a fair deal: that growth is paying for growth. If you do it one-off and you have them do it through an agreement, they both sign the agreement and we have accomplished exactly the same thing. Both parties agree that this is the development they want to happen and this is the development that they are willing to support and that the developer is going to pay the cost. Everybody is happy.

It seems to me to say, "Yes, but we have a law that says you can't do that. You must find a way to create a development bylaw, do all of the studies and do all of the time before we can make a deal on you extending our services to the development that you want."

This, in my mind, is trying to do it the wrong way, because if it was the wrong way, the municipality doesn't have to agree and then it wouldn't be a mutually agreed-upon agreement. If it's mutually agreed upon, it's what everyone wants and they want to get it done.

Unless the province has an interest in creating more bureaucracy to say, "No, no, you can't build that super-market because you need an agreement, and you don't have a development charge"—you can't do that unless you want to spend the next two years getting a development charge bylaw in place, and then that developer will be long gone. This is just to deal with these 400-and-some municipalities that have no development charge bylaw.

It has been in place a long time, but they've never had the need for it. That need hasn't changed with this piece of legislation. In fact, the development charge bylaws have been in place longer than I've been here, and that's a long time. This is just to cover off those that don't have one and don't see the cost of doing it as a good investment for the future.

I would hope you would consider putting your support behind this motion.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or debate?

Mrs. Gila Martow: I'll be very quick.

The Vice-Chair (Mr. Jagmeet Singh): Yes, Ms. Martow.

Mrs. Gila Martow: I just feel that this is Big Brother. It's wanting to be involved somehow—there are no taxes on development fees, so it's not like there's a barter system going on where people are saying, "I'll paint your house in exchange for you doing my landscaping," and neither of us are paying taxes. It's not that kind of situation at all. The government doesn't lose out in any

way, shape or form, except for maybe a certain amount of control or oversight, and I can't imagine why municipalities wouldn't be trusted to look after their best interests.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield?

Mr. Percy Hatfield: Chair, just for the record, I wonder if the distinguished member from Oxford would inform the committee just how long he has been here. He said he had been here a long time.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hardeman?

Mr. Ernie Hardeman: Just for the record, I just want to read the last statement again from Mr. Watson, who does a lot of development charge bylaws. He's talking about the 400-and-some municipalities who don't have a development charge bylaw: "The way it's written right now, I would deem that they're not able to recover those costs. So they're either forced into a development charge process or they're not allowed to recover these costs."

You mentioned about all of these other ways that they recover the cost. That's not available to these developments, according to Mr. Watson, who does the development charge bylaws. I think that having an exception for those people—if they're going to do a lot of this, it would be much more advantageous for them to develop a development charge bylaw, but if it's just a one-off, I just believe that it should be allowed so they could recover those costs.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Mr. Hardeman.

Any additional comments or debate? Seeing none, we will move to a vote on motion 13. Shall motion 13 carry?

Ayes

Hardeman, Hatfield, Martow.

Nays

Anderson, Dhillon, Milczyn, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): Motion 13 does not carry.

We have another motion on section 8: motion 14, a PC motion. On this motion, just to clarify, there was a typo in the initial motion, so there's an amended motion. It's 14.1. Does everyone have that amended motion? We're content to proceed with the amended motion 14.1. So please move that, whoever would like to move that.

Ms. Martow.

Mrs. Gila Martow: I move that section 59.1 of the Development Charges Act, as set out in section 8 of the bill, be amended by adding the following subsections:

"Exception, old agreements

"(3.1) Subsection (1) does not affect any agreement made before the day section 8 of the Smart Growth for Our Communities Act, 2015 comes into force.

"Same

"(3.2) Subsection (3.3) applies in respect of an agreement if the following circumstances exist:

"1. The agreement includes a charge in respect of a service that was an ineligible service before the day subsection 2(2) of the Smart Growth for Our Communities Act, 2015 comes into force but is an eligible service on or after that day.

"2. The municipality in which the agreement relates passes a development charge bylaw after the day subsection 2(2) of the Smart Growth for Our Communities Act, 2015 comes into force that provides for a development charge for a service that was an ineligible service before that day, but is an eligible service on or after that day.

"Same

"(3.3) Despite subsection (3.1), the charge in respect of a service referred to in paragraph 1 of subsection (3.2) does not apply and instead the development charge set out in the development charge bylaw referred to in paragraph 2 of subsection (3.2) applies."

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or debate? Mr. Hardeman.

Mr. Ernie Hardeman: Yes. Thank you very much, Mr. Chairman. This motion would grandfather the cooperative agreements that have been voluntarily entered into by builders and municipalities. It would ensure that grandfathering does not result in double-charging for services by excluding an agreement that was made regarding a previous ineligible service if the municipality then passes a development charge bylaw regarding that service.

We heard from municipalities such as Barrie that they have voluntarily entered into agreements with builders and planned their budgets based on this funding. Currently, the bill only exempts charges already paid, not the agreements that have been negotiated and budgeted for.

Mayor Lehman of Barrie said, "The practical impact for our municipality would be an inability to implement a capital plan that is entirely in conformity with the growth policies of the province, and an inability to move forward with careful, well-thought-out planning that's been agreed with by the development community.

"We have a plan that was collaborative and agreed upon. We're ready to go. But those agreements that have already been negotiated need to be protected."

On the issue of the development charge bylaw exemption, Mayor Lehman said, "Sure, and we would certainly agree to maintain our side of the agreement. There would be no notion of renegotiating charges already established within the agreement."

Those were his comments and his quotes, and the reason we put this forward is twofold: one is to make sure that those agreements are in fact valid and will stay valid if they're presently in the position. Secondly, if the agreement stays and they have an agreement for development in the suburbs, and then they redo their development charge bylaw and the houses that the agreement covered have not yet been built, or whatever was going to be built there had not yet been built, and all of sudden

they have the agreement that they're getting paid and then they also apply the new development charges to the building that has not yet occurred, those people would then be asked to pay double.

The mayor made it quite clear when he presented here that that was not their intention, nor would they do that. But I think some people would have some concerns that somebody might happen to do that. This amendment is to clear that up so that if that agreement is in place, it stays in place, but you can't double-bill. You can't put development charges and the agreement both on the same building.

1530

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments? Mr. Hatfield.

Mr. Percy Hatfield: Yes, I remember when Mayor Lehman was here. I think he made it quite clear that he was also speaking for LUMCO, as chair of LUMCO, when he was here.

I remember asking him, when he was dealing with the developers of the project in question, if they were in agreement. He said that, yes, there were negotiations. They had negotiations; it was a give and take; there were compromise positions taken. But at the end of the day, they came to terms with the people who were interested in creating a new growth area in the municipality of Barrie and that they were ready to go. He was afraid that what the government was proposing would scuttle that agreement because of the voluntary contributions that were enabled, if you will, in their agreement. I don't think our role should be to scuttle any kind of a deal that has already been negotiated between willing partners, so I'm fully in support of the grandfathering of this clause.

We also heard from a senior administrative officer in the community of Ajax who said that they were ready to roll. They didn't have a deal signed, but they had agreement with the developers and they were ready to roll on it. He was afraid that that was going to stifle the growth in the community of Ajax as well.

I do think, and I've said it before, that the municipal leaders know what is best for their community. They know what they can charge. They know how much a development costs. They know if the municipality can afford it, be it through development fees or tax levies, tax increases. If they've figured it out, that they can't just do it on the backs of the taxpayer, that they need something extra, and the developer, who really wants to move into their area, says, "You know what? We will voluntarily pay you a little bit more for this or for that because we really want to move into your area," we should say, "Yes, go ahead and do it."

There should be that flexibility on a grandfathered basis. I'm not talking about on a go-forward basis. I'm talking about the communities that have stepped up, are ready to roll, have their agreements in place, either signed, sealed and delivered or almost there—and this, actually, would give them the encouragement to finish it off. But we shouldn't be trying to scuttle what they've been working on for years. Working out a major develop-

ment is not something that you do overnight. If you have a development ready to go and the development community is there to say, "We really like what's on the table. We're willing to go. We'll pay a little bit extra," I think we should allow that to happen. So I fully support this amendment.

The Vice-Chair (Mr. Jagmeet Singh): Any additional—Mr. Rinaldi.

Mr. Lou Rinaldi: I certainly recommend opposing the motion for a couple of reasons, for this particular view: The government is committed to fostering an accountable and transparent development charges system so that it's equal across the province. The proposed provisions intended to deal with voluntary payments include a transition provision to ensure that charges that are imposed before the proposed reform comes into force will not be subject to new requirements. For those reasons, I recommend opposing it.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments? Mr. Hardeman and then Mr. Hatfield afterwards.

Mr. Ernie Hardeman: I can't understand the government's position that in fact there's no concern that the agreements that they presently have would become null and void when they put development charges in place on those lands. Obviously, in the planning process, these agreements were put in place with a large contribution and a large offer of support to allow this to happen, because they couldn't happen without that voluntary contribution. When they wrote that agreement, they didn't know that this bill was coming forward, so they didn't know that, by the time they got to actually building what it is they have under the agreement, they may also have to pay development charges on that amount.

I can see that both the city of Barrie and the developers in that area are going to have real concerns as to where they go from here. Do they throw the agreement out and work out a plan as to how you would pay for the development in those suburbs under the new development charges bylaw, or should they just give up altogether? According to the bill now, the agreement would not stand up because you can't have a voluntary agreement and development charges on the same piece of property—or you can't have an agreed-upon agreement at all anymore in this bill. I don't know how they're going to square the circle as to decide where the city of Barrie—and you could tell in the presentation that the mayor made that he had real concerns with this.

I would have thought that this amendment would have actually come from the government side, because it seems to me like almost a given that you had to do it. I don't know how you can turn your back on the city of Barrie and people like them who have made agreements to develop beyond their present borders, and how they're going to do that in the future if they can't hold the developers accountable for the agreements that they've signed.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or questions? Mr. Hatfield.

