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## **Official Report of Debates (Hansard)**

**Wednesday 19 October 2016**

## **Journal des débats (Hansard)**

**Mercredi 19 octobre 2016**

**Standing Committee on  
Regulations and Private Bills**

Draft report on regulations

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

Rapport préliminaire  
sur les règlements

Chair: Ted McMeekin  
Clerk: Christopher Tyrell

Président : Ted McMeekin  
Greffier : Christopher Tyrell

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Hansard Reporting and Interpretation Services  
Room 500, West Wing, Legislative Building  
111 Wellesley Street West, Queen's Park  
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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  
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE  
ON REGULATIONS  
AND PRIVATE BILLS**

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

Wednesday 19 October 2016

Mercredi 19 octobre 2016

*The committee met at 0901 in committee room 1.*

**DRAFT REPORT ON REGULATIONS**

**MINISTRY OF TRANSPORTATION**

**The Chair (Mr. Ted McMeekin):** Okay, members of committee, we'll get started. The Standing Committee on Regulations and Private Bills will now come to order.

We are here today to continue consideration of the draft report on regulations made in the second half of 2015. Here with us today is Mr. David Milner, counsel with the Ministry of Transportation's legal services branch. Welcome, Mr. Milner.

**Mr. David Milner:** Thank you.

**The Chair (Mr. Ted McMeekin):** Mr. Milner, you may begin with any comments you want to make, I'm assuming on behalf of the ministry, with respect to regulation 419/15. Then you might want to invite questions from committee members.

**Mr. David Milner:** Thank you. I'll start off just by saying that the regulation was brought about by amendments made to the Highway Traffic Act that changed where the definition of commercial motor vehicles that need a CVOR certificate would be found.

The ministry has long had a program for commercial vehicles called the commercial vehicle operator's registration certificate program, for lack of a better name. The CVOR program requires that in order to operate certain types of large commercial motor vehicles, the owner or operator of the vehicle first has to get one of these certificates, which is essentially a record-keeping method.

Once you've got a certificate with a number on it, then events associated with the vehicles belonging to that owner or operator can be kept track of. If there's a collision or a conviction or an inspection of a vehicle that has a problem, those things can all be added to the CVOR record of the operator. Over time, the ministry gets a picture of where its resources should be deployed for regulatory interventions.

The CVOR vehicles—originally when they were conceived of, tow trucks were excluded. It was a deliberate decision, I guess, at the time to exclude tow trucks from the CVOR regime. For many years, it was section 16 of the Highway Traffic Act that had that definition in it, of

which commercial motor vehicles would need a CVOR certificate.

When the decision was made to change the exemption from tow trucks so that they would be included, there were a number of different possible approaches that might have been taken in order to ensure that, in future, we didn't encounter the same problem of not having enough flexibility to simply modify which vehicles are in. There are other classes of vehicles, no doubt, that over time might be appraised for their deservingness of inclusion. The idea was to put into the regulation a definition of which commercial motor vehicles needed CVOR certificates.

At some point in the mid-1990s, the HTA was amended so that certain provisions of the act had different penalties associated with them if the offence was committed by a commercial motor vehicle. There were about, perhaps, two dozen provisions in the act where these elevated fines were put in in the 1990s.

As a result, many of those provisions wound up saying that the higher penalty applied to vehicles that were defined in section 16. With the amendments made to the act to move that definition to the regulation, the result has been a regulation which cross-references a very large number of provisions of the act.

There are a number of regulations under the Highway Traffic Act that govern commercial motor vehicles. There are regulations that require vehicle inspections, regulations that set minimum maintenance standards, regulations that require periodic inspections and proof of the periodic inspection in the form of a sticker displayed on the vehicle. There are hours-of-service limitations for drivers and so forth. That body of regulation applies to these larger commercial motor vehicles and, in future, to tow trucks.

When the decision was made to include tow trucks, the decision was also made not to apply every rule to them at the beginning of the process. Instead, tow trucks simply start off by getting a CVOR certificate. This regulation, 419/15, is coming into force on January 1, 2017, and it's intended largely to preserve the status quo, with some tiny changes to that, and to add tow trucks to the population of vehicles that need a CVOR certificate. When the tow trucks are added requiring a CVOR certificate, they're not going to be subject to all of the

other rules that all other commercial motor vehicles are subject to.

The result, then, when one reads this regulation, is that there are a lot of technical rules. Some of them are transposed largely out of section 16; others are slightly modified in their order and sequence, so that they apply differently to the population of commercial motor vehicles that currently require a CVOR certificate, and then other rules have to be exempted so that they don't apply to tow trucks.

The result is a regulation that's very technical in structure. I think the committee's concern was that it's not easily accessible on first reading to grasp the subject matter of what it's about. That's partly because this regulation has to be read together with all of the provisions of the act to which it's intended to cross-reference, other regulations and other provisions in the HTA that relate to large commercial motor vehicles.

For people who are already in the trucking industry, there are very few changes about this that affect them and they're largely going to find that the status quo is preserved by this regulation.

For tow operators in the towing business, they're going to find that they need to get a CVOR certificate for January 1, 2017, and for some period of time thereafter that will be the rule that applies to them. The ministry had announced its intention was to have sort of a second phase of governance for tow trucks on some future date and certainly there are already consultations that have taken place.

There would be some determination of which other rules might apply to them, so that there were standards for vehicle inspection, vehicle maintenance, vehicle equipment, driving training or driving hours of service and so forth.

That's basically how the regulation came into existence. It was created so that the definition of a commercial motor vehicle requiring a CVOR certificate would leave the act, go into a regulation where we could more easily modify it in future, if necessary. Because the act itself had been amended in the 1990s to put all these penalty provisions throughout the act that cross-reference the old section 16 definition, now it's this regulation that cross-references all of those provisions so that the individual sections of the act, where a higher penalty applies, are referred to. That's essentially the origin of this regulation.

