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Tuesday 1 December 2015

Mardi 1^{er} décembre 2015

Speaker
Honourable Dave Levac

Clerk
Deborah Deller

Président
L'honorable Dave Levac

Greffière
Deborah Deller

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**LEGISLATIVE ASSEMBLY
OF ONTARIO**

Tuesday 1 December 2015

**ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO**

Mardi 1^{er} décembre 2015

The House recessed from 1759 to 1845.

ORDERS OF THE DAY

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

Mr. Orazietti moved third reading of the following bill:

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

The Acting Speaker (Mr. Rick Nicholls): Mr. Orazietti has moved third reading of Bill 106. Mr. Orazietti.

Hon. David Orazietti: I want to indicate from the start here that I will be sharing my time with my parliamentary assistant, the member from Newmarket–Aurora, who will speak specifically about some of the amendments that are being proposed.

With that, Speaker, I'm pleased to rise in the House today for third reading of Bill 106, the Protecting Condominium Owners Act, 2015.

On May 27 of this year, I rose in the House to introduce legislation to protect and strengthen the rights of Ontario condominium communities. If passed, the Protecting Condominium Owners Act would introduce much-needed measures to significantly strengthen protection for those who buy and live in condos across Ontario. This is a critical step forward to ensure that we are meeting the needs of an ever-growing market.

The existing Condominium Act was passed in 1998, at a time when fewer people lived in condos and when the issues revolving around day-to-day life in condos were far less complex. Today, Ontario has about 700,000 condo units and 10,000 condo corporations, with approximately 1.3 million condo residents in the province, meaning that approximately one in 10 Ontarians lives in a condominium.

While this growth is beneficial to the province, it has also come at a cost. As the number of residents increases,

we have also seen a corresponding increase in the number and complexity of issues related to condominiums. While some of these issues are legal or technical in nature, they also stem from the interpersonal relationship between owners, board members and condo managers. In order to address these issues, the proposed legislation aims not only to strengthen the way condos are managed and governed, but also to provide owners and other stakeholders the tools necessary to build a strong sense of shared responsibility for the well-being of their communities.

The proposed legislation was informed by the input and recommendations we received during the extensive consultations which preceded the drafting of the proposed legislation. I truly believe that, if passed, this act will provide a framework to address the needs of today's condo owners and residents.

The bill embodies the expertise and vision of many within the condominium sector. It underscores our government's commitment to strengthen current and future condominium communities across Ontario.

Over the last few weeks, the bill was discussed by many members here in the Legislature. Members of the committee have been very involved during the hearings, and I'm very appreciative of that. Stakeholders and members of the public were offered an opportunity to present their views and comment on the proposed bill. The committee has heard from a number of interested parties who shared valuable insight and information about this bill and how, if passed, it would better protect condo owners and help to better inform potential condo buyers of their rights and obligations when purchasing a new home.

We also heard how we could make some improvements to the proposed legislation, and we listened. As a result of the valuable feedback at committee, coupled with the feedback from my ministry and from stakeholders and the public over many months, several amendments were made to the bill that would further benefit and strengthen Ontario's condo communities. My colleague and parliamentary assistant in the ministry, Chris Ballard, the MPP for Newmarket–Aurora, will expand on some of the amendments that were made as a result of the feedback received during committee.

1850

If passed, the proposed legislation will provide Ontario with a foundation on which to build robust requirements that will promote stronger condo governance and provide consumer protection mechanisms that will ensure the sustenance of healthy condo communities.

In the end, we want to help condo buyers make informed choices, and, for condo owners, to ensure that their hard-earned investment and the place they call home is well protected. With the proposed changes we are debating today, the Protecting Condominium Owners Act, if passed, will offer much greater protection to Ontario's 1.3 million condo residents.

I am proud of the work we've accomplished to develop this bill, and I want to thank you for the opportunity to speak today.

I would be remiss if I did not recognize the work and the consultations that were led by the member who is in fact sitting in front of me: the former Minister of Consumer Services, Minister MacCharles. I want to thank her for that work that was done.

I also want to thank the committee and my parliamentary assistant, as well as staff in my office, for the tremendous amount of work they have done to move this significant piece of legislation forward. It is really the first time in close to 20 years that we're modernizing condominium legislation in the province of Ontario for the benefit of more than a million residents, and we know that this is a growing number.

Thank you for the opportunity to speak on the third reading of Bill 106 this evening.

The Acting Speaker (Mr. Rick Nicholls): I thank the minister. Continuing, I recognize the member from Newmarket–Aurora.