Mr. Percy Hatfield: I remember at the time, after Mayor Lehman spoke, Mayor Burton from Oakville came. I recall that I told him I used to be a journalist and I was looking for a clip: Was he fully in accordance with what Mayor Lehman was saying or was he at some disparity? He said, “No, no. I fully support what LUMCO is doing, what Mayor Lehman is doing.”

I know the staff has been busy on the government side putting this together, but when you have political representation on the government side from the city of Barrie, from the city of Oakville, from the city of Ajax, and you’re voting against their municipal representatives who have come to you and said, “We need this. We really, really need this for our community to grow and prosper,” and you have representatives in your party from those communities, and you’re saying—unless you want to defer a vote on this one and check with your local members and see if they can convince you otherwise. But I would think it would be tough on those members to go back to their communities after their municipal leadership has come here and begged you to give them a grandfather clause on this, and you say, “Too bad, so sad.”

I guess I see it as municipal leaders knowing what it takes to grow their community, and we shouldn’t be putting roadblocks in their way.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments? Yes, Mr. Hardeman?

Mr. Ernie Hardeman: Chair, I request a 20-minute recess before the vote.

The Vice-Chair (Mr. Jagmeet Singh): Sure, you’re able to do so. A 20-minute recess has been requested.

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): Yes. A 20-minute recess has been requested and will be granted.

Mrs. Gila Martow: I suggested 15, but I was told it has to be 20.

The Vice-Chair (Mr. Jagmeet Singh): Twenty is fine.

A 20-minute recess—and we’ll return at? What time is it?

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): We’ll be back at 3:58.

The committee recessed from 1538 to 1558.

The Vice-Chair (Mr. Jagmeet Singh): It is time to resume the committee. At this point in time we are moving immediately to the vote.

Mr. Hardeman had asked for a 20-minute recess before the vote and now we are in a position to vote on motion 14.1. Shall the motion carry? Recorded vote.

Ayes

Hardeman.

Nays

Anderson, Dhillon, Milczyn, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): The motion does not carry.

So we are now in a position to vote on section 8. Any comment on section 8 in general?

Mr. Percy Hatfield: Oh, I may have some. I don’t know.

The Vice-Chair (Mr. Jagmeet Singh): Any comment on section 8 in general? Mr. Hardeman.

Mr. Ernie Hardeman: Yes, Mr. Chair. We understand that the goal of this section was to ensure that builders are not held hostage and forced to pay additional charges, but there are a number of unintended consequences. This section creates challenges for over 200 municipalities that we heard do not collect development charges. Builders who spoke to the committee raised concerns about the section as written.

1600

BILD, a Toronto organization, said, “What Bill 73 fails to acknowledge is that there are instances involving co-operative agreements where a developer agrees to make payment, to advance required infrastructure that is found in the approved municipal development background studies of the municipality and is in the best interests of the municipality and community.”

The challenges that are in this section are what we were trying to connect with the amendment.

Of course, with the failing of the amendment, I can’t say I could possibly support this section the way it’s written, because in fact, nobody came in to tell us that this was well done the way it was written. I know the government is suggesting, “Well, there are other ways of accomplishing what you’re trying to accomplish. It’s no problem at all.” But that’s not what all the people who came in to talk to us told us. They said that if we implement it this way, it will cause problems for a lot of people, particularly the 200 municipalities with no development charge bylaw now.

Even the people, like we mentioned, in Barrie who are trying to expand both with development charge bylaws, but then with the agreements beside that and how you meld those two together—I just don’t believe that this section is in the best interests. I don’t think this section accomplishes what the government wants to accomplish. I hate to say it. This is one of these that I’m really surprised at—that the government wants to implement this section the way it is, because everybody who came forward told us, “Don’t do that.” Why are they doing it? I just don’t understand it.

With that, I’m going to have to vote against it.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield.

Mr. Percy Hatfield: Like the member from Oxford, I’ll be forced to vote against section 8 as well. I was hoping, during the break, that government members would have consulted with their members from Barrie, Ajax and Oakville and seen the error of their ways, because there will be a political price to pay at the municipal level for not supporting—and I only mention those three, but if you think of all the mayors of the Large Urban Mayors’ Caucus of Ontario, at AMO, who

came to us and said they really needed this—this was the way that they had signed on to be able to grow their communities, and they know best how to do that. The government is saying, “No, we know better,” and I’m just sadly disappointed that that’s the result.

The Vice-Chair (Mr. Jagmeet Singh): Any other comments or concerns? Seeing none, we are now in a position to vote on section 8.

Shall section 8 carry? It’s a recorded vote.

Ayes

Anderson, Baker, Dhillon, Mangat, Rinaldi.

Nays

Hardeman, Hatfield, Martow.

The Vice-Chair (Mr. Jagmeet Singh): Section 8 carries.

We’ll now move to section 9. The first motion we have is motion 15. It is a PC motion. Who will be moving this motion? Ms. Martow.

Mrs. Gila Martow: I move that clause 60(1)(c) of the Development Charges Act, as set out in subsection 9(1) of the bill, be struck out and the following substituted:

“(c) clarifying or defining terms used in paragraphs 1 to 4 of subsection 2(4);

“(c.1) prescribing, for the purposes of paragraph 4 of subsection 2(4), services for which development charges may not be imposed;”

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): Just a moment’s indulgence, please.

Mrs. Gila Martow: My notes say that we should withdraw this section—sorry, I just saw that now—because the other section didn’t pass.

The Vice-Chair (Mr. Jagmeet Singh): The Chair doesn’t like to make rulings that would rule a motion is out of order, so I’m glad that you withdrew it.

Mrs. Gila Martow: Yes. We’re withdrawing.

Mr. Ernie Hardeman: Mr. Chair, we were so sure the government would support that previous motion that we forgot that we had to withdraw that one.

The Vice-Chair (Mr. Jagmeet Singh): No problem. Motion 15 is withdrawn.

We move to—

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): Yes, sir?

Mr. Percy Hatfield: Because I’m so impressed that they withdrew 15, I would like to withdraw 16, 17, 18, 19, 20, 21 and 22.

The Vice-Chair (Mr. Jagmeet Singh): Okay. Let’s go through that just one more time and make sure we have that proper. So you’re withdrawing motions 16 through to 21, inclusive—is that correct?

Mr. Percy Hatfield: Twenty-two, sir.

The Vice-Chair (Mr. Jagmeet Singh): Through to 22, inclusive.

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): Yes; good point. Let’s just deal with 16 through 19, just because they all deal with section 9, and then we can move into the additional amendments.

So once again, motions 16 through 19 are withdrawn. That means that we are now in a position to deal with section 9 as a whole. Is there any debate on section 9 as a whole as it reads right now? Seeing no debate, we are now in a position to vote on section 9. It’s a recorded vote. Shall section 9 carry?

Ayes

Anderson, Baker, Dhillon, Hardeman, Hatfield, Mangat, Martow, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): Okay. Section 9 carries—sorry, all those opposed? Section 9 carries.

Mrs. Gila Martow: I find that peculiar, if everybody has voted already. I know it’s protocol, but I just wanted to be on the record as saying it’s peculiar.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Martow, I support your notion that it is peculiar. That’s probably why I forget to do it every time.

We’re now moving to section 10. Now we can deal with the additional motions. Mr. Hatfield, can you please reiterate which motions are—

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): Sorry, yes. Dealing with section 10, there is an NDP motion, motion 20. What is your opinion on that motion?

Mr. Percy Hatfield: Although I love the motions, I will withdraw motions 20, 21 and 22.

The Vice-Chair (Mr. Jagmeet Singh): Okay, we’ll just deal with them—actually, we could do it that way. Starting with motion 20 being withdrawn, there are no motions to amend section 10. Any debate on section 10? Yes, we have Ms. Martow.

Mrs. Gila Martow: There’s a lot of concern in York region about development charges, and I don’t think that comes as any big surprise to anybody here. Part of the problem is that we have an extra layer of bureaucracy and taxation that we don’t have any longer in Toronto. We have what’s called York region, and York region has an administrative building and maintains the regional roads and many of the large infrastructure issues. Then there are the six municipalities. The municipalities are struggling just to take care of some of their demands: community centres and parks and things like that. But as well as that, there are some serious flooding issues. The water table is rising and many houses are being flooded. Markham has a \$1-million project under way to deal with storm water drainage. Now we find out with the new administration—we had a chair, Bill Fisch, for about 18 years, I believe, and now we have a new chair, Wayne Emmerson, who has taken over. All of a sudden we’re told that York region is in debt to the tune of billions of dollars, and many projects have been put on hold.

Developers are upset because they have their permits and they're all set to go and their projects are being put on hold.

So we've got debt at the municipal level, we've got debt at the regional level, we've got debt at the provincial level, and everybody's looking for developers to somehow come riding on a white horse and pay all of these development fees. What they're forgetting is that it's the consumer who pays the development fees. Who are the consumers? They're the same people that everybody cries about that they need affordable housing. So we've got single mothers buying condos for themselves and their children and they still have student debt to pay off and then we're asking them to pay higher and higher development charges, and they can't. They can't do it.

I think that there's a lot more that we could be addressing here, in terms of this bill. We seem to be forgetting about the big picture, which is that there's only one taxpayer, and it's that taxpayer who has to shoulder all those development fees. So I'm very concerned in terms of section 10.

1610

Some developers are saying that they would like, sometimes, the province to step in and set development fees because they feel that there's just too much demand on them by the municipalities. Maybe the municipalities are pitting the developers against each other and saying, "This developer is going to get permits because he's agreeing to our development charges and you're not."

I have to say, kudos to the developers for going to bat for the consumers. The developers often get a bad rap and are just seen as worrying about their profits, but I think that they do want to be able to service the community and to supply some level of affordable housing.

By allowing increasing development fees, we're making housing less affordable, not more affordable.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments with respect to this section? Mr. Hardeman.

Mr. Ernie Hardeman: This is the last section, as we're going through it, that deals with development charges, and I think it's important to put on the record that it seems—though some of the things have been made clearer and are supported—it does a better job of making sure that growth pays for growth. But in the big picture, all the changes that we've talked about so far today in the Development Charges Act are going to increase the cost of housing in the province of Ontario.