I don't know that I've said much more than what was in our earlier written response, but if there were particular aspects of it that I could help with, I could perhaps address those individually.

**The Chair (Mr. Ted McMeekin):** Okay. Thank you, Mr. Milner. Do any members of the committee have any questions they want to ask? Mr. Walker.

**Mr. Bill Walker:** Thank you very much, Mr. Milner. I'm just trying to get my head around this. When I hear things like "there's really nothing that's going to drastically change, but they'll have to get a CVOR," what we hear typically—not necessarily in this specific

example—from constituents is, "Well, without detail, there's lots of 'what if' scenarios." People start to, then, go to the conspiracy theory and what's going to happen down the road: "Once it gets into regulation, what will they then put in that I have no ability to fight?"

That's where, I think, typically we get this. Even me: When I read the first option that we would want to make it more clear and easily understood—to me, as a legislator, we should make all legislation as clear, in black and white, as we possibly can. It's strange to me that we wouldn't want to do that. I understand from reading it earlier that the operator community, if you will, understands how it's always worked, but again, you always have a changing workforce.

**0910**

I'm a little caught in the middle. I want more clarity. I want it to be as clear as possible for everyone, but I respect certainly that people in the industry are saying, "Oh, yes, if that's all it is, I've got to get a sticker and off I go. Big deal." Right?

Obviously, you're very well versed in this. I'm not really well versed in this, but that would be my concern, the additional requirements of what's going to impact someone getting that CVOR sticker, what could be—I'm not saying unintended consequences, but additional requirements that are going to impact the operator and have that ripple effect to the employee. And once that regulation is in place, is there something else here that could theoretically be put in there as well that's going to be a detriment down the road? Because that's certainly the fear that I have heard.

**Mr. David Milner:** With respect to tow operators? I suppose I should mention that when the HTA was amended to go in this direction, it wasn't actually by itself in that it was part of a larger legislative package that was aimed at providing better consumer protection associated with the use of towing services, and there were some alterations to certain Insurance Act provisions that were intended to facilitate changes in rates.

The consumer protection aspect was looked after by the Ministry of Government and Consumer Services. They had done extensive consultations with the industry, and with MTO as well, last year and before. I think the general result that came out of it—and there was a consultant's report released at some point—was that they had said the consumer protection aspects of it would be, again, phased in over time.

The Ministry of Transportation decided to simply start with the CVOR requirements so that the towing operators got used to having one and, of course, would then begin to accumulate a record of incidents that would give the ministry some idea of what they were like. Currently they're not tracked as individual operators, so we don't know what they're like.

The consultations that took place with the industry last year and before were aimed at discussing what their concerns were for future regulation of the towing industry. My sense is that there has been an outcome to that. There has been, sort of, a meeting of the minds

between the ministry as regulator and the towing industry associations that they talked with. Most of the aspects of regulation that affect large commercial trucks may be suitable for application to towing vehicles as well, but in certain areas with modification. I think that's probably the expectation of both the industry and the ministry at this point: that at some future date, there would be some announcement where it was defined what the next set of rules would be that would be added to the current ones.

All of the other commercial trucking industries that aren't towing are already in the CVOR certificate system. They have to deal with a very large array of regulatory requirements. They have to keep certain records. They're subject to audits where ministry officers come and go through their records to make sure they're complying with regulatory rules. Their drivers have to keep records about their hours of work.

I don't know which of those combinations of regulatory aspects will wind up applying to tow trucks, or in what form, but one assumes that they will eventually be announced, as was the case here. This regulation was done at the end of 2015 for commencement at the beginning of 2017. I'm assuming that there would be a similar several months of lead time before any, and in the event of any, future announcement of what the policy determination was. I think the expectation is that that regulation will come out long in advance of its coming into force, so there's time for people to read it, come to terms with it and begin to assess how it affects their daily operations.

That addresses your concern, perhaps, about what's coming in the future for tow operators. I think that for people who are currently in the business, when they read this regulation and try to take it apart to see what it means, they'll find themselves coming back to, basically, much of what is already said in section 16 of the act. Section 16 describes who's in and who's out for CVOR certificates. Many of those provisions are either repeated in here—not necessarily in the same order or the same way, but the objective is largely for existing participants in the CVOR system to find themselves still doing the same things. It's the tow operators who start off with just getting the certificate.

Now, in terms of getting a certificate, I suppose I should say that one has to apply for it. There is actually a requirement for a written test that someone who is either the owner or operator of the vehicle, or an officer or director of the corporation if it's owned by a business—they have to actually write a test to show that they're at least familiar with the rules that govern those types of operations. Getting the certificate, once it's done, then there's simply—and there's a fairly modest renewal fee each year. The CVOR certificate has to be kept valid, I think, once a year. I don't think the fee is very much—\$50 or something like that.

But generally speaking, those people in the trucking business monitor their CVOR records because, very often, if the driver is stopped far away from where the people of the business are, then if an inspection report is done by an officer, it will wind up on their CVOR record;

and while it's customary for drivers to hand those in, they don't always.

The CVOR record is actually used by the businesses to keep track of themselves, what they are doing and how they are doing. If one's outside of Ontario, then there are other jurisdictions that keep similar records that are also accessible to people.

**Mr. Bill Walker:** Sure. Thank you very much. I guess the other question related to that is, are you a proponent of—it can be blended in as just one of the other commercial vehicles that are just now being added, but when you say there are exemptions, that lack of clarity is what gets confusing for us, when people come into my office saying, "I don't know what I have to do to comply here." Then we go back to the government and the government says, "Well, there are some exemptions, but."