Mr. Chris Ballard: I appreciate the opportunity to speak to you today about the importance of Bill 106, the Protecting Condominium Owners Act, 2015.

Condos represent about half of the new homes being built in this province, including those in my riding of Newmarket–Aurora. The sector is worth about \$45 billion and employs more than 300,000 Ontarians.

Condos come in all shapes and sizes, so any effort we take to address laws and practices must be mindful that changes which may work well for one may negatively impact another. We have to find the right balance in order to make sure we're addressing the needs of the greater community. We feel that this bill is the right balance and, if passed, will contribute to the well-being of all condo communities across the province.

As the minister stated, the standing committee made a number of important amendments to improve the bill by providing additional protections for Ontario's condominium communities.

As one example, the committee amended the bill to clarify when and how courts may order the permanent removal of a person from a condominium property in extraordinary circumstances, such as when a person poses a serious risk to the health and safety of other residents.

This amendment would also align the Condominium Act with the Residential Tenancies Act by prohibiting condo corporations and others from using the Condominium Act to terminate a residential tenancy. It would also clarify that unit owner landlords cannot use the Condominium Act to permanently remove their own tenants.

The committee also made a change that would help protect condo owners by prohibiting managers with an interest in the outcome of a meeting from soliciting proxies. This is intended to prevent managers from using proxies to try to influence a vote to their benefit, and to ensure a fair voting process.

The response during committee was significant and demonstrated the high level of passion people have with this bill. I would like to thank the committee and other members who provided their input and suggestions during the process. Not all of the recommendations were included in the current draft of the legislation, but they are still valued. As discussed in committee, many of these recommendations could be addressed in regulations, and we would consider them closely as we move ahead.

Passing this proposed legislation would be a milestone for the condo community. However, passing this legislation is only the first step. If passed, the ministry would continue to work with stakeholders to seek input during the implementation and regulation development stage, before making final policy decisions. The collaborative approach taken to develop this bill has been instrumental to ensure we develop a law that benefits the entire condo community, and we will continue this open-government approach as we move ahead.

Passing the proposed legislation would establish clear, more comprehensive rules to prevent owners from being surprised by unexpected costs after buying a newly built condo; a new condominium authority to provide quicker, lower-cost dispute resolution and help prevent common disputes; strong financial management rules for condo corporations to help prevent financial and organizational mismanagement; better governance requirements for condo boards, including training for condo directors; and mandatory licensing and education requirements for condominium managers.

All of these features, Mr. Speaker, would significantly increase protections for Ontario's condo owners and set a solid foundation for stronger and healthier condo communities across the province. This government has the responsibility to Ontario consumers and their families to ensure that the proper consumer protection mechanisms are in place. The approximately 1.3 million Ontarians who live in condominiums are counting on us. I call on this House to support this bill so Ontario residents can get the protections they want and they deserve.

The Acting Speaker (Mr. Rick Nicholls): Questions and comments?

Mr. Jim McDonell: It's a privilege to rise in this House, as always, to comment on bills. I know that we sat through committee, and we had the hope of getting through a large number of amendments that we saw were needed for this. All, sadly, were turned down. We had two real gaps in the legislation. The government had to work with us because they were going to create real problems, and we worked with them to modify our amendments so that they fit the need. A lot of consultation was made. We heard through many of the depositions that there were errors made in the legislation.

Hopefully they listened to the delegations. That's not always what we heard.

So I think that we see that it's a good first start. We need to put this legislation in place. It has been since 1998. We just hope that they don't wait another 15 or 20 years for the next—because it is a growing industry that has now taken over. I think that 50% of all new units built in this province are condominiums, so it's a big sector, with a lot of changes. Of course, as the market changes, we need to sit back, evaluate what's going on in the industry and make the changes necessary to give the owners the confidence that it's a great place to live, that you can protect your investment, and in the end, if your decision is to hold onto it, that you can pass it off and have some value left.

I look forward to speaking later on in the night on the legislation and to see what else the government has to say.

The Acting Speaker (Mr. Rick Nicholls): Further questions and comments? Further questions and comments? I feel like an auctioneer. Further questions and comments?

Interjections.

The Acting Speaker (Mr. Rick Nicholls): Order, please. Order. Back to the minister for final comments.

Hon. David Orazietti: Thank you, Speaker, for the opportunity. I appreciate all the comments that have been made in regard to Bill 106 and look forward to speedy passage.

The Acting Speaker (Mr. Rick Nicholls): Further debate?