We already have a problem with affordability. We have fewer and fewer people who are being able to look at the hope of owning their own home, because the cost of housing in Ontario is going up. Everything we've done today—and nothing that comes there to say, "Well, we're going to make this more affordable for the consumer." It's all about: "How can we take more tax money out of the pockets of consumers so we can pay for the services?"

I was a municipal politician for 15 years. I recognize the challenges that municipalities are facing in trying to get enough money, particularly with the downloading of

government on them—I don't mean services. But each year, they're sending less money in support to municipalities. They come up with programs for infrastructure, but the municipalities have to come up with a third. They're all having to borrow that third to pay the bill, and the next year, when they do the taxes, they have to pay that off. There just is no more room in their tax budget to look at paying for their services. So I understand their need for more money. But I think just putting it on top of new homes being built in your municipality or anywhere in the province is not the answer to our affordable housing problem.

I think we've got to work at ways to reduce the cost for consumers, not increase it. There are enough things that they can't do anything about, such as the hydro costs that have gone up and all the other things that the government has done to them, shall we say. But now to say, "Well, municipalities, if you're having trouble making ends meet, here are some opportunities to charge more money to the people in the taxes"—as I said earlier in this debate, they do have the ability to increase their taxes, but they've reached a plateau of what the public is willing to accept or is able to accept. The government says, "Don't worry about that. We'll hide it for you. Just tack it on the price of a new home and then you'll have the money. Haven't we done a wonderful job to help you out?"

Folks, it's all the same people's money. People won't be able to afford or can't afford to buy homes in the province of Ontario anymore, and this bill, though it's designed to make it a better place, actually makes it worse. Everything it does, as it relates to finances—it charges more money. We can make a story to suggest that it's coming out of the pockets of the builders and the developers. No, it's coming out of the pockets of the homeowners who are trying to buy their first home, or somebody who is moving up and providing their home to someone who's buying their first home.

This is going to hurt the housing market, and there's obviously nothing we can do about it now. But I do want to say that, as we're at the end of that part of this bill, I think it's too bad that we couldn't have done something to improve the system, as opposed to just trying to make it a piggy bank so we could go and get more money out of the industry, who, in turn, will pass it on to that first-time homebuyer who wants to buy a home.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Martow?

Mrs. Gila Martow: Also, we haven't focused enough on ensuring that appropriate development is placed on appropriate lands.

I think this bill would be enhanced by clarifying the intent that it's in the best interests of everybody here in Ontario that development charges not be an impediment to smart growth. I think that's the concern here: If development fees are too high, people won't be able to afford to be part of the community.

We heard from stakeholders from the development industry when they gave their deputations, and they were pleading with us to foster smart, transit-oriented growth.

I think the developers really want to be part of the solution. They get a bit of a bad rap sometimes. I think some of the stakeholders would like to see us ensure that the government is able to send a strong message to municipalities, to the development industry, and even to homeowners, that we're committed to the growth plan and to smart, transit-oriented communities.

We want to see, specifically, in area-specific development charges, that the Lieutenant Governor in Council should be able to take into account the need for smart growth and transit-oriented, complete and compact communities by incentivizing targeted urban intensification when it serves the public interest. I think that's really what we should be addressing.

We have the Places to Grow Act, and many of the municipalities are on board with their own government-approved plan for intensification. What we're seeing, certainly in my community of Thornhill, is intensification in terms of condos, but we're not seeing the balance in terms of the transit. The subway still isn't going to Richmond Hill. It has been a priority for 30 years. We're not seeing the economic plan. So we're seeing condos being built, but there are no jobs in the community. It's still a bedroom community. We can't call it a true downtown. The local councillor likes to call it "downtown Thornhill." What kind of downtown has condo tower after condo tower but no business towers?

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield?

Mr. Percy Hatfield: I have general comments on section 10.

We have 107 members of provincial Parliament and 444 municipalities. The municipal leaders know, as they set development fees, what their community needs. They know what their community can afford. They know best how to grow their municipalities. I think that when we hold these types of discussions, we should listen more to the people on the ground, if you will, outside the bubble at Queen's Park.

I have great respect for our development community: the people who build houses, the people who sell houses. I also have great respect for municipal leadership: the men and women who get elected at the municipal level or the men and women who work for municipal government.

I drank the municipal Kool-Aid for seven years, as a city councillor. I had several discussions and lengthy debates about development charges in the city of Windsor.

I know the city of Windsor just voted last summer to increase their development charges, against opposition from the home builders and the development community. There were dire warnings expressed that we wouldn't see new subdivisions come along, but the reality is that new subdivisions are coming on, new homes are being built and people are buying them.

1620

I spoke before in here about other ways of development being spurred on in the community of Leamington, where they did away with development charges on a

three-year experiment, and it has created a bit of a building boom. In the town of Essex, where they looked at Leamington and said, "Okay. We can't go all the way because we don't have the reserve fund that Leamington is drawing from in order to offset these charges, but we'll go half the way"—they're only charging half of what they were for development fees, again on an experimental basis.

I believe there are creative ways that a municipality can spur development. They have the right, the authority and the ability, as that order of government, to set development fees in their community. They know what their transit routes will be, they know what their waste disposal costs will be and so on. They know what roads need to be built. They know the cost of growth, and they're asking us to support them as much as we can by giving them the tools. That doesn't mean development charges are going to double overnight or triple overnight. That wouldn't make any sense, but if they have to go up a bit, then they have to go up a bit, and growth should pay for growth. Having said that, I shall be voting for the section.

The Vice-Chair (Mr. Jagmeet Singh): Any further comments or debate?

Mr. Ernie Hardeman: Just in comment to Mr. Hatfield about—that we increased the development charges in Windsor and houses are still being built, even though the building industry suggested it was going to go down, but I think it just points out what I've been saying here all afternoon. It's not extra charges to developers. The developers pay it and it comes into the price of the house. We won't know until next year or the following year whether, in fact, sales start dropping off, because houses in Windsor or wherever it is are going up to the extent that people can't afford to pay it, and they won't be buying new houses. I think it'll take a while to get there.

But I think what bothers me the most, I suppose, at this point, as we're nearing the last amendment or the last section of the development charges bylaw, is that we had three days of hearings. We had 38 groups coming forward to speak to this committee about changes that they thought were needed, and almost—I would say a large portion; better than half of those spoke to the section in this bill that is, in fact, the development charges section of the bill.

I find it really strange that there's—what was it? I didn't go all the way back through it. There was only one—if any—government amendment that was made because of what they heard, and I think it was made quite clear from—again, going back to the city of Barrie, but a lot of other ones with similar things that had specific things that weren't going to work well in this bill. It's not negative to anyone else; it's just for them. They need the changes to be made so they can carry on business as they see fit.

The government listened to the presentations. I'm not sure that they even took the presentations and showed them to the people who make the decision as to whether

you're going to support the motion or not. But I can't believe that someone went through that and then looked at them and said, "No, no, no. They don't make sense. That would just be wrong to include that in the bill." I think they just looked at it and said, "We've decided what's best for the municipalities. So we're going to introduce it and we're not going to vote for the changes."

I want to thank him for the one motion that they actually voted for, an amendment that we put forward that they voted for. The one that we had the recess for and so forth: I just want to point out—I told the delegation, when they were here, that that motion would be put forward because that was needed for them, but I said, "I can't promise you it will pass." At that point, I thought it would, because why wouldn't you help these people out? But no, for some reason, we were too set in our ways, I guess, to consider making the changes that would make it a little better, because it would be giving them some kind of credit for making decisions in their communities. That's what they told us they needed, and obviously the government decided not to do that.

With that, I do want to thank the people who made those presentations because, obviously, they went to a lot of time and effort. We want to thank them for coming to talk to us, but I really had hoped that the government would have been listening to some of those presentations. It appears, by our deliberation today, that we paid absolutely no attention to them at all. I think that's kind of a sad day.

Mr. Vic Dhillon: Chair, if I can ask Mrs. Martow—

The Vice-Chair (Mr. Jagmeet Singh): Mr. Dhillon.

Mr. Vic Dhillon: Thank you very much. I'm a little bit confused. Is Mrs. Martow bringing an amendment or a motion?

Mrs. Gila Martow: I just wanted to make the comments on my concerns. I just wanted it to be on the record that I was concerned. I think that I can put forward amendments from here till next week, but our amendments get voted down, so the key is to have it on the record that I'm very concerned about development charges, specifically in York region. That's the area that I know.

I'm very concerned that we're not necessarily taking into account—this government is talking out of both sides of our mouths. We're saying that we need more affordable housing all the time in the Legislature during debates. In the meantime, yes, there are people who are still going to be able to pay the higher development fees; we all know that. There are always people who can pay the higher development fees, but what about the people who can't? They're basically shut out. And what about the people who pay the higher development fees and don't understand that interest rates are going to go up? Right now, it's all on their mortgage because they don't have the cash to pay for those development fees. So that development fee just adds to their mortgage. What is going to happen in the province of Ontario if interest rates go up the way they did in the mid-1980s, when interest rates went sky-high, up to 18%? We're going to

have a crisis on our hands. So why would we be pushing for people to have higher personal debt because we're not managing?

Mr. Vic Dhillon: Okay, thank you.

The Vice-Chair (Mr. Jagmeet Singh): Just to clarify, we're on section 10 and this is debate on section 10 before we go to a vote. Then we'll move to the additional motions. The motion that was just withdrawn, with relation to section 10, was motion 20.

Any additional comments or debate on section 10? Seeing none, we are now in a position to vote on section 10? Shall section 10 carry?

Ayes

Anderson, Baker, Dhillon, Hardeman, Hatfield, Martow, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): Seeing none opposed, section 10 carries.

Now we are in a position to deal with motion 21. Mr. Hatfield, with respect to motion 21.

Mr. Percy Hatfield: Thank you, Chair. I would like to withdraw amendment number 21.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much. Then we move to motion 22. Mr. Hatfield, again.

Mr. Percy Hatfield: Thank you, Chair. I would like to withdraw amendment number 22.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Mr. Hatfield.

Now we move to section 11. We have motion 23. This is an NDP motion. Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Chair. Dealing with the Planning Act, I hoped there would be an inclusionary amendment that aligns the definition of affordable housing in the Planning Act with the meaning in the provincial policy statements. I would put forth motion 23.