I'm still kind of looking at the two options that we've been provided with. Are you a proponent of putting in that they are one and being very specific with the exemptions? Or is that going to be a changing requirement, and that's why—and I'm not certain which one you're suggesting or recommending.

**Mr. David Milner:** If we look at the regulation as it is now, for example, one of the things the regulation does is it says that the hours of service requirements apply to these vehicles. They require a CVOR certificate. But there is a provision in the regulation—it's subsection 2(2)—that actually carves out the tow trucks from that. And there are a number of other regulations, I should say, that also deal with various rules for CVOR certificates where in those regulations, it actually describes which vehicles they apply to; for example, vehicle inspection standards or maintenance standards and so on. Those regulations have their own definitions in them of what's—we actually went into those when we did this regulation and changed it, so tow trucks are carved out of most of those as well.

I don't know that there's any position that's already been taken that anyone could be a proponent of. I think the idea is to simply assess what's most practicable and effective to achieve the desired result.

The regulation is fairly technical, and if one reads it, it requires a fair amount of patience to link up the different interrelated components and figure out the end result. For people who are in the business of operating towing businesses or any other trucking company, there are a lot of outside sources of information besides actually reading the statute itself. The Ministry of Transportation's website, for example, has pages of information on it for different aspects of commercial vehicle operation, and it also has an explanation on it now for towing operators to make them aware that what they need to do for January 1 is get the CVOR certificate. But that is effectively all that we've done at the ministry for towing operators for January 1, 2017—that requirement.

Typically, when I speak to people in a prosecutorial setting—because I go to court a lot and I see a lot of truckers there—I suggest that they find the information they need not necessarily from reading the statute, if they

find it inaccessible, but from reading these third parties versus the ministry's own website. There are a lot of trade newspapers and magazines available with information in them and other websites that are run by third parties. As well, for people who are in the business with very small operations, they're very often unable to do anything more than they themselves can research, but for larger operations, there's a large body of consultancy experts out there who are often hired by people to address different aspects of their business.

Those resources are out there, and they're perhaps more accessible in prose to people than is the regulation.

**Mr. Bill Walker:** You raise a good point. In many cases, particularly in rural ridings like ours, it is the mom-and-pop operator. Their challenge is keeping up with all of the changing regulations when they're out trying to make a living and actually do the business. It's these types of things, without the clarity, that we then hear all of the "what if" scenarios about. That's what I'm trying to bring to the table here. The big guys can always—because they will just hire someone to go through and do this. But the little guys and girls really struggle with this. The CVOR, I trust, will be a new fee for them, so that's one hit already; then not understanding the regulation, they start to ask, "What's this really going to mean to me? What's the real impact?"

Can you give me a comfort level that the towing association is relatively on board and in support of where this is moving?

**Mr. David Milner:** I can't tell you how many different meetings took place with which different groups. I think in the early days of the consultation, it was both the Ministry of Transportation and the Ministry of Government and Consumer Services that were jointly consulting with a much broader range of people.

In terms of the towing industry, the outcome presently is simply that they require a CVOR certificate starting January 1. That's the limited requirement that's been put in place for them. There's nothing else as of yet. I can't speculate when it would happen—perhaps a year or two later. I'm sure there have been a large number of meetings where discussions have taken place between industry representatives for towing companies and the Ministry of Transportation on subjects like what sort of vehicle maintenance should be at issue, what sort of equipment should be at issue, what kind of driver training should be required, what sort of hours-of-service limitations there should be, if any etc. Those discussions have taken place extensively.

**0920**

It's probably never the case that a regulator lands exactly where the industry wants it to, but whatever the distinction is, I think that the expectation out of these consultations, generally speaking, is that the next phase, when it comes forward, will address those types of topics that I've mentioned. To the extent that the application of those rules might require some modification so that it makes more sense for the towing business, that may well be a feature of what comes out.

**Mr. Bill Walker:** Thank you.

**The Chair (Mr. Ted McMeekin):** Ms. French?

**Ms. Jennifer K. French:** Thank you, Mr. Milner, for coming in to bring us some clarity. I think our concern, as I recall, wasn't necessarily about it being easy for us to understand on first reading, but, as you said, for the trucking industry. As you had mentioned, it is more accessible in prose than it is in statute.

Looking at these two options, I'm sitting here wondering if perhaps a third option would be the way to go, but to some of the points that you brought up—thank you for the historical perspective. Initially tow trucks were excluded. As you said, it was deliberate at the time, but then, to have changes layered in—as you said, others might be worthy of inclusion at some point, so then they might be layered in on top of this, but there could be more changes made, not to this regulation per se, but to the—well, it sounds like something that I'm not familiar with. I appreciate that Mr. Walker is a little bit clearer on the industry and the needs.

But just from the standpoint of the fact that this has been a little bit tangled for us to pull apart, and recognizing that it will continue to become a layered issue, what is that going to look like going forward? Should we have an option 3; that is, to tidy it up now so that others can be incorporated? When you're talking about the recent meeting of the minds with the tow truck industry and the ministry, do we see any of that reflected in this regulation, or is that, as you said, going forward?

**Mr. David Milner:** I don't anticipate that between now and January 1, when the CVOR certificate rule commences for tow trucks, we would necessarily change anything—

**Ms. Jennifer K. French:** But at that time, what happens with this regulation, just so I'm clear?

**Mr. David Milner:** Once this regulation comes into force, at the same time, on January 1, a number of the provisions in the HTA that currently govern these things will disappear; they're getting repealed. The transition will be where—currently, if one was trying to find the rules, you would look in the Highway Traffic Act and it would say, "commercial motor vehicle" means, and then it describes the vehicle.

**Ms. Jennifer K. French:** Yes.

**Mr. David Milner:** Then there's a second set of rules that makes a smaller subset of that, the CVOR vehicles. The big trucks get carved out for the CVOR provisions and, having been put in that group, then repeatedly throughout the act it says, "If you are a vehicle for those purposes, then you get these other rules."