Mr. Jim McDonell: I know the good news, Speaker, is that I could speak for hours tonight. I know the members are looking forward to that. I'm pleased to rise today for my comments on third reading of Bill 106.

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Condominiums are a growing sector in Ontario. Today, over 700,000 households call a condominium unit their home, everything from 50-storey glass towers to older conversion projects. The incredible construction activity driven by the condominium industry is clearly visible from the windows of Queen's Park.

There are benefits to developing and living in a condominium, especially a multi-unit one. It is a great option for families or seniors who wish to downsize from a larger property. It is an affordable way for young families to step onto the property ladder, compared to a semi-detached or a detached home.

High-density condominium living close to the downtown core is a positive influence on the environment, as it brings workers closer to their jobs and the amenities that the city offers, reducing the need to commute.

Furthermore, a condominium's ability to draw upon the shared resources of several owners allows the corporation to achieve economies of scale when purchasing equipment and services.

The major distinguishing feature between a condominium property and the more traditional notion of a family home is that ownership does not extend to the full range

of amenities and services that you would control in a detached house.

Interjection.

Mr. Jim McDonell: Oh. I just wanted to say that I'm sharing my time with the member from Leeds–Grenville.

Ms. Lisa MacLeod: And?

Mr. Jim McDonell: And Nepean–Carleton.

Services and charges such as hydro, air conditioning, heating and common elements maintenance and repairs are usually shared amongst the owners, whose stake in the well-being of the condominium is as significant as your own. This is why, in Ontario and other provinces, the owners form part of the corporation, where they are all shareholders. The responsibility for maintaining the building's value and attractiveness to purchasers, as well as preserving residents' quality of life, falls upon the corporation and the elected board of directors. Here is where the issue of consumer protection comes from.

Unless we delve deeply into the philosophy of property, we generally see property as ownership of an undivided interest for us to dispose of as we please. But that is not how a condominium works. The word itself means "common property," and where there is a common interest, there's the need for management, decisions and compromise.

The last update to the Condominium Act happened in 1998, and since then the condominium sector has boomed. This allowed more Ontarians to buy their first home, but it also triggered the need for changes in the legislation.

The bill before us is the result of a long consultation process, initiated by the Ministry of Consumer Services, that involved many stakeholders, such as owners, managers, consumer advocates and legal experts. It is our duty in this Legislature to ensure that all Ontarians can make informed choices when buying a condominium, enjoying their property and having their investment protected from harm.

Condominium owners and corporations have only one dispute resolution avenue available to them today, and that is the courts. Simple disagreements regarding matters such as common expenses or excessive noise are taking up valuable court resources and time, whereas other contracts such as tenancies already enjoy a custom tribunal where the claim can be adjudicated by experts. This is the framework from which the government's condominium tribunal stems.

On the surface, the new tribunal is designed to reduce the cost and duration of condominium disputes by removing them from the courts. Indeed, the sections establishing the tribunal explicitly state that certain categories of disputes can't be referred to the courts if the tribunal exists. This arrangement is similar to the framework around tenancies, whereby a tenant's rights and obligations can't be limited, terminated or enforced without an order of the Landlord and Tenant Board. The tribunal and the Landlord and Tenant Board, however, are two very different creatures, which is cause for concern.

The tribunal the government is establishing with the legislation is appointed by the condo authority, a body

whose composition we do not know yet. Bill 106 leaves it to the minister to determine how the board is appointed, and limits the minister to appointing less than half of the authority, while the majority will be appointed or elected in accordance with the as-yet-unseen regulations.

In contrast to the Landlord and Tenant Board and all other administrative tribunals in Ontario, the condominium tribunal will be appointed without legislative oversight by an authority beyond public control. The condominium tribunal will have broad adjudicative powers. The members of this Legislature can't as much as ask whether the appointees to the tribunal have taken an adjudication course or a single law class. We proposed amendments to balance this situation and bring the tribunal in line with other similar bodies in Ontario. The government side rejected all of them, citing "consolidation risk" and the fact that this isn't how the Ministry of Consumer Services is used to appointing people. I'm sorry; that just doesn't wash. This is no reason for someone adjudicating a \$1,000 repair dispute for a condo owner to be appointed any less transparently or accountably as the adjudicator for a \$1,000 dispute in a rent case.

It would be remiss of me to fail to mention that cooperation between the government and the opposition occurred on three amendments. The government reached out to us regarding two clear stakeholder requests for which we had submitted amendments.