I move that subsection 11(1) of the bill be struck out and the following substituted:

"(1) Subsection 1(1) of the Planning Act is amended by adding the following definitions:

““affordable” has the same meaning as in the provincial policy statement issued under section 3 that is published by and available from the Ministry of Municipal Affairs and Housing; (“abordable”)

““payment in lieu” means a payment of money in lieu of a conveyance otherwise required under section 42, 51.1 or 53; (“paiement tenant lieu de cession”)

The Vice-Chair (Mr. Jagmeet Singh): Any debate or comments with respect to motion 23? Mr. Hatfield.

Mr. Percy Hatfield: I believe that when we're dealing with this we have a great opportunity, after years and years of private members' bills—including Mr. Milczyn, who was here earlier. His Bill 39 aligns the definition of “affordable housing” in the Planning Act with the meaning in the provincial policy statement. It amends section 1 of the Planning Act, which was opened by Bill

73. Mr. Milczyn proposed an identical definition in his Bill 39.

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For years, we've had various governments adopt, approve private members' motions dealing with affordable housing, dealing with inclusionary zoning. I believe this would be an ideal opportunity to say to the people of Ontario, "Yes, we understand there is an affordable housing crisis in this province. Yes, we understand the membership list for affordable housing is nearly 170,000 households, and yes, we plan on doing something about it because this is an ideal time to add inclusionary zoning into the definition under the Planning Act, and we take this opportunity to do so."

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments, debate or questions? Mr. Rinaldi.

Mr. Lou Rinaldi: I certainly understand where Mr. Hatfield's coming from. I know Mr. Milczyn would like to speak to this; unfortunately, he had a commitment to get to.

Having said that, that question came up in the House again as late as this morning for the millionth time, I should indicate. Roughly I paraphrase the minister that we are going through a long-term housing review. We feel that that's the best place where we're going to deal with that. The minister has made a commitment that we are going to certainly have a serious look at inclusionary housing and other zoning provisions to help with affordable housing that we know we need.

So I would say that I recommend opposing it in this particular case through Bill 73, but certainly, the minister committed as late as this morning to pursuing it under the Long-Term Affordable Housing Strategy that's in progress.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments? Mr. Hardeman.

Mr. Ernie Hardeman: Unless I'm missing something in this description here—all we're trying to do is put in "affordable" in the Planning Act to have the same meaning as in the provincial policy statement issued under section 3. It seems to me that it's just a definition change or putting in a definition, as it is in other legislation. I don't know why anybody would oppose it.

What we would call that is a housekeeping amendment. I just don't know. I can't understand, other than they just want to vote against everything that someone else puts forward. I can't see any other reason why they wouldn't support this amendment.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments, any additional remarks?

Mr. Percy Hatfield: I believe that Mr. Hardeman has been listening to his nephew in the NDP caucus because I agree with everything he just said.

When you add a definition of "affordable" and a definition of "payment in lieu," it's almost like a housekeeping amendment, but when the government side opposes it by saying, "Oh, we'll deal with that somewhere down the road," and, "It's a better fit somewhere down the road"—we know there's an affordable housing

crisis in Ontario at the moment. I think of Mr. Trudeau and his commitment to bringing 25,000 refugees from Syria in by the end of the year. It sounds like an impossible goal, but he is proceeding and saying we're going to do our best to meet it because he sees the need and he believes that if everybody works together on it, we can get this accomplished.

That's why I am disappointed, I guess, in the government, that the government recognizes—nobody on the other side disagrees that we have an affordable housing crisis in Ontario. Everybody agrees with that. Everybody knows the enormous cost that just in the city of Toronto alone, the city of Toronto-sponsored affordable, subsidized housing—that it's billions of dollars of repairs that are needed. If we don't federally, provincially and municipally start making contributions toward the renovation costs, there are going to be hundreds, if not thousands more people on the street because their housing will be decrepit and condemned, because there's not enough money to keep up with what we have now.

We know there's a building boom, if you will—just speaking about Toronto for a moment—in Toronto, where construction cranes are everywhere, and all-new apartments, new housing, new condominiums are going up. What we're saying is, let's be creative and use inclusionary zoning as a means. It's not the magic-bullet solution, but if we can convince the development community to work with us and find creative ways of building affordable housing into their new developments, that will go a ways to resolving some of the crisis in affordable housing.

It would seem to me that if the government was keen and interested and concerned, they would take their first opportunity to work through all the parties to create a solution, or a partial solution, to the affordable housing crisis. I heard the minister speak today. I heard him as I talked to him privately in the past. He says that they're working on something else that will come out sometime next year, perhaps, depending on the legislative agenda that comes forth from the government, to deal with inclusionary zoning.

But that's a "maybe we'll get around to it" kind of solution. Mr. Trudeau didn't say, "Maybe we'll get around to helping the Syrians when we can." He's pressing ahead on the refugee file, just as we should be pressing ahead on the file of affordable housing. By including a definition in here of affordable housing and what it is, that opens the door for inclusionary zoning. It answers the repeated calls. I know Ms. DiNovo from Parkdale–High Park has had at least five private member's bills on inclusionary zoning. I remember Mr. Marchese from Trinity–Spadina had several and Mr. Prue, the former member from Beaches–East York, had several.

The first thing Mr. Milczyn did, pretty well, when he got here from Etobicoke–Lakeshore, was to bring in, practically word-for-word, the former bills that were presented to us, and we supported it. We can't believe that the government isn't incorporating his language into

this bill, because this is the ideal opportunity to step forward on this and say, “We get it. The penny has dropped. It’s there.”

This would send such a strong message, especially in Toronto, and it doesn’t force anybody. It doesn’t force a municipality. They don’t have to do it if it’s not an issue in their community. But if it is an issue in their community—affordable housing, subsidized housing—this gives them an opportunity to put legislation in that would help them deal with the crisis that they are facing.

I know Councillor Mike Layton was here last week talking about this. I know some other members of Toronto city council are trying to do it in an informal way, having inclusionary zoning within their wards, and they’re working with the development community with some success on that, but this would put it in writing, allowing municipalities, should they so decide—we’re not forcing them—to adopt this kind of bylaw, they can.

It all goes back to the simple definition of “affordable,” which goes into the provincial policy statement. That’s why we’re just trying to help out the government by putting the definition in there, so that we can take it one step further and get into inclusionary zoning as a real method, a real test of the resolve of the government to actually deal with the crisis in affordable housing in Ontario.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments, questions or concerns? Yes, Mr. Hardeman.

Mr. Ernie Hardeman: First of all, I want to thank the member for recognizing the fact that my nephew John has learned well from his uncle. That’s what makes us similar.

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But again, on this amendment, I think it’s important to recognize that it talks about two, but the definition of “payment in lieu” is already in the bill. This is just to add “affordable” into the bill so it’s there, along with it being in other documents already. It just seems so, shall we say, redundant that we have to talk so long about it. It seems automatic: Wouldn’t we want a definition in the bill that deals with the issue that the bill is about? Obviously, affordability is what we’ve been talking about in the first part of this bill, which was all about development charges and so forth. Why would you not want the definition of what “affordable” is in the Planning Act? It just doesn’t make any sense to me. But I suppose that if they’ve got their instructions to vote against it, I expect they will.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments, questions or debate?

Seeing none at this point, I will move forward with the vote on motion 23. This is a recorded vote.

Ayes

Hardeman, Hatfield, Martow.

Nays

Anderson, Baker, Dhillon, Mangat, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): The motion does not carry.

That completes section 11. We’re now in a position to vote on section 11. Before we do so, are there any questions or comments; any debate on section 11? Seeing none, we can now move to the vote on section 11.

Ayes

Anderson, Baker, Dhillon, Hardeman, Hatfield. Mangat, Martow, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): All those opposed? Seeing none, section 11 carries.

Moving to motion 24, an NDP motion: Mr. Hatfield.

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

“11.1 Section 2 of the act is amended by adding the following clause:

“(r) the promotion of built form that,

“(i) is well-designed,

“(ii) encourages a sense of place, and

“(iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.”

The Vice-Chair (Mr. Jagmeet Singh): I’m just going to confer for one moment.

Mr. Hatfield, because section 11.1, section 2 is not opened up by this bill—11.1 is. Since it doesn’t open up that particular portion of the bill, this motion is out of order.

Mr. Percy Hatfield: My heart is broken, Chair; my heart is broken. I know that the member from Etobicoke—Lakeshore, Mr. Milczyn, had proposed identical legislation in his Bill 39, but if it’s out of order, it’s out of order.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Mr. Hatfield.

Mr. Ernie Hardeman: You can get unanimous consent to do it anyway.

The Vice-Chair (Mr. Jagmeet Singh): We can ask for that, if you’d like to.

Mr. Percy Hatfield: I would ask for unanimous consent. It’s pretty basic, Chair.

The Vice-Chair (Mr. Jagmeet Singh): We have a request from the committee for unanimous consent to allow this motion to be heard. Do we have unanimous consent?

Interjections: Yes.

The Vice-Chair (Mr. Jagmeet Singh): Phenomenal. I did not expect that at all. That’s cool.

Please begin debate, if you’d like.

Mr. Percy Hatfield: Chair, I don’t want to push my luck. I think I’ll just sit back at this stage. Thank you.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hardeman.

Mr. Ernie Hardeman: Before I start, I have a question to the mover of the motion. I’m wondering if we could define “a sense of place.” What does that mean?

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield.

Mr. Percy Hatfield: I wish I could give you a better definition. I'm sure those in the development community and the home building community could. "A sense of place" is home—it's where the heart is. Home is where you feel safe and secure. Home is where you feel, "This is my place. This is my sense of place in my community. This is where I belong. That is my sense of place. That is my security blanket," if you will.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate? Mr. Hardeman.