I think the key thing to note is that on January 1, for people other than the towing industry, it's very much the status quo. It would be very hard for them to experience any operational differences. For tow trucks, on January 1, the thing that they need is the CVOR certificate. Now, it's probably worth—

**Ms. Jennifer K. French:** But not everything else, as you had said.

**Mr. David Milner:** But not everything else. For people in the towing business, they want to know

whether they're a tow truck or not, so this regulation defines what a tow truck is. I don't know if it would be helpful if we were to discuss that, but the definition of a tow truck is essentially intended to capture people who are focused on moving motor vehicles around. If you look like the traditional tow truck with the little boom out the back and the little hoist to lift up the end of the car behind you, you'd be included. That's the vehicle that is commonly known as a tow truck.

It's not unusual now to see a pickup truck with something called a stinger at the back end, at the bottom, which is a sort of rail that comes out from the back that can extend and go under a set of wheels of the towed vehicle and lift it. Those are vehicles that have been modified to be capable of towing; those are included in the definition.

It has also in the last 20 years become fairly common for what are usually referred to as tilt-and-load vehicles to be used as tow trucks. It's essentially a flatbed truck, just a standard-issue commercial motor vehicle, but its flatbed has the capacity to tilt, and usually it has a winch at one end to drag the disabled vehicle up on to the platform and then it can be secured in place and they level out the platform and drive away.

Those tilt-and-load vehicles can serve multiple functions. You could carry a disabled motor vehicle on it; you could carry two pianos. In the circumstances where those trucks are being used to move something other than motor vehicles, those vehicles, if they are engaged in non-towing activities, are going to be just a regular truck, and as such, perhaps a CVOR truck as well. If they're only involved in moving motor vehicles, if the tilt-and-load vehicle exclusively operates to carry motor vehicles around, then it would be treated as a tow truck and benefit from the exemptions from the rules that would otherwise apply.

In terms of making changes to it, one of the things that the committee had suggested in its earlier correspondence was perhaps having a definition for each of the provisions of the act that was applicable, and that would result in a longer regulation, but one where people could figure out perhaps more easily what the rule was for any particular section. Again, it's an option. It would produce a very long regulation and, to the extent that we considered it, I don't think we decided to go that way.

**Ms. Jennifer K. French:** And that's interesting because we don't have that option in front of us. We have option 1 that just says, "Amended to define 'commercial motor vehicle' and 'tow truck' in a way that could be more easily understood." Option 2 is leave it alone. But to your comments there about definitions of each, yes that would make it longer, but if it makes it—maybe not as accessible as prose, but if it makes it easier for the industry, I think that sounds great.

**Mr. David Milner:** Probably the best way for the ministry to make it easier for the industry is to do what it's been trying to do for years, which is expand the content on its website topic by topic and link by link so that people can find the information they need for some specific aspect of their business.

Someone who has decided, perhaps, to contemplate going into the trucking business who wants to know what the rules are—on the ministry's website, starting at the commercial motor vehicle link and moving through all the subsidiary topics that are listed there, they ought to be able to get a general sense of what's required. I think it's very true that for smaller operators, it can seem quite intimidating, the volume of regulatory material that applies.

At the same time, I think the act itself may be the source of technical rules, but there's a very large body of information available in the industry through consultants, trade papers and simply books that they can buy on the subject of running trucking companies. It's accessible for someone who's more inclined to read the prose than to read the legislation.

**Ms. Jennifer K. French:** But the prose not being legally binding, really.

**Mr. David Milner:** Sometimes it will be accurate and sometimes perhaps not. Mostly it is. I think the ministry website is generally accurate.

**Ms. Jennifer K. French:** Accuracy aside, I think that if it's spelled out in statute so that it is, well, spelled out in statute, then absolutely making it accessible online sounds super. But I think that if it's actually in black and white in writing in the statute, that's where you come back to. That's where everyone should come back to. Whether somebody just uses a portal and never reads it in the statute, it should still be there, I think. I would be in favour of an option 3.

**Mr. David Milner:** I think it would be possible for someone to actually read through non-statutory materials and get a very good understanding of what the rules are.

**Ms. Jennifer K. French:** Oh, yes. I'd still like to know the rules are written somewhere.

**Mr. David Milner:** In many ways, one of the reasons perhaps this regulation is as awkward as it seems is that the structure of the HTA doesn't really provide us with an alternative. The HTA has been built up in tiny little increments over decades. It's not as if someone sat down and wrote the statute from beginning to end in the most coherently organized way possible. I can't even imagine the number of statutes that must have amended the HTA in the last 80 or 90 years. It's probably—

**Ms. Jennifer K. French:** Horse-drawn carriages.

**Mr. David Milner:** The rules of the road still read much as they did when they were governing horse-drawn carriages.

Those amendments, over time, have simply left in place a structure that we're more or less stuck with. The regulatory scheme that's attached to it for commercial vehicle operators is generally one where I think the understanding of the industry about it may not always— their first source of information is almost never the HTA and almost always outside materials that are written for ease of use and for a general understanding, with checklists of what you have to pay attention to if you're in that business.

**0930**

I think in the normal course, with regulatory changes over time, what one would expect to see is that we started

off with just requiring a CVOR certificate, and perhaps someday it will go further than that. At that point in time, that's when we would step back and say, "What is the experience we've learned from our first year or two of operation with this regulation in force? How have the courts interpreted it? Was that what we expected? Are people in the business confused about some particular thing that needs fixing?"