One request was by the Association of Condominium Managers of Ontario, which highlighted that, as currently written, the legislation would make it very difficult for a dismissed manager to complete the necessary regulatory and financial filings arising from the original management contract. Requiring that the manager surrender all documents to the corporation immediately upon termination is a fair demand. However, allowing said manager to keep certain copies, for a specified time, for certain prescribed purposes is a fair balance.

The next amendment we worked on together concerned proxy voting at owners' meetings. Under the current system, proxies are not tightly regulated and are prone to abuse. We heard stakeholders' concerns regarding the solicitation of proxies by the board and the condo manager, and the potential opportunities for tampering and placing undue pressure on an owner to proxy someone else.

Our original amendments sought to make it clear that board members, board candidates, condo managers and their families would not be allowed to be proxies. The managers would be banned from handling proxies in any way, including soliciting, reviewing or storing them. The government rejected the first amendment, which we found disappointing. On the second amendment, however, the government agreed to a compromise: Managers would be explicitly barred from soliciting proxies from owners. Having witnessed the amendment bloodbath which preceded this agreement, we followed the principle that some consumer protection is better than none at all.

Banning solicitation is the first step. However, we would prefer it if condominium managers were removed even further from the proxy process, in order to maintain

the confidence of the owners and avoid conflicts of interest.

Overall, the legislation is a needed reform for the sector, which has experienced strong growth in recent years and is a key driver of this economy. It is the result of lengthy consultations that involved citizens, associations and corporations. We would have preferred that the government listened to the deputations we heard at committee and allowed us to improve the protection of condominium owners, their assets and their equality of life.

As it stands, the bill could have been so much better. I think consumers should give it a C+.

Let's not wait another 17 years for the next review.

I'll be sharing it off with our next—

The Acting Speaker (Mr. Rick Nicholls): Thank you very much. Continuing debate, I recognize the member from Leeds–Grenville.

Mr. Steve Clark: Thanks, Speaker. I'm only going to take a few moments because I think my colleague from Stormont–Dundas–South Glengarry has already talked about a number of issues.

I want to talk about an issue brought to my attention by a condo owner in Leeds–Grenville as really a cautionary tale, because the government proudly boasts that Bill 106 extends Tarion warranty coverage to condo conversion projects. Again, it's a welcome measure, but I do want to talk about a cautionary tale in the riding. It's a terrible experience and it's another example of why the promise of Tarion protection sometimes isn't worth the paper it's printed on.

Earlier this year, I was contacted by a constituent on behalf of a condominium board in my riding. They wanted me to know about what they had been through since purchasing their condo units with what they thought was the safety net of Tarion. Here's part of what they told me: "In year 1, the original list of deficiencies totalled 176. This list was prepared by a consulting engineer who did a complete building audit and reported the deficiencies to Tarion."

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The condo board went out and hired an engineer who identified nearly 200 deficiencies and reported them to Tarion. Now, you'd think that with an expert on their side, it would be good news for these folks. Well, Speaker, you know what? You'd be wrong. Tarion would agree that only three of those 176 deficiencies were warrantied.

Even then, the board had to fight to get Tarion to cover them. As they wrote to me, "Convincing Tarion of our claim came with significant cost attached. One warranty claim that was accepted by Tarion cost us \$17,000 in consulting and legal fees to prove our case.

"As of the end of this summer, the owners will have spent approximately \$1 million fixing an array of major building deficiencies not covered by Tarion." In addition to what they've paid for their condos, they've paid about \$36,000 each to fix problems not covered by Tarion.

I wrote to Minister Oraziotti, who spoke earlier this evening. I wrote to him in August to outline the nightmare they've been through and to implore him to use their experience as motivation to make some substantive

reforms to Tarion. To say the minister's response was a disappointment would be a severe understatement. The response was described by my constituent as having "lots of sympathy but very light on solutions."

But it was quite interesting that the minister's response actually cited the private member's bill introduced by the member for Bramalea–Gore–Malton as an example of things being done at Queen's Park. Of course, the minister didn't say that he was adopting Bill 60 in government legislation, so it was a bit of a red herring for the minister even to bring it up in the letter.

That's why I wanted to put it on the agenda as I stood in support of Bill 106. I want to remind the minister the consumer protections he talks about in the bill are just empty words until he gets moving on the reforms to Tarion. I want to put that on the record, and I want to defer now to the member for Nepean–Carleton.

The Acting Speaker (Mr. Rick Nicholls): Thank you. Continuing debate, I recognize the member from Nepean–Carleton.

Ms. Lisa MacLeod: It's my pleasure to have the opportunity and the floor to discuss Bill 106 and indicate our party's support for this legislation. We believe that it is time to renew the legislation in order to update the situation that we have in Ontario.