Mr. Ernie Hardeman: I notice this would add a number of items, and one of those that it would add to the list of provincial interests is that promoting well-designed communities encourages a sense of place. That's the first one on the list, so I think it's rather important that we have a definition: "provides for public spaces that are of high quality, safe, accessible, attractive and vibrant." While we support attractive, well-designed buildings, we don't believe that it is equivalent to the other values on the list of provincial interests, such as the protection of ecological systems, including natural areas, features and functions; the conservation and management of natural resources and the mineral resource base; and "the accessibility for persons with disabilities to all facilities, services and matters to which this act applies." I just don't believe that this is really going to add to the quality.

This is something that I said during debate—and this was the part of the bill, I think, that the member was referring to:

"This bill amends section 2 to add promotion of built form that is well-designed and 'encourages a sense of place.' I'm not sure that most of us could even significantly define 'sense of place.'

"I agree with the goal of having attractive buildings, but I don't believe that it is equivalent to those other values. I don't believe that it belongs at the same level" as those other values. "When it is a key value that we all share, I think that councils are happy to take on that burden, but adding less important items to the list results in it becoming over-regulation and red tape for our municipalities."

I think this is the very important part: that in fact, municipalities, if we have any respect for their authority, we would believe that they don't need that added, that that's what they have to include; they would include those things that would make it a sense of place, those things that would make it a better community. If you start clouding those things that are of provincial interest that they do with all these other things that they might do, I think it takes away from them protecting the major items that are of provincial interest, rather than just what colour or what shape or what design the building is on the street. I don't think that that is a provincial interest, nor should it be on the list of provincial interests.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Martow.

Mrs. Gila Martow: I think Mr. Rinaldi wanted to speak first.

Mr. Lou Rinaldi: Go ahead.

Mrs. Gila Martow: You're sure? Okay.

I think that the province definitely wants to see great planning and great places for people to congregate in their communities, and I think if that's really what they want, then maybe we can offer some support in that regard, because I'm sure a lot of small municipalities can't afford to hire some of the new, up-to-date planners who can provide some free advice or reasonable advice at a low cost.

I think a lot of time what people want is, they want to have places to walk to or cycle to or take their dog to. I know that in downtown Toronto, you see so many sidewalks have been taken over by so many patios in the summer, and a lot of time people are able to bring their dogs in Toronto into many of the little stores, in the Beaches and things like that. Whereas in York region, you're not allowed to bring your dog anywhere except for your house or your neighbour's house or a dog park. I think that that's, really, going to the communities: What do people want? People want to be able to go somewhere, congregate and socialize.

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By trying to define exactly what, we're trying to have a discussion that's getting off-topic about what a sense of place is. It means different things for different people. It can be a place of worship for some people. In universities, the students are screaming and yelling that they want their safe place. I'm not quite sure what the expectation is, so I think we have to be a little bit careful when we're making demands on municipalities and on developers. I think the communities should have the ability to drive what they want in their community. Too often, now, there are provincial regulations that might suit the GTA or downtown and may not suit some of the other communities.

I want it to be put on record that I vote for lots of places where you can bring your dog.

The Vice-Chair (Mr. Jagmeet Singh): Duly noted, Ms. Martow. Mr. Rinaldi.

Mr. Lou Rinaldi: I was going to say: It's all about the dogs. I did have two dogs and three cats at one time. When our kids left, they all left. I have a lot of respect for dogs and cats.

Mr. Hatfield: First of all, we're delighted to bring it into this place, and we're going to support—we have no concerns with your motion. It would recognize interests that are already reflected in provincial policy documents like the long-term economic prosperity policy, which is part of the provincial policy statement. We have no issue with that, and we're happy to support it. This will make the bill a little bit better.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Chair and Mr. Rinaldi. "A sense of place," I believe, is well established in planning language. It's language that planners use. It's not anything out of the ordinary. It may not add to the equation, as Mr. Hardeman says, but adding this in certainly doesn't detract from the equation either. It really speaks to how a sense of place gives you pride in

your community or your neighbourhood. It may be an invisible boundary; it may separate the Danforth from something else—the Annex. It may be where the Beaches are; it may be the Scarborough Bluffs. But it gives you, as somebody living in that area, a sense of place: something to identify with, something to brag about.

Yes, a dog park in a neighbourhood could bring a sense of place and something to be proud of as well.

I thank those who will support this. I don't see it as detracting at all. It's simple, established language that is accepted in many areas.

The Vice-Chair (Mr. Jagmeet Singh): Any further debate? Mr. Hardeman.

Mr. Ernie Hardeman: I asked the mover of the motion a question earlier about “a sense of place” in the definition. If this goes into the act, who decides, when it becomes a provincial interest, whether it's “well-designed” and who decides whether it does encourage “a sense of place” if we don't even know what “sense of place” is?

If you look at the list of things that are currently of provincial interest, they are all very definable. You can't go outside the urban boundaries because we have a provincial policy that says you can't use class 1 farmland to expand urban boundaries; you can't build a factory in a place with significant aggregates under it, because that's a provincial interest; you can't build something that has a negative environmental impact to the community without an environmental assessment, because it's a provincial interest to protect our air. But how do you define, when there's an application or council is considering these things, whether it “encourages a sense of place” or whether it is “well-designed,” because everybody's view of whether it's well-designed would be different.

Number (iii) is possible: “of high quality, safe, accessible, attractive and vibrant.” I'm not sure it's necessary that anybody have an approval in the Planning Act to make something vibrant. That's going to be up to the people who develop it. Like I say, I just don't think that this is achievable so I don't think it should be on the list of provincial interests.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield.

Mr. Percy Hatfield: I won't belabour it, Chair, but I will say to Mr. Hardeman that if you have an established neighbourhood where the homes are 75 to 100 years old or more and they're all, say, two or three storeys—but there's an established neighbourhood—I think you would be out of a sense of place if you knock down one of those beautiful old century homes and put up small aluminum siding or a huge monster with shiny steel in this old brick neighbourhood. The sense of place, then, would be disrupted. I believe a sense of place is conformity as opposed to outside the boundaries of what the established neighbourhood standards are, but I won't go beyond that.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hardeman.

Mr. Ernie Hardeman: I don't disagree with you, Mr. Hatfield, but I think those are the decisions that are made

locally. As you said, it's the community that decides whether the character of the neighbourhood is going to benefit or if there's going to be a detriment to that sense of community if that development is allowed. I think that's what the whole planning process is about.

The provincial interest is to provide guidance to municipalities on how they should make the decision of whether they should or shouldn't allow it. To say that they can't approve it unless it encourages a sense of place, I think that would be very difficult to assess as we're going forward, with all the applications going through, as to whether they actually—it isn't good enough that it keeps the character of the neighbourhood; it's got to encourage to improve it, not to depriment it.

I know one case in downtown Toronto. I have some relatives who live in downtown Toronto. There was a fire on the street and, of course, the house burned down and they had to build a new one. They had to go through applications through the planning department of the city of Toronto to decide what they could rebuild. The primary residences along that are detached and semi-detached on the street, and most of them are three storeys: two full storeys and the third one is kind of within the roof or what we see might be an add-on in those days. This house went through as a three-storey house. The design looked very good. It was approved, but it did not increase the sense of place because it's a full three storeys. When they sit on the balcony on the top storey, they look into the backyards of the next 20 houses on the street. Nobody else could sit that high in their building. When they got that, that would not have been a sense of place.

It was the city that approved it, but to me, that shouldn't be the province's interest. That should be strictly the lower level. That should be in their zoning bylaw when they come in for an application to build it—and they changed the zoning on it. The municipality can make those decisions. I don't think they need a provincial interest in the shape of the building or whether the architect knows what they're doing with building it. That would be my view on it.

I will not be supporting the motion.

The Vice-Chair (Mr. Jagmeet Singh): Any further debate or discussion on this motion? Seeing none, we're in a position to vote on motion 24. Shall motion 24 carry?

Ayes

Anderson, Baker, Dhillon, Hatfield, Rinaldi.

Nays

Hardeman, Martow.

The Vice-Chair (Mr. Jagmeet Singh): The motion carries.

Now we move to section 12. We have NDP motion 25. Mr. Hatfield.

1700

Mr. Percy Hatfield: Do we have to take a vote on section 11 or no?

The Vice-Chair (Mr. Jagmeet Singh): Passing the motion puts section 11.1 into its own kind of section. Because this doesn't fit within 11; it's 11.1.

Mr. Percy Hatfield: I move that section 2.1 of the Planning Act, as set out in section 12 of the bill, be amended by adding the following subsection:

"Decision to be consistent with decisions of councils and approval authorities

"(1.1) The decision described in subsection (1) of an approval authority or of the municipal board shall be consistent with the decision described in clause (1)(a)."

The Vice-Chair (Mr. Jagmeet Singh): Any debate or discussion on this motion? Mr. Hatfield.

Mr. Percy Hatfield: I see it as an important amendment to rein in some of the power exercised by the Ontario Municipal Board and to respect municipalities. It amends section 2.1 such that OMB decisions must be consistent with municipal decisions, as opposed to merely have regard to—be consistent with the decisions made by municipal leaders.

Subsection 3(5) of the act already says that municipal decisions must be consistent with provincial policies and plans, so this amendment ensures that municipalities that do the work to comply with provincial policies and plans don't have to worry that all of that hard work will be thrown out by the OMB. I know that Mr. Milczyn, the member from Etobicoke–Lakeshore who is on the committee, had proposed identical legislation in his Bill 39 as well.

I believe that, across the province, there are municipal leaders—from the south, the north, the east and the west—who have grave concerns about the growing powers of the Ontario Municipal Board. I believe there have been outrageous examples. We are all familiar with—or should be all familiar with—the Kitchener–Waterloo region example, where they spent 10 years doing an official plan review. They followed the letter of the law and the Places to Grow Act and the provincial policy statements on growth. They tried to curtail urban sprawl. They tried to encourage more infilling.

After they spent 10 years and all of those meetings and hearings and public consultations, a developer came along and wanted to do something outside the boundary. The municipality said no. The region said no. I know that the regional chair was here last week and spoke somewhat to this. It's a textbook case. Regional Chair Ken Seiling was just outraged by it. There were appeals. The Ontario Municipal Board, without any authority to do so, just went out and made a decision which completely disregarded the provincial policy statement, Places to Grow—completely disregarded it—and allowed the sprawl. It said to the municipality, "Even though you spent 10 years doing this, even though your planners had all of these meetings and your regional municipality had unanimous support for the plan—too bad, so sad. This is what we think." They allowed it.