I would expect the next time we go into this regulation to make changes related to towing, that's probably the point where we would be able to reassess the outcome of our first draft, find out how it's worked and make changes to it. But I can't really say. I don't know how to predict what that would look like. It may be something that's sort of longer and has more repetitive information in it, but is easier to read section by section; or it may be something that is broken down into multiple regulations that address different topics. I don't know.

**The Chair (Mr. Ted McMeekin):** Okay, thank you.

Ms. Vernile.

**Ms. Daiene Vernile:** Good morning, Mr. Milner. Thank you very much for appearing before this committee.

We see greater clarity now on the role of tow trucks within the Highway Traffic Act in Ontario. Can you tell us a little bit more about what adjustments were needed to get us to this point?

**Mr. David Milner:** The adjustments to—

**Ms. Daiene Vernile:** The regulation, the way it's written now, and how it will go forward on January 1.

**Mr. David Milner:** For towing vehicles particularly?

**Ms. Daiene Vernile:** Yes.

**Mr. David Milner:** Well, as I said, on January 1, if one is in the towing business, that's the day by which you're supposed to have obtained your CVOR certificate. The commercial vehicle operator's registration certificate program is essentially set up as a record-keeping methodology. Each party that is responsible for a commercial motor vehicle or its driver or its cargo is defined as an operator in the HTA, and so the operator, if they have some connection with the vehicle or the driver or the cargo, in order to have their vehicles out on the road doing what they're doing, has to sign up for one of these certificates first, and a copy has to be carried in the vehicle and presented at the roadside when asked for.

Those rules are in place so that whatever happens to their vehicles can be kept track of. The primary things are convictions, collisions and inspections. Over time, an operator's behaviour will be something that the regulator can assess, because it can look at the CVOR history and see what's been going on. If they have 100 vehicles and they're inspected 20 times a year, and every time they're inspected there's a problem, as compared to some other company with 100 vehicles that's inspected 20 times a year and that never seems to have a problem—that's the basic way in which the regulator can distinguish people in the population on whom it should focus its attention and resources and those who it doesn't need to pay attention to.

**Ms. Daiene Vernile:** So it's important to bring the CVOR for tow truck operators to give us oversight.

**Mr. David Milner:** Yes, and that's one of the problems with tow truck operators to date. I think it would have been the 1980s when the CVOR system was constructed and the tow trucks were exempted. During the intervening period of time—we have a methodology in Ontario for the reporting of collisions but the information that's kept track of doesn't always identify that there was a towing vehicle involved. When charges are laid for driver behaviour or vehicle maintenance-related issues, there's nothing necessarily about the charging document, whether it's a ticket or information, that's going to reveal whether it was a towing vehicle.

Keeping track of the behaviour of tow trucks statistically over time has been, I would say, almost impossible. There's a lot of anecdotal information, and it's possible sometimes to make calculated assessments based on taking a sample of a population, drilling into it to see how many of them were tow trucks and then trying to extrapolate from there what that data would indicate, if the same ratio was true for the whole population. That's the type of thing that we try to do in order to figure out what's going on with tow trucks. Once tow trucks are in the CVOR system, and if, for example, a tow truck is stopped once a week and it's inspected and it constantly has the same loose bolts on the same wheel, that will become apparent to the ministry over time as those inspection reports are filed by officers with the ministry, and then we would see that there's a problem.

Initially, the only expectation beginning in 2017 is that the ministry will begin to build an empirical, factual picture of what's going on with towing operators. Then, having the benefit of that, it would be better able to say what is actually needed in the way of regulation for that portion of the industry, if any. That's essentially where we want to get to on January 1, and for people in the towing business, their only attention right now should be focused on getting the CVOR certificate so their operations on January 1 aren't problematic.

**Ms. Daiene Vernile:** We heard the comment from Mr. Walker that perhaps all of this is going to provide too much regulation, too much paperwork to the mom-and-pop operations who are in the towing industry. But this is important oversight, isn't it?

**Mr. David Milner:** I don't think there's any difference between what currently is the case for people in the CVOR system and what would be the case with towing operators. If anything, the tow operators have less to worry about to start with because they're only having to get the CVOR certificate.

But certainly, this is one of the concerns, not only from the regulatory point of view taken by other ministries about things like insurance costs or consumer protection, but from the ministry's point of view, from a more road safety and safe operation of vehicles point of view. These were areas where the absence of tow trucks from the picture was considered to be a problem and this was the direction that we've gone in order to get better

empirical and factual information about it so that future assessments for policy-making are made with better information.

**Ms. Daiene Vernile:** Have you had any feedback or any concerns raised by people within the industry on the way the regulation is written?

**Mr. David Milner:** I haven't participated in any of the consultations. I'm in the legal branch, so I don't generally go to those meetings. I haven't heard that that's the case. I don't think that the drafting of the material has been a source of concern; I think the industry is focused on, "What are the rules for me? What will they be in the future?" and those types of things. I don't think anyone has come forward and said that the actual language used is a source of concern.

**Ms. Daiene Vernile:** At this point, can you talk to us about the practical experience of working with this regulation?

**Mr. David Milner:** Largely, what this regulation is like is dictated by the structure and arrangement of the act. If the rules in the act that have evolved over time piecemeal were designed differently, then no doubt this regulation would look different. But we've had to tailor the things dealt with in this regulation to the way that the act approaches this area of regulation.

I think that's probably why it may seem like a lot of technical rules all tied together very carefully to achieve an intended result. It may seem like something that takes time to wrap one's head around. But, at the same time, that's the way that the regulation has to be in order to dovetail with the statutory provisions that bring it into existence.

In future, I'm sure, when we revisit this, from time to time—and this is always the case with all regulations. As time goes by and you learn what's working and what's not working, what judicial interpretations are—what was intended and what's not intended, there are refinements made with each iteration of the regulation. Each time something gets changed, there may be adjustments made to take those things into account. I don't doubt this would be the case with this regulation too.