The most recent condo legislation in our province was last updated in 1998, and today, many more people live in condominiums than lived in condominiums previously. In fact, 1.3 million Ontarians live in condominiums, and many of them live in condos inside the city of Ottawa, which is where I live, which I represent and who I advocate for on the floor of this assembly.

More than 50% of the new homes built in Ontario are condominiums, including in my constituency of Nepean–Carleton. In fact, last week, I was with the member for Leeds–Grenville in a community that I represent called Barrhaven. It's one of the fastest-growing communities in all of Ontario. That high growth means not only a very high birth rate and an aging population, but it also means many homeowners are coming to our community for affordable housing, in order to have a family home. As a result, we're seeing a lot of single-family dwellings, but we're also seeing an increase in condominiums.

When we were talking last week about the municipal land transfer tax and our opposition as Progressive Conservatives against it—with two notable organizations in the city of Ottawa, the Ottawa real estate association as well as the Greater Ottawa Home Builders' Association—it was interesting when a question came up with respect to condominiums and the fact that as a result of what was at the time proposed and now debunked, the municipal land transfer tax, this would impact the condominium market as well, which we know has been struggling because so many condominiums are out there.

Recently, the numbers suggest that there are about 700,000 condominium units in Ontario, with another 51,000 under construction. Put that into perspective: That's almost 300,000 more condos in the province of Ontario today than existed in 2001, three years after the last bill was introduced.

It has been a long time coming. Many of the stakeholders who want changes and want more stability and to have a greater say for their condominium boards have been here since 2012. That means that for almost four years they have been advocating to this government in order to have changes made.

I want to acknowledge—and I would be remiss if I did not—the hard work of Rosario Marchese, a former New Democrat member of this assembly, someone I was a good friend to, and he was a good friend to me, who I travelled with on a delegation to Taiwan, and who I have a lot of respect for. He fought tirelessly for this legislation. When this bill ultimately passes, which I suspect it will, given that the government is supporting it, as are we in the Progressive Conservative opposition, I think it's important that we acknowledge the hard work of former members.

I'm not going to take much more time other than to acknowledge the hard work of my critic, from Stormont–Dundas–South Glengarry, Jim McDonnell.

I want to take this time just to say thank you to all of the members who have participated in this. The stakeholders who have been championing this for the last four years are going to be very pleased at Christmastime when this bill is finally dealt with. I think that that's really incredible.

We have a few more pieces of legislation—and this may be a bit off-topic, but I think colleagues will indulge me—that we'll be dealing with in the next week and a half, before we all head off to the Christmas break. I know that I'll have an opportunity next Thursday to speak to my bill, Rowan's Law, which I hope all members will support. Of course, I want to say thank you to the members from Kitchener–Waterloo and Ottawa South for co-sponsoring it.

In terms of debate, I notice there are a lot of happy colleagues right now, as we get ready for Christmas and go back to our constituencies and our families. I know that the next week is going to be very exciting as we get through that. I would really like to wish all my colleagues well. I know we're here, sitting in a very rare evening session—

Hon. Michael Coteau: Sing the Michael Coteau song for us.

Ms. Lisa MacLeod: Speaker, I just want it into the record that the Minister of Tourism, Culture and Sport wants me to sing a song about him. Now, I'm not a great singer, and I'm not going to do that while the microphone is on.

Interjections.

The Acting Speaker (Mr. Rick Nicholls): I would just like to remind the member from Nepean–Carleton—we're addressing the bill, so please address the bill. Thank you very much.

Ms. Lisa MacLeod: Thank you, Speaker.

Mr. Ernie Hardeman: If you sing, sing to the Chair.

Ms. Lisa MacLeod: Speaker, on that final note, although I am giving support to the Liberals on this key initiative, and although I'm working with them on Rowan's Law, I must say that the song I think of when I

think of the Liberal caucus is not the Michael Coteau song. It in fact is actually If I Had a Billion Dollars—to pay off all of their scandals, including the gas plants.

Speaker, in the spirit—

Mr. John Yakabuski: A billion is not enough.

Ms. Lisa MacLeod: A billion is not enough.

In the spirit of the season, I wish all members a happy December 1—

Interjections.

Ms. Lisa MacLeod: They're singing to me now, Speaker. This is awkward. I think I'll conclude my comments on Bill 106 before they go any further. Thank you.

Mr. Steve Clark: Point of order, Mr. Speaker.

The Acting Speaker (Mr. Rick Nicholls): Point of order: I recognize the member from Leeds–Grenville.