I know that, at one time, the Liberal government of the day had expressed outrage and said that they would join the appeal, but I'm of the opinion that they didn't get their appeal notice in on time or they didn't appear at the time of the appeal in court.

I think that when we do stuff like this, we should make sure that municipalities are consulted. Their decisions are of some significance, and the decisions they make, after such a lengthy official plan approval process, their plans, their decisions—the OMB must take into account and be consistent with those decisions as opposed to just having regard to their decisions.

I think this is such an important amendment. I can't see how anybody would oppose it, in all honesty. Everybody in the room knows how the Ontario Municipal Board doesn't have the most stellar of reputations at the moment because of decisions such as the Waterloo example. And there are others. I can give you three or four—not to that extent—examples where the OMB just goes out on its own and does something, doesn't take into account all of the planning that went into the original decision by the municipalities. So I would hope we would have unanimous support of this amendment.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments, debate? Mr. Hardeman.

Mr. Ernie Hardeman: To start with, I think I just again want to ask a question. If a municipality makes a decision and it goes to the Ontario Municipal Board, why would anybody go to the Ontario Municipal Board if they have to decide the same as council? "To be consistent with" means that they could not vary the decision at all, so there's no sense in appealing any decision anymore because they have to be consistent with the municipal decision.

The other thing that kind of bothers me with this motion is that the municipality makes a decision, and we're making the assumption that because they have to have regard to provincial policy statements or even be consistent with provincial policy statements—not everyone does that. That's why it's being appealed. But with this amendment, it would require that the municipal board, since they have to be consistent not with the provincial policy statement but with the municipal decision—so it goes there, and then if it doesn't meet the provincial policy statement, they still have to approve it because council did. I think that would just nullify the need for an Ontario Municipal Board—

Mr. Percy Hatfield: Yay.

Mr. Ernie Hardeman: Well, then I think if that's the intent, then it should be a different motion, so we'd have a different debate. But I really have a concern with putting it in this way, that in fact you would be taking away the right to appeal any decision, because if the decision is made, right or wrong, the Ontario Municipal Board can't change it. So why would you set up a board like that that can't make any decisions? It just doesn't make any sense at all. I know the member said it was kind of a no-brainer. I think this is one where you don't want to use a brain because then you realize that it's

totally different than what the intent was, because it really does totally nullify the need for an Ontario Municipal Board.

The Vice-Chair (Mr. Jagmeet Singh): Let's just give Mr. Rinaldi a chance to chime in. Mr. Rinaldi.

Mr. Lou Rinaldi: Sure. I'll just be brief, Chair. Along the same lines that Mr. Hardeman spoke about, this does defeat some of the process of the Ontario Municipal Board. But I just want to reassure Mr. Hatfield that this is part of the OMB review that we're going to be embarking on down the road. Obviously these things are going to—I'm sure we're going to hear those comments. I'm not sure this is the right place to deal with it, so I recommend not supporting it at this time.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield and then we'll go back to Mr. Hardeman.

Mr. Percy Hatfield: Well, I'm disappointed, obviously. We all respect municipal leaders. We all respect municipal planning. I believe we all respect the work that goes into, when we say to a municipality, "You have to come up with an official plan. It must be updated, it must be reviewed, and you must consult with the public when you do so."

1710

When a municipality does that, follows the rules and puts their official plan totally in line with provincial policy statements, the growth act and everything else that is brought in by the province of Ontario, when a municipality goes through the motion and, in this case, spends 10 years coming up with a regional growth and development plan and puts it into the official plan and does everything step by step by step—consulted widely, heard from the community, heard what the community wanted—and somebody who didn't like the end result appeals and the Ontario Municipal Board agrees with the person who launched the appeal, what does that decision say to every person who appeared at a committee level during the official review of the official plan and the official policy statements?

Everything was done by the book. It was turned in, and then you make a decision, and the first thing you know, a developer says, "I don't like their decision. I'm going to the OMB." And what does the OMB do? The OMB says, "I agree with the developer."

You've just wasted 10 years of your life coming up with the official plan and following the provincial policy statements and following everything the province told you to do, and, "I don't care about those lost 10 years. I agree with the developer." What message does that send to municipalities in Ontario that you ask to follow the official plan, the Planning Act, when you say, when you do your act, "You must follow the provincial policy statements. You must follow the growth plan. You must conform," and they go out and conform, they do it to the letter of the law, and the OMB comes in with a heavy hand and a heavy boot and kicks it all aside?

So when we say simple language—I'm not saying every decision must be upheld by the OMB if somebody appeals a municipal decision, but certainly consistent with.

You might find there was a mistake made after all that 10 years. Maybe there is some minor tweaking that can go on, but you don't throw the entire plan out. You don't throw the baby out with the bath water and say, "I don't care what you did for 10 years. I'm going to do it my way. I'm the OMB and I have the right and the authority to do it." That's not right. That certainly doesn't make sense.

I think the committee members should know—everybody knows that example. It's a glaring example. It's now taught in school about how, boy, we have just given so much of the power in this province over to the OMB, for whatever reason, a couple of years ago. Was it in 2009 that cabinet gave up its previous authority and ability to overrule such a stupid decision by the OMB? They gave that away. They said, "We don't want that power anymore. We'll leave it all up to the OMB."

Now a lot of people think the OMB is out of control when they come up with this type of example. I know you hear it when you go to AMO, to the annual conference. I know you hear it. I know when you meet with municipal leaders—I know you sit in on the meetings with the minister once a month or whenever they're done, because when I was the vice-president at AMO and the chair of the large urban caucus, I used to attend this when the Premier was the minister. I know there are memorandums of understanding and everything is confidential, but I know—you also know—that the OMB, when they make decisions like this, don't encourage good participatory discussions about the need for change.

The OMB have got to be brought under control. This is simple language. This just says "be consistent with" municipal decisions, if you spend 10 years saying, "This is the boundary. This is where we're going to grow. We're not going out there because our services go this far and everything is going to pay within here. We're going to do some infilling. When this fills up, we'll go over there, but we don't want to go over there right now because we've got to worry about what we have here. We've got to worry about how we afford to pay for everything that we have here and now."

So I'm not saying that every decision is unappealable or that you always have to uphold everything the municipality did, but you should have to be consistent with the decision made. Now, if they didn't do it in the right way, yes, overturn it. But if they did it step by step and followed every letter of the law, every policy statement and every directive from the province, then the OMB should have to be consistent with that decision. You shouldn't be able just to drop 10 years of hard work out the window.

The Vice-Chair (Mr. Jagmeet Singh): I have Mr. Hardeman and then Ms. Martow.

Mr. Ernie Hardeman: I understand the concern that the member is bringing up, the fact that we get OMB decisions that are totally contrary to what was decided by the local municipality with, should we say, all the ducks in order. It was according to their growth plan and their official plan and their zoning, and the decision they made

makes good planning sense. And then the Ontario Municipal Board goes and makes a decision totally contrary to that because they believe that, in fairness, they know better.

I would totally agree with him, but I think the word “consistent” doesn’t leave it as open as the member wants to suggest—that they can decide, “Well, if there really is a good reason, then we will have a different decision.” “Consistent” means that it must be the same as their decision. Now, if this amendment spoke to be “consistent with local planning documents,” it would be a different story, but it says that the OMB must be consistent with the local decision. So, if the decision was wrong—it doesn’t say, “If they think the decision is right”; it says that they must be consistent with that decision. This amendment goes way beyond making sure that they follow the rules.

It wasn’t that many years ago that the OMB was the arbitrator over whether the municipality had actually followed their own planning documents. Every decision was made based on reviewing the documents, reviewing the application and whether they had received a just decision.

I think the words “shall have regard to” municipal decisions make good sense. I think even broadening that out at some point to say that they must be consistent with the local planning documents might make some sense. But the way this motion is, to me, doesn’t mitigate the need for an Ontario Municipal Board, because being “consistent with”—it’s the reason why the word has been in the Planning Act, taken out of the Planning Act, back in the Planning Act, depending on who is government, and back out. Being “consistent with” doesn’t leave room for judgment; it means, “This is what you have to do.”

So I really am concerned with that. If it was a differently worded resolution, I think in curtailing the ability of the Ontario Municipal Board to go way off the beaten track and come up with a totally different decision—I would agree that we need attention to that, but this motion doesn’t do that.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments? Oh, sorry, I forgot. Ms. Martow was next, and then Mr. Hadfield.

Mrs. Gila Martow: I’m just going to quickly reiterate what Mr. Hardeman has just said: Why have the OMB if they have to come to the same decision that was already made? But there’s a big problem. I sort of feel that that’s my little job here, to remind everybody about the big picture. One of the big problems that I hear—complaints about the OMB—is that it’s felt that the OMB doesn’t necessarily understand the community that they’re making the rulings for; that they’re very focused on the big GTA or Toronto itself, and they might not understand the little idiosyncrasies of some of the communities and the planning of those communities.

Within those communities, we have inspectors, and we often hear of lawsuits because, whether intentionally or unintentionally, inspectors didn’t do their job properly, and buildings were built that weren’t built to code; in

fact, they weren’t built anywhere near to code. There have been huge lawsuits in the city of Vaughan over—and even a couple of inspectors, in one of the cases, were fired. So it was worse than negligent. So we have an OMB making rulings. We have all kinds of zoning. We have all kinds of provincial regulations. Then it comes down to inspectors ensuring that the homes and condos and the businesses are built properly, and they’re dropping the ball. So who’s overseeing that?

Who’s overseeing Tarion that we’re all getting so many complaints about, the home warranty program—that people feel that they have a warranty on a house that’s not worth the paper it’s written on because there’s all kinds of problems with flooding, and Tarion just sends over an inspector and blames the homeowner and says that they’re watering their lawn too much or things like that.

1720

Mr. Vic Dhillon: Chair?

The Vice-Chair (Mr. Jagmeet Singh): Mr. Dhillon.