**Ms. Daiene Vernile:** And from what you're telling us, to date we haven't had a whole lot of feedback from people within the industry that have any issue with the wording as it is.

**Mr. David Milner:** No. I think, for the non-towing people, they understand that the status quo is still the case. Their rules will be found in a different place, but they're largely the same rules.

For people in the towing business, I think the starting point is get the CVOR certificate. I think that message has been put forth and they understand that that's what they're doing to begin with.

**Ms. Daiene Vernile:** And they support it.

**Mr. David Milner:** I think so. I think the towing industry doesn't really see any reason not to get a CVOR certificate. I think their concerns, expressed to date, relate to future regulation decisions that haven't been made yet.

**Ms. Daiene Vernile:** Okay, thank you very much.

**The Chair (Mr. Ted McMeekin):** Mr. Walker?

**Mr. Bill Walker:** Some of the historical context is helpful, but one question is: Where did this change emanate? Who was driving this, to now add the tow trucks?

**Mr. David Milner:** The exact name of the statute that amended the HTA to do this escapes me now. It might have been—was it Bill 15? I'm not sure.

This particular decision for regulating tow trucks came from a number of long-standing impetuses, I think. For example, about three years ago, there was a recommendation from a coroner's inquest that tow trucks should be in the CVOR system because the coroner's inquest involved a death involving a tow truck. I guess one of the observations was that there wasn't a lot of information about the towing industry that was available to them during the inquest. That type of recommendation would go on the list of things that were a reason to do it.

As well, I think that the tow truck industry is large. There was a time in Ontario where we had far fewer vehicles and a smaller population. But the towing industry is servicing a large province with 11 million or 12 million people in it. It's not the same as it was in the 1980s and 1990s. The number of operators and what they do and how many there are is larger.

I think that from a regulatory approach, it's starting off with the lightest touch possible. Getting a CVOR certificate is just a way for the ministry to know who you are and know that you exist and keep track of your periodic conduct. It's possible that some of these people who get the CVOR certificates will never be stopped, never have an inspection, never get a conviction or be involved in a collision; they'll simply have CVOR certificates. That's a portion of the population where there's no great impetus to spend time and resources on regulating because they don't seem to be having a problem.

**0940**

Certainly, the approach the ministry takes is to triage the industry through the spectrum of who has the most evidence of problems and who has the least, and then devote resources at the end of the spectrum with the most problems. I don't think that would be any different with tow trucks but I don't know that that will be something we see in 2017. It will take a while for these operators to accumulate a history of events for the ministry to then see who has none and who has many. And, of course, it's all relative to fleet size. Somebody with 1,000 vehicles is obviously going to have a much longer CVOR history of events than somebody with only 10. That's all factored into the way the ministry assesses risk.

**Mr. Bill Walker:** I would've assumed that—the tow truck industry has been here so, yes, size and volume is going to change as we have more vehicles on the road, but it has always been a pretty big industry and a key part of the transportation ministry. That's why I want to get a sense of why this emanated now. I would have thought it would have been in 10, 20, 50 years ago, frankly. The coroner's piece, if that was the key driver, that's where it is—

**Mr. David Milner:** Well, I think it was partly the coroner's inquest. It was also that there had been, in

terms of vehicle insurance costs and trying to control them and to protect consumers—because those were happening and they were going to include tow trucks, I think that the broader approach was to sort of address everything related to the industry that had a pent-up need for modification or modernization.

I think that's essentially what happened here, that the towing industry—perhaps the bigger changes for the towing industry in 2017 or shortly thereafter are the ones that have already come out of the Ministry of Consumer Services for regulating the consumer protection aspect of things. I'm no expert in that area, but I think that's more likely to sort of be something that they have substantive focus on. From the MTO point of view, the regulations that affect what they do on a daily basis are in the future and not yet here.

**Ms. Daiene Vernile:** Point of order, Chair.

**The Chair (Mr. Ted McMeekin):** Yes?

**Ms. Daiene Vernile:** Oh, I'm sorry, am I interrupting you?

**The Chair (Mr. Ted McMeekin):** What's your point of order?

**Ms. Daiene Vernile:** My understanding is that we're here to address the regulation as it's written, and we seem to be drifting into a conversation about the merits of the regulation and that is outside the mandate, the scope, of what we're here to do today.

**The Chair (Mr. Ted McMeekin):** I appreciate that, but I prefer to be a little bit permissive here, at least given we've still another half hour we can wax eloquently about the broader issues. So for the moment let's just continue the conversation although I think your point is—

**Ms. Daiene Vernile:** Thank you, Chair.

**The Chair (Mr. Ted McMeekin):** Ten minutes from now you might want to make that point if it's necessary.

**Ms. Daiene Vernile:** I'm concerned about discussing the merits of the regulation. That's not what we're here to do. We're here to talk about addressing it as written—

**The Chair (Mr. Ted McMeekin):** That having been said, I think an argument might be made that it's important to get the context for the work.

**Ms. Daiene Vernile:** Thank you, Chair.

**The Chair (Mr. Ted McMeekin):** Mr. Walker?

**Mr. Bill Walker:** Thank you, Chair. You took the words right out of my mouth. At all of these, the whole idea is so that I fully understand it so when I'm asked by a constituent why this legislation was enacted or where it came from, that I can be well versed in it. Frankly, I take that as a little bit of a hit from my colleague Ms. Vernile.

I'm here to do the best job on behalf of my constituents. One of the things I hear about a lot is over-regulation in almost every industry, so when I hear of a new regulation coming in and it's going to impact particularly those small mom-and-pop shops and operations that I represent and am proud to represent, I want to make sure I understand where it's coming from. I think our friend here is giving me good context. I'm trying to make sure I'm well versed and understand the issue.