Mr. Steve Clark: A point of order, Speaker: I want to correct my record. In my speech this evening, I forgot to wish my wife, Deanna Clark, a happy birthday today.

The Acting Speaker (Mr. Rick Nicholls): That is not a point of order. However, I will allow it to happen.

Ms. Lisa MacLeod: Point of order, Speaker.

The Acting Speaker (Mr. Rick Nicholls): An additional point of order, from the member from Nepean–Carleton.

Ms. Lisa MacLeod: I'm going to call the member opposite out, because I actually just tweeted his wife's birthday, and I think he saw it on Twitter.

Mr. Steve Clark: I know. That's why I'm doing it.

The Acting Speaker (Mr. Rick Nicholls): That again is not a point of order, but I will allow it to happen.

Further questions and comments? I recognize the member—

Interjections.

The Acting Speaker (Mr. Rick Nicholls): Questions and comments? One more time: questions and comments?

Back to the member for final comments.

Interjection: Further debate.

The Acting Speaker (Mr. Rick Nicholls): Well, then, I guess we'll have to go to further debate. Who's on first? I recognize the member from Kitchener–Waterloo.

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Ms. Catherine Fife: I think that this is why we don't have night sittings anymore, Mr. Speaker. I don't know.

This is an important act—it is, though—Bill 106, and the Minister of Government and Consumer Services actually referenced earlier that one out of every 10 Ontarians lives in a condo. He referenced that 1.3 million residents live in condos in the province of Ontario, so we need to go through the due process, I think.

I must confess, though, Mr. Speaker, I am really missing Rosario Marchese tonight, because he would be in his element in this environment. For those of you who never got to work with him in this House, he championed the causes that are contained within this bill, with the exception of Tarion. With the lack of movement on Tarion, I think he would have had lots to say. I'm going to actually try to channel a little bit of him, but not too much, because we have to be respectful.

Interjection.

Ms. Catherine Fife: The minister of curmudgeonry right there is heckling me, right from the very get-go.

We do agree; we agree that municipal building inspection issues are out of the scope in relation to Bill 106. This is why it's so very important: We respectfully submit that the matter of Tarion's responsibility in relation to the Ontario building code and inspections during construction—these are two key, related issues.

I'm going to reflect some of what the stakeholders who came to finance committee said. As the finance critic, I sat on this committee and listened throughout the day to the concerns. Those concerns are going to come to this floor whether you like it or not.

As noted on page 3 of the CPBH submission to the committee regarding Bill 106, the act says that homes must be constructed in accordance with the Ontario building code. But Tarion has developed its own regulation that can unreasonably limit time frames for claims even for Ontario building code violations. It's unbelievable.

During the committee, it was really interesting. One of the delegations came before the committee and said, "Oh, no. Tarion's doing a good job." I asked him, "How do you know? You don't have any access to their records. There's no transparency with regard to this agency. You have no way to measure checks and balances as they relate to this agency, so how do you know?" And actually, his time ran out, which I think was really quite fortunate for him.

Section 18(1) of the ONHWP Act says that Tarion shall appoint inspectors. Section 18(2) of the ONHWP Act gives Tarion the authority to inspect during construction. This is an important piece of the legislation, obviously missing from this. But Tarion has taken the position that inspecting during construction is the job of the municipality and does not exercise its power under the act, even when there are many serious reports of shoddy construction, such as noted in a recent Financial Post article included in submissions to the Standing Committee on Finance and Economic Affairs. We believe that Tarion should not have the right to ignore its power under the act to inspect during construction, particularly when there is such strong evidence of shoddy construction and a lack of enforcement of the Ontario building code.

When repeatedly asked how many inspectors it has, Tarion vice-president Siloni Waraich finally responded as follows—and this is worth noting: "To answer your questions about numbers"—this was from 2010 to 2015—"Tarion has had three appointed inspectors, to be called upon to conduct inspections for the purposes enumerated above"—licensing matters, warranty backstops—"but have not had to exercise the statutory right given them to enter without a warrant..." So just to be clear, for the entire province of Ontario, Tarion says it had three inspectors for a five-year period, but they did no inspections.

This is concerning, Mr. Speaker. Here we are in third reading. The government is clearly going to move forward with this piece of legislation, but it is our responsibility as New Democrats to put this on the record.

There are also questions about whether the three inspectors had adequate qualifications to actually be called inspectors, as per section 18(1) of the act. If these three people did not inspect during these five years—

Mr. Chris Ballard: Point of order.