Mr. Vic Dhillon: I’m just wondering, do you have any stats on that? When you’re referring to—

Mrs. Gila Martow: I’m just speaking about people who have come to my constituency office.

Mr. Vic Dhillon: So you had these types of incidents—

Mrs. Gila Martow: Absolutely.

Mr. Vic Dhillon:—where you’re stating that the inspectors come and they treat—

Mrs. Gila Martow: I can tell you specifically where—

Mr. Vic Dhillon: The Tarion inspectors come and they tell your constituents that their complaints are frivolous? Do you have an example of a case where action has not been taken? Could you elaborate on that?

Mrs. Gila Martow: I can tell you—

Mr. Vic Dhillon: Certainly, there are difficulties—

Mrs. Gila Martow: I’m not trying to interrupt you, but you keep asking me a question and pausing, so I start to answer.

Mr. Vic Dhillon: Yes. It caught my attention that you’re making it sound as if Tarion is some rogue organization and they’re not doing the job that they’re mandated to do. I just want some clarification, because I would like to know. It’s nothing confrontational. I’d like to take it up with the minister. I’d like to take it up with Tarion.

I represent, I think, if not the largest, then the second-largest riding in Ontario. Certainly, we get complaints, and people sometimes aren’t 100% happy. I get that.

But I was just referring to—what you were saying was, I think, way out in left field, possibly. I’d love to hear about—I wouldn’t love to hear about it, but it would be interesting to see if those are the types of responses that Tarion is giving to your constituents.

The Vice-Chair (Mr. Jagmeet Singh): Just in the future, make sure it’s one at a time. There seemed to be a bit of overlap in that. Ms. Martow brought that up.

Ms. Martow.

Mrs. Gila Martow: I will tell you that in Thornhill, at the corner of New Westminster and Beverley Glen, there's a townhouse development that has been there for about 10 years. I've gotten a lot of complaints, specifically in that townhouse development, of basements flooding, and people felt that Tarion wasn't doing their job. Letters were sent. I'm happy to pass them directly to you, if you would like.

I know that we've tried to advocate on behalf of people. I've also met with people from Tarion, and I understand their side of it as well. I think sometimes people's expectations are unrealistic in terms of what's going to be covered from a new home warranty program.

I myself purchased a home 22 years ago. It was before it was called Tarion; it was called the new home warranty program, I think. I had a leak in my basement after some heavy rain. The inspector came to look at it and ran a hose on the side of the house where the water had been coming in. He ran it for half an hour and said, "You see? It's not leaking."

I said to him, "You know what? Go for lunch, leave the water running, and come back in an hour, because that was only half an hour." Sure enough, an hour later, the water comes pouring in, and they did take care of it.

I'm somewhat sympathetic to Tarion, but I'm also sympathetic to the homeowners who feel that those townhouses are flooding and they feel that maybe the grading wasn't done properly, because sometimes that's what it is. We know that the home could be built properly, but maybe it wasn't graded properly.

There was a condo development in Richmond Hill 20 years ago that was famous, front-page news, because it was built over some kind of creek, and it was sinking. Do you remember that story, anybody here? They had to put in some kind of underground generator, a condenser of some kind, to keep the creek frozen under this building. There were lawsuits over that. So you wonder who is inspecting the land and saying, "Yes, it's appropriate to build a condo here."

I'm just mentioning that there's a lot of blame put at the door of the OMB. At the end of the day, the homeowners and the condo dwellers and the businesses that are having something built and having something developed—people put their whole life savings into these projects only to find out that it wasn't built properly, and they wonder why we have all these layers of bureaucracy in place if, at the end of the day, the rules weren't followed.

I'm trying to just draw it back into the big picture, which is not just about the OMB and it's not just about the OMB following whatever the municipality ruled on.

Mr. Lou Rinaldi: Chair, point of order.

The Vice-Chair (Mr. Jagmeet Singh): Yes.

Mr. Lou Rinaldi: I just want some clarification, and no pointing fingers. I'm just wondering if the rules apply here as they apply when we're debating in the Legislature, whether we have to stick to the subject at hand. I feel sorry for your leaky basement but, frankly, my basement leaks too. Well, it used to; not the house I have

now. If you can get a ruling, I would really appreciate it. That's just for my information.

The Vice-Chair (Mr. Jagmeet Singh): I wanted to give some latitude. I think it's important to have a good discussion in committee, but it is going away from the motion itself so I did allow for a great deal of latitude to talk about an area that wasn't necessarily directly related to this motion. Mr. Rinaldi's comment is a point of order. It is correct to raise this concern, and in this case I'd ask you to direct the comments to the motion at hand.

Mrs. Gila Martow: I just wanted to say, and I'll just say it very quickly, that it's not just about the OMB and it's not just about developers. It's about the whole big picture in the province which is the municipal planning, that they need to follow whatever regulations are in place. I think that municipalities oftentimes know what's appropriate for their municipality and I certainly would like sometimes, at least here, that members of the Ontario Municipal Board at least go to look at the neighbourhood, because you're shown pictures or you're given descriptions and it doesn't always do it justice.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield.

Mr. Percy Hatfield: Thank you for allowing the latitude that you did. I believe Mr. Dhillon had asked for examples and Ms. Martow was giving him some examples.

I just want to put on the record, as I conclude my remarks on the OMB, that there's little reason for municipalities, after that Kitchener-Waterloo example—the region of Waterloo—to invest in planning reviews and develop new land use policies when a developer can turn around and immediately ask the OMB to rewrite the new rules.

I remember the member for Kitchener-Waterloo at the time wrote an op-ed piece and a quotation from that was, "Now the municipal board answers to literally no one. There is currently no elected government with ultimate authority and accountability for planning policy decisions in Ontario." And in September, 2013, in another op-ed piece, the former member for Trinity-Spadina, Mr. Marchese, said, "The OMB is not a court, a Legislature or a ministry. It is a fourth branch of government, unelected and accountable to no one."

I also, from late 2013, have an article with Jennifer Keesmaat, the director of planning for the city of Toronto, who appeared in front of us. She was talking about the power imbalance between the city of Toronto and the Ontario Municipal Board, and how the city has to negotiate settlements with developers, but it meant that the city planners were not achieving their objectives because they always talk "settle, settle, settle." She said:

"[We're settling. It's ... Far] from ideal, we're not achieving great city building if a large, substantive number of our approvals are being achieved through settlement. We often settle as a city; we're very motivated as a city to settle because it's extremely costly for us to go to the Ontario Municipal Board. We have a fraction of the resources that our competitors do at the OMB, so a settlement is in our best interest most of the time. Which

means, are we happy with the outcome we get? Not usually. Is it great city-building? Not usually. But we settled because we have the Ontario Municipal Board, which creates a culture which makes it really difficult for us to actually achieve our larger city-building objectives.”

When you have people across the province saying stuff like this about the Ontario Municipal Board, I just think it makes sense that they should be consistent with municipal decisions as opposed to merely having regard to the decisions taken by a municipality.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments, questions, concerns? Seeing none, we can move now to the vote on motion 25.

Ayes

Hatfield.

Nays

Anderson, Baker, Dhillon, Hardeman, Martow, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): The motion does not carry.

At this point, we are in a position to vote on section 12. Before we do so, is there any debate or discussion on section 12? Seeing none, we can now move to a vote on section 12.

Ayes

Anderson, Baker, Dhillon, Hardeman, Hatfield, Martow, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): All those opposed? Section 12 carries.

Before we get into the next motion and into section 13, I have a request: Is the committee amenable to a brief, five-minute recess? For myself, that would be great.

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): If you are not, then I am unable to do so—

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): So it will be a brief, five-minute recess.

The committee recessed from 1731 to 1739.

The Vice-Chair (Mr. Jagmeet Singh): Everybody, we will begin. We're now at NDP motion 26. Mr. Hatfield.

Mr. Percy Hatfield: I move that section 13 of the bill be amended by adding the following subsection:

“(2) Section 3 of the act is amended by adding the following subsections:

“Aligning review of policy statements and provincial plans

“(11) The minister shall align the review of policy statements under subsection (10) with the review of provincial plans as much as possible.

“Contents of policy statements

“(12) The minister shall ensure that policy statements issued on and after the day subsection 13(2) of the Smart Growth for Our Communities Act, 2015 comes into force include,

“(a) interpretation provisions; and

“(b) provisions indicating how any conflicts with provincial plans are to be resolved.”

The Vice-Chair (Mr. Jagmeet Singh): Any discussion, debate or questions? Mr. Hatfield.

Mr. Percy Hatfield: I guess it's pretty simple. What this requires is the minister to align the reviews of policy statements with reviews of provincial plans, and that policy statements include interpretive provisions and guidance about how conflicts with plans be resolved. It ensures that municipalities don't have to update everything to keep up with new planning rules every few years.

The member from Etobicoke–Lakeshore had proposed identical legislation in his private member's bill, Bill 39, so I don't see how the government could possibly refuse to support this.

The Vice-Chair (Mr. Jagmeet Singh): Any further discussion, debate or questions? Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, I recommend not supporting this, for a few reasons: The motion will reduce the flexibility of the Minister of Municipal Affairs and Housing to determine when and how policy review should be undertaken. The bill already proposes to extend the review cycle for provincial policy statements in 10 years, which is in keeping with the review cycle of provincial plans. It should be noted that existing legislation and the policies and plans themselves already provide provisions relating to the interrelationship between different provincial policy documents.

Chair, currently the minister has undertaken a co-ordinated review of four provincial plans that may, among other matters, address issues involving complexity, conflicting policy, and overall harmonization of policies in alignment with the provincial policy statement of 2014.

So there's an awful lot already addressing the issue, and to put something, I guess, in such a restricted form, I would recommend that we don't support this motion as presented today.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments? Mr. Hardeman.

Mr. Ernie Hardeman: Generally, I agree with this amendment, although as I was listening to the presentation, in fact, I have a little concern as to how this would—what shall we say?—dovetail into the review of local official plans because they're on 10-year intervals, but they are all on different intervals, so how the review of the provincial documents would fit in with that.