**The Chair (Mr. Ted McMeekin):** I appreciate the point and I'm sure Ms. Vernile is here, mostly, on a good day, for the same reasons you are. So let's go back to the regulation and talking about that. I think the point Ms. Vernile is making is a good one and the point you're making is a good one. This is a great committee; let's go back to that and we'll go from there.

Were you finished, Mr. Walker?

**Mr. Bill Walker:** I am for now, thank you.

**The Chair (Mr. Ted McMeekin):** Ms. French.

**Ms. Jennifer K. French:** I'm stuck on something that we've been talking about, which is the regulation and statute versus the online industry publications or whatnot that help people to understand and access. That is great, but I see that as a very separate conversation.

I think, to your earlier idea—maybe not your idea particularly—that there's an opportunity to bring clarity to the regulation as written; that if there are additional definitions—so, much like option 1 that says, “commercial motor vehicle” and “tow truck,” defining those terms, I would say that my understanding from our earlier conversation is that there might be the opportunity to add additional definitions, not just “commercial motor vehicle” and “tow truck,” but to better define it, which would bring more clarity to the regulation itself. Bringing clarity to those in the industry outside of statute and online is super, but that's up to the industry, that's up to the ministry.

My colleague across the way asked whether you had heard if there were those in the industry who have concerns about this regulation as written. To your point that you're not dealing with the legal side of things so it might not—or not the legal side, but you're not hearing about it through—

**Mr. David Milner:** I haven't been meeting with the industry. My clients in the ministry who do that will occasionally talk to me about it, but they'll talk to me about it to the extent that they need legal advice for what they're doing. I'm not aware of anybody being concerned about—

**Ms. Jennifer K. French:** Which is not to say that there aren't concerns or that there are concerns. I feel like I should be clear on this and I'm sorry that I missed the very beginning of your presentation. This regulation, 419/15—we're talking about January 2017, something coming into force.

Can you just clarify for me: Is this regulation something that is being used now? This is going to be implemented in January so we don't have people who—at first, when we were given this report, my understanding was this was a regulation in existence. I didn't really understand that it wasn't something that had come into force yet. It hasn't; is that correct?

**Mr. David Milner:** It hasn't come into force yet. I should probably say that the provisions of the act that were amended that bring about the need for this regulation—the proclamation date for those is January 1, 2017. The regulation will follow the proclamation date. January 1 is the day when rules currently set out in the act for

some things disappear and turn up in the regulations with slight modifications, so that tow trucks need CVOR certificates.

**Ms. Jennifer K. French:** Then, once it's in force, if there were to be concerns or not, then you'd hear more as it actually comes into force.

**Mr. David Milner:** I think that that's the expectation of every regulator, that over time you accumulate more information and knowledge about how things are working and what people think of them. I'm sure that's the expectation at MTO.

**Ms. Jennifer K. French:** I don't know that it matters that much, the length of a regulation so much as the clarity of the regulation. I wouldn't weigh those two equally. I support option 1. If we were going to define more terms in this regulation, would it be beneficial to include others, in addition to "commercial motor vehicle" and "tow truck"? If we were considering option 1 here, as written, is that appropriate?

**Mr. David Milner:** I should probably ask, when you say option 1, do you mean—

**Ms. Jennifer K. French:** I'm sorry. What we have before us is the—

**The Chair (Mr. Ted McMeekin):** I'm not sure Mr. Milner even has a copy of the two options.

**Mr. David Milner:** Was that the original correspondence from the—

**Ms. Jennifer K. French:** I am sorry. Mine has my chicken scratch all over it.

**The Chair (Mr. Ted McMeekin):** The committee document, do you have that?

**Mr. David Milner:** I don't have it with me. I don't know if I've seen it or not.

*Interjections.*

**Ms. Jennifer K. French:** We had read the parts of the regulation that sort of had it put forward. We have two options as a committee that we're going to vote on, or we can put forward an additional—so option 1 is just define these two terms for additional clarity, and the other one is leave it alone.

**Mr. David Milner:** I hadn't previously seen this. In terms of—

**The Chair (Mr. Ted McMeekin):** Oh, it's a confidential document.

**Ms. Jennifer K. French:** Oh, is it?

**The Chair (Mr. Ted McMeekin):** Yes.

**Ms. Jennifer K. French:** I apologize. I didn't recognize it.

**Mr. David Milner:** I'll give it back.

**Ms. Jennifer K. French:** I'm on page 7. There's no red stamp on page 7.

**The Chair (Mr. Ted McMeekin):** You haven't seen that, Mr. Milner. It was just a courtesy so you'd know what Ms. French was talking about.

**Mr. David Milner:** I suppose I should say that the objectives drafting any legislation or regulation are primarily concision and precision. Those are competing interests. In terms of being concise, you might be looking at brevity for things that don't really describe what

you're actually trying to achieve. Precision is your objective in terms of describing the actual rules that you want.

Those competing interests are probably why the regulation reads the way it does. We're interested in precision and concision. Unfortunately, to be writing the rules for—we're not writing for lawyers, but we're essentially writing for the judiciary. That's just true of all legislation. It's nice to have plain language, and sometimes it works beautifully and expresses exactly what's desired. Other times you have to write in a very direct way that carves things apart into exactly what you want. That's the type of regulation this is. This is just an attempt to very precisely and accurately capture what's in and what's out. Over time, we'll find out the extent to which that's working, what the results of that are, and modification would occur periodically as is always the case with regulations.

**0950**

At this stage, from what my expectations are, I would think on January 1 for the towing industry this regulation will be almost immaterial. This is the regulation that says "all you need is a CVOR certificate and everything else is in the future." The regulatory expectations of the towing industry for what other rules will apply to them, they understand that that's all in the future. Right now, it's just the CVOR certificate that they need.