The Acting Speaker (Mr. Rick Nicholls): Point of order: I recognize the member from Newmarket–Aurora.

Mr. Chris Ballard: Thank you, Mr. Speaker. I think you'll find that standing order 23(b)(i) says that the speaker has to speak to the bill. In fact, the speaker is not speaking to the bill.

The Acting Speaker (Mr. Rick Nicholls): I've been listening carefully, and I would have to say that she is.

Interjections.

The Acting Speaker (Mr. Rick Nicholls): Also, at this point in time, I would ask the member from Etobicoke North to withdraw.

Mr. Shafiq Qadri: I withdraw, Speaker.

The Acting Speaker (Mr. Rick Nicholls): Thank you. Further debate?

Ms. Catherine Fife: I'm going to be very clear here—I wasn't going to speak for very long, but now I may just have to speak a little bit longer. Bill 106 is missing an opportunity to address some very key issues as they relate to the construction industry and the condo industry.

This is what we heard from stakeholders; this is what we heard from condo owners. They were concerned about the quality of the condos that actually were built, because Tarion, which does have an overarching responsibility to ensure that the same contractors are not employed, and that the same government contracts do not go to those contractors—Tarion actually has that oversight ability—has been an unbelievable failure in this regard.

Tarion has the responsibility to play a critical role in both new home construction, as the regulator of the industry, and in providing warranty services. Tarion is supposed to be a critical part of Ontario's consumer protection, but many agree that the consumer protection Tarion provides is woefully inadequate. This is what we heard at the committee on Bill 106. The related legislation is almost 40 years old, and Tarion is charged with the administration of that legislation. Housing construction has changed considerably in the last 40 years.

So here we are, debating a piece of legislation. Once again, this government comes forward with some good things in Bill 106, but what a missed opportunity to actually address one of the core, fundamental issues facing this province.

I was actually one of those condo owners over on Bay Street, when the glass was falling off, and I had no rights whatsoever—no rights. That's what condo owners said to us during the finance committee. They said, "Listen, what recourse do we have?"

The best money that can be spent is an ounce of prevention. So why not give Tarion the ability—they actually have the ability; why not ask them to do their job to protect the consumers and the condo owners in the province of Ontario? The member from Bramalea–Gore–Malton has brought forward a private member's bill that

would actually address this. The former member from Trinity–Spadina has been fighting this fight for a long time. Then you have a piece of legislation that misses the mark once again.

That's really the most confusing part about this government, I have to say. You have the ability to bring forward a fully developed piece of legislation. You have the ability to actually make a huge difference in the lives of people—

Hon. Tracy MacCharles: There's a Tarion review going on.

Ms. Catherine Fife:—like the review, like the municipal land transfer tax review. That was ongoing, and then you just made an announcement today in the House—unprecedented. To a question—a gift of a question—you come out with a policy right there.

Hon. Yasir Naqvi: Government governing. What's wrong with that?

Ms. Catherine Fife: Yes, but you were a different government when there was a minority. It was more respectful, there was inclusion and you had that promise—do you remember the promise of the activist centre? I'm not going to give up on that activist centre, Mr. Speaker. You remember that, Mr. Speaker, right? Evidence over partisanship and consultation over massive non-consultation; just do whatever you want to do. Do you remember that, Mr. Speaker?

The minority government: Those were the good old days, because the voices of the people of this province were actually reflected here.

Hon. Tracy MacCharles: You gave us the majority.

Ms. Catherine Fife: You actually should thank Mr. Tim Hudak, and we all know that for a fact.

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There are serious problems with both the legislation itself and how Tarion is actually administering the legislation.

Just for a little bit of history, the problems on both fronts quickly emerged. In 1986, the office of the Ombudsman of Ontario was convinced of the need for more accountability and oversight. In 1986, I was in grade 11. That's how long the Ombudsman has wanted oversight over Tarion. Yet here we have Bill 106, in November 2015, and serious reform is not part of it. Since 1986, the Ombudsman of Ontario has been calling for jurisdiction over Tarion, in large part due to the problems in Ontario with Tarion.

Tarion has been so bad for the province of Ontario that a non-profit, volunteer-run consumer advocacy organization, Canadians for Properly Built Homes, was founded in 2004. Congratulations. Things had gotten so bad with Tarion that they inspired a whole new level of civic engagement, and Canadians for Properly Built Homes was founded. It has been very active from the outset in trying to make Tarion much more transparent and accountable to Ontario homeowners, and this work continues today.