Having said that, I do believe that part of the motion deals with how we're going to resolve the conflict in

provincial policy statements. Going back to the “consistent with” argument, a number of years ago, if you looked at the plan, there were two different policy statements that said one conflicted with the other. Which is more important: agricultural land or aggregates? You can’t protect them both on the same piece of land, and yet if you look at the natural resources policy statement, you had to protect the aggregates for future generations. If you looked at the agriculture policy statement, you have to protect class 1 agricultural land. If you have to be consistent with both of those, someone or somehow you have to decide which one has priority over the other. You can’t do both. So I think that part of this resolution is very, very helpful, to have government define just how we’re going to deal with the conflicts.

I think also the statements and the provincial policies all coming together—and going back to my original comments a while back about the first part, development charges, the Ontario Home Builders’ Association, the Ontario Federation of Agriculture, AMO and others all supported this change to make sure that there was some consistency in how we reviewed the provincial documents so the municipalities would know what to look for and when to look for it. If they’re doing their official plan and the policy statement review is coming a year after they finished with the official plan, maybe they should just wait because they’re going to have to make some adjustments to it. They all wanted it done more in the manner that was being proposed here.

On balance, I’m going to support the resolution because I think there’s more positive than negative in it.

Mr. Percy Hatfield: Thank you.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or questions? Yes, Mr. Hatfield.

Mr. Percy Hatfield: I guess I’ll be disappointed in the government members again if they don’t support this. When we listen to the Association of Municipalities of Ontario and others who come here—because they deal with it on a daily basis—and they say to us that this would help them in their official planning and their policy statements, that this is one way of making sure that everything is synchronized, then I don’t know why we don’t support it. It just baffles me.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments, questions, concerns or debate? Seeing none, we’re in a position now to vote on motion 26. Shall motion 26 pass?

Ayes

Hardeman, Hatfield, Martow.

Nays

Anderson, Baker, Dhillon, Mangat, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): Motion 26 does not carry.

We are now in a position to vote on section 13 of the bill. Is there any debate on section 13? Seeing none, we are in a position to vote on this section. Shall section 13 carry?

Ayes

Anderson, Baker, Dhillon, Hardeman, Hatfield, Mangat, Martow, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): Section 13 carries.

There are no motions for section 14; there are no amendments. Is there any debate on section 14? I see no debate. Shall we move to the vote now on section 14? Shall section 14 carry?

Ayes

Anderson, Baker, Dhillon, Hardeman, Hatfield, Mangat, Martow, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): Section 14 carries.

Now moving to motion 27 dealing with section 15: PC motion 27. Ms. Martow.

Mrs. Gila Martow: I move that subsections 8(1) and (2) of the Planning Act, as set out in section 15 of the bill, be struck out and the following substituted:

“Planning advisory committee

“(1) The council of a municipality may appoint a planning advisory committee in accordance with this section.”

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments, questions or concerns? Yes, Mr. Hardeman.

Mr. Ernie Hardeman: Yes. This is a small but rather important amendment. The intent, of course, is to change the “shall” to “may,” I think for a number of reasons. This amendment would remove the mandatory requirement for planning advisory committees for the upper-tier municipalities.

Again, speaking of Oxford, the best riding in Ontario—

Mr. Percy Hatfield: Oh, wait a minute.

Mr. Ernie Hardeman: One of the two best ridings in Ontario.

For example, planning decisions are made in council meetings. This clause would move those discussions out of the public meeting and into the backroom. I think for the committee to understand, the council meets and all the discussion about that planning application is going to be made in a public forum with the media there and everybody listening for all that’s happening at the council meeting. If this is mandated that it has to be done that way, they would take those same members from council, they would appoint one layperson or non-elected official to the committee and they would have to have a special meeting, only it wouldn’t be a public meeting; it would

just be—it wouldn't necessarily be a public meeting. Even if it is public, the media will likely not show up.

1750

They will make a recommendation to council. The committee, all but one, are the same people who were at the meeting, so the recommendation is going to be the same at council, and the public is not going to hear the debate at all because it was already made behind closed doors at the planning advisory committee. All they're going to do—if the layperson had a different opinion in the committee, no one will know. Members will go back to council and still make the same decision. In their case, in that particular case, I believe it would be much better, more transparent and more productive if they could carry on having the 10 members of council having the planning discussion and making the planning decision.

AMO strongly objects to the mandatory planning advisory committee for the upper-tier municipalities. In their presentation, they said—and again, those who were hearing the presentations: “This idea of mandatory planning advisory committees was tried in the past and was abandoned. It created confusion as to the legislative role of councils and what the accountability framework of public advisers is, and again involves another administrative practice.” That's a quote from the AMO presentation.

Opposed to the mandatory committee: the county of Renfrew, the city of Toronto, the Ontario Association of Committees of Adjustment & Consent Authorities and the county of Oxford. Ontario home builders would be opposed to mandatory planning advisory committees if they are acting as a governance body or an approval authority.

Again, there was nobody who came forward and said, “Oh, my. Isn't this a wonderful idea to set up more bureaucracy, to set up another committee where we can bring more people in to have discussions behind closed doors?” Most people came in and said, “You know, this is not going to help the system. This is more red tape, this is more bureaucracy, but the end decision is going to be made by the same people, so it really is not productive at all.”

That's why we believe that in places where they believe it works well with them, they can appoint that committee. They can have laypeople on it if they so wish. In places where it's going to not work in their present structure, they can do it the way they presently do it. That's why we're suggesting that they change the word “shall” to “may,” and I think it will work better for everyone else.

The Vice-Chair (Mr. Jagmeet Singh): Are there any additional comments, questions or concerns? Ms. Martow.

Mrs. Gila Martow: I think that this just goes back to what I was trying to say before: There are so many layers of bureaucracy that it's amazing that we can get anything done.

If people are trying to have a condo and a place to live, and they're being slowed down, they're waiting for

a new development in the neighbourhood to get started and get planned and get a shovel in the ground, I don't see how this is going to help things by moving things along quicker. Councils already have a public forum where people can give deputations and send in emails which are on the record. There is certainly a lot of room for input, but I have to agree with my colleague when he says that to say that they should have to have a task force—I don't see why you even have to have this in there, because if they want to set up a task force, they can set up a task force.

I just wonder who's driving this and whether it's just sour grapes that somebody who ran for council and didn't get elected and now wants to be on a task force—well, I doubt if they're going to be on that task force anyhow, because it's going to be council appointing who's on that task force.

I just don't see the point of demanding that there be some kind of—maybe the government can explain, or somebody can explain the rationale of insisting that there is a task force.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield.

Mr. Percy Hatfield: I've seen quite an evolution of planning advisory committees. I was a former municipal affairs reporter at the CBC in Windsor for most of 30 years. I used to cover planning advisory committees when I was elected as a city councillor. The first committee I applied for was a planning advisory committee. We started out as having more citizen appointments than councillors, then we went to an equal number, and then we went to more councillors.

I don't know if they still have a citizen appointment on there or not since I've left, but I remember the confusion that would come in when a planning advisory committee decision—they all come to city council after the decision is made and you go over the same debate, the same delegations come and say the same things and then city council makes a decision.

The problem we encountered was that if a decision by the planning advisory committee went one way and a decision by city council went another way, if there was an appeal to the OMB over that decision, the city had to hire an outside consultant to state its case because the city planner would have given a decision at the planning advisory committee. The planning advisory committee took that decision and went one way and then the planner gave the same decision and council went another way, so you had to get an outside planning consultant to come in and take charge of the appeal because of a conflict, or a perceived conflict.

I know that the city of Toronto is opposed to this because they have their own way of dealing with things in Toronto and it's probably a more mature evolution that they've gone through, based on the number of planning decisions that they have to make in a city of this size. But for the smaller municipalities, should they choose to appoint a planning advisory committee, if that's the way they want to do it, if that's the avenue they want to take,

then, as the former member for Trinity–Spadina would say, “God bless.” But for those that don’t want to go that way—because some see it as redundant because the final decision at the end of the day will come down to the municipal council regardless. So I think they should have the ability, the right, to make their own decision on this. If they say to us, “We don’t want to be mandated to have one, but we may choose to have one,” we should recognize that and give them that ability to make that decision for themselves.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments? Mr. Rinaldi.

Mr. Lou Rinaldi: Again, I recommend not supporting this motion. I think it removes the requirements for planning advisory committees, on which the citizens are represented in the upper-tier and single-tier municipalities in southern Ontario, and thereby removing an additional forum through which residents will be more directly involved in planning matters. This is in order to be more open to planning decision-making in our communities.

The intent of Bill 73 is to facilitate greater collaboration and exchange of ideas between council and the public. The proposed Bill 73 changes will not impact how council chooses to use a planning advisory committee. Council will continue to have the ability to determine the type of planning matters that these committees could provide comments on, their role and that of the public. We always talk about public participation, that we should encourage it in decision-making—that’s in all levels of government. This is another way that the public

can get involved, certainly. It will make, I think, a better planning process for communities.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or questions? Mr. Hardeman. I’ll just note that we’re close to 6 o’clock, and it’s a sharp stop at 6 o’clock. You can make, maybe, a one-minute comment—a minute and a half.

Mr. Ernie Hardeman: I think it’s important to recognize that the parliamentary assistant talks about more transparency and more public involvement. In my opinion, as I mentioned about the situation in Oxford, it will do exactly the opposite.

I had the opportunity, for nine years, to be on the planning committee in Oxford. At that time, we had a planning committee of members of council that met and then they made a recommendation to council for decisions. I can tell you that, if you’re looking for public participation, the only people who came to a planning committee were not the media, not the public; it was the applicant—that’s it. Then they would make recommendations. If anyone else wanted to speak to that issue, they would then come to council because that recommendation from the planning committee came to council. Then council would, as was mentioned by Mr. Hatfield, review it in its entirety if there was the public there—

The Vice-Chair (Mr. Jagmeet Singh): Sorry. Save it for next time. The committee is adjourned until 4 p.m. tomorrow, November 17. We are going to be in committee room 1. Thank you so much. You guys have been great. I couldn’t have done this without you.

The committee adjourned at 1800.

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Staff / Personnel

Ms. Susan Klein, legislative counsel