For the ministry's purposes, what this regulation does is transfer the status quo description from the act to the regulations and, having done that, adds tow trucks to it, but carves them out again from the rules that we don't want them to follow yet.

That's essentially where things will be on January 1. So for the trucking industry broadly, in theory nothing should change, and for the towing industry they should get a CVOR certificate and put a copy in each vehicle. The driver should know where it is so he can hand it over when asked for it. They would then simply continue to do what they have been doing, but the ministry will begin to know what their history is.

**The Chair (Mr. Ted McMeekin):** Ms. Vernile and then Mr. Walker.

**Ms. Daiene Vernile:** Thank you very much for that comment, Mr. Milner. I agree with you. I think if we have some experience with this regulation, we live with it for a while, then we'll be in a better position to step forward and make some recommendations, if required. Thank you.

**The Chair (Mr. Ted McMeekin):** Okay. Were you finished, Ms. French? I'm sorry.

**Ms. Jennifer K. French:** No. I'm not sure if it's appropriate to even ask the question, but I'm going to put it forward and you can let me know.

I apologize that, yes, I had missed the red stamp. I do know that it's confidential. But we're faced with two options, option 1 being defining two specific terms in a way that could be more easily understood. That's one of our options. The other one is to leave this alone.

We had been talking earlier and you had mentioned bringing in definitions that you could define additional

terms, but that would make it—you didn't say unwieldy, but a longer regulation. Is option 1 even appropriate because it is so—when I say “limited,” I mean it's asking for definitions of two terms. If we're going to define those two terms or ask for definitions of that, are there additional terms we should also be defining and, therefore, flesh out option 1 to make it make sense?

**Mr. David Milner:** The answer to your question requires some explanation of the act. In section 1 of the Highway Traffic Act, as is so often the case in statutes, there's a long list of definitions. One of them is a definition of “commercial motor vehicle.” It's very simple. It simply means a motor vehicle with a truck or delivery body. That broad description of what a commercial motor vehicle is would be applicable to every use of the phrase “commercial motor vehicle” in the HTA and its regulations unless there's some alternate definition.

The purpose of this regulation is to replace the alternate definition that used to be in section 16 of the act. It's still there today but not as of January 1. That current definition in section 16 for “commercial motor vehicle” says that for the purposes of certain things in the act, “commercial motor vehicle” doesn't mean the broad description of any motor vehicle with a truck or delivery body; it means a subset of that group, and then it describes that subset. Section 16 today looks a lot like many of the paragraphs of this regulation. That's how we wound up preserving the status quo; it was largely moving those things out of the act and into the regulation in a way so that people who are operating any kind of commercial motor vehicle, large or small, will be able to figure out if they're in the CVOR group or not.

That's the threshold test, and what this regulation does is it's supposed to leave things intact for the industry as it is and add tow trucks. Because it's moving to a regulation, it's something that can be adjusted more easily perhaps in the future than has been the case in the past.

Basically, the group of vehicles that need the CVOR certificate—having been put into that group, they're also aware that there are other rules that apply to them. So throughout the act and other regulations, there is an array of regulatory schemes for vehicle maintenance, driver conduct, equipment on vehicles and so forth, recordkeeping etc. Those types of rules that apply to the trucking industry in Ontario are relatively uniform compared to those in other jurisdictions. In pretty much every Canadian province and every US state, there's some similar basket of controls over exactly the same issues. There's even a North America-wide Commercial Vehicle Safety Alliance set of standards. If a vehicle from one jurisdiction is in another and is being inspected, there's a uniform North America-wide set of maintenance standards that are applicable to those vehicles, so you know whether you're able to drive through multiple jurisdictions in your current mechanical condition. Those rules are all uniform, as well.

From my point of view, this regulation isn't really designed to achieve change. This regulation is largely

about preserving the status quo for the trucking industry, adding tow trucks to the CVOR group without putting them in the group that gets all the inspection requirements, hours-of-service requirements and so forth.

The day will come, presumably, when MTO considers how it should then roll out other aspects of regulation to the towing industry. I don't know when that will happen. I don't know what choices will be made. The objective is to produce better road safety. I don't think there's any interest on the ministry's part in having any heavier a touch than is absolutely necessary to achieve the provincially desired standard of safety.

**The Chair (Mr. Ted McMeekin):** Thank you. I'm going to ask Ms. Hauerstock if she has some comments she wants to make.

**Ms. Tamara Hauerstock:** I just wanted to make a brief comment about option 1 in the draft report. The reason it's phrased that way is because essentially the entirety of this regulation is definitions of those terms. I don't know if that helps to clarify why it's phrased in that manner.

**Ms. Jennifer K. French:** Then maybe my question to you, after hearing this and having the technical insight—not to say that you didn't before. Is option 1 still a valid option? Does it still make sense after this conversation? My brain is starting to not be clear on whether or not this is the right suggestion, because I'm trying to make sense of this.

**Ms. Tamara Hauerstock:** The suggestion in option 1 is essentially a plain-language suggestion. It's not a comment on the precision or the content of the regulation; it's a plain-language suggestion that more content, more definitions or detail be included in the regulation, versus the structure that we see now, which has many cross-references, exclusions and sub-exclusions. The comment is still there.

**Ms. Jennifer K. French:** So in effect, option 1 would kind of tidy it up?

**Ms. Tamara Hauerstock:** If it were drafted in a different way, it would potentially—

**Ms. Jennifer K. French:** Add more clarity?

**Ms. Tamara Hauerstock:** Be more accessible.

**The Chair (Mr. Ted McMeekin):** Thank you. I think we've had a fair go at the discussion, so I'm wondering if perhaps the committee is prepared to move ahead with one or t'other of the options.

**Mr. Bill Walker:** Before you do that, Mr. Chair, I did have my hand up