Hundreds of thousands of Ontario families have reported dissatisfaction with Tarion. Using Tarion's own annual client survey data, approximately 60,000 families have complained with Tarion—60,000.

Hon. James J. Bradley: Saint Rosario.

Ms. Catherine Fife: God bless; that's what I say to the member opposite.

The media, to their credit, has been very consistent on this issue, but it's almost like Groundhog Day on the issue of consumer rights for condo owners. Everyone—the CBC, the Globe and Mail, the Toronto Sun, W5, Toronto Star, Hamilton Spectator—the serious problems with shoddy construction and the lack of consumer protection in Ontario has resulted in some journalists taking the position that this is no longer news, because this government stopped listening a long time ago. You have to remember that this has been going on since 1986.

In July 2012—and this is really key—the Toronto Star investigation reported that Tarion was keeping secret records on builders' performance. That's as recent as 2012. A few days later, the Toronto Star reported that the then consumer services minister, who is here today, said that she would work with Tarion on this. However, consumers continue to report that their builders' records on the website—this is three years later—are still inaccurate and incomplete.

So the problem continues, and the problem is to the point that Bill 106 does not address some of those core issues; it really does not.

Last summer, a Maclean's article said that industry experts refer to regulation in Ontario as the Wild West. Bill 106 doesn't fix the Wild West.

A recent Globe and Mail article reported that insurers are increasingly turning away from the condo market due to shoddy construction. Again, Tarion is the regulator. Consumers in the province of Ontario are getting to a point where they can't even get insurance for these condos.

A recent example of a highly questionable Tarion activity: Tarion announced a corporate social responsibility plan. This is where they are. There's no responsibility from the government. There's no directive from the government. There is no piece of legislation which actually provides the oversight from the government on Tarion.

Meanwhile, Tarion is denying homeowner claims by superseding a clause in the act regarding compliance with the Ontario building code with a regulation it has set for itself, with very limited time frames for claims.

This is like the fox watching the henhouse, and this is becoming a trend. Tarion is also falling behind other provincial warranty programs regarding time limits for claims. For example, both Alberta and BC have warranty coverage for a 10-year period, while Ontario only offers a warranty for seven years. Alberta new home warranty providers have five-year building envelope protection, while in Ontario it's only two years.

So the other provinces are leading. Other provinces are putting consumers first. They're working with the industry. They're making substantive change as it relates to acts like this.

Once again, we have a government that can move lightning-fast on the sale of Hydro One, for instance.

Like, 1986: That's when the Ontario Ombudsman asked for oversight over Tarion. The knuckles are dragging along the ground here. We need to make sure that consumers, condo owners, those 1.3 million residents in the province of Ontario, are protected. We need to make sure that the one out of every 10 Ontarians who actually is considering buying a condo or is a condo owner has some recourse. Why this government stands behind Tarion year after year, since 1986—it doesn't make any sense whatsoever.

I know that it must be frustrating for some of them who do have condo owners in their ridings who have legitimate claims and who have seen serious injustice. What one condo owner said at finance committee was, "You fail to understand that this is my home. I can't choose who these other people are in my life. But this is my home, and I should have rights." The province and the government of Ontario should protect that homeowner. They missed the mark once again with Bill 106, but at least our former member Rosario Marchese pushed them to get something done on consumer protection and condo protection—missing the boat once again on Tarion.

I'd like to say it's been a pleasure—but it's always a privilege to stand up. Take care.

The Acting Speaker (Mr. Rick Nicholls): Questions and comments? Questions and comments?

Further debate?

Interjection.

The Acting Speaker (Mr. Rick Nicholls): You're not in your seat.

Further debate?

Mr. Oraziotti has moved third reading of Bill 106, An Act to amend the Condominium Act, 1998, to enact the Condominium Management Services Act, 2015 and to amend other Acts with respect to condominiums.

Is it the pleasure of the House that the motion carry? I heard a no.

All those in favour will please say "aye."

All those opposed to the motion will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 30-minute—saved by the bell. I have received a vote deferral to the Speaker of the Legislative Assembly: pursuant to standing order 28(h), a request that the vote on third reading of Bill 106 be deferred until deferred votes on Wednesday, December 2, 2015.

Third reading vote deferred.

The Acting Speaker (Mr. Rick Nicholls): Orders of the day?

Hon. James J. Bradley: I move adjournment of the House.

Interjections.

The Acting Speaker (Mr. Rick Nicholls): Order, please.

The deputy government House leader has moved adjournment of the House. Is it the pleasure of the House?

This House stands adjourned until 9 a.m. tomorrow.

The House adjourned at 1940.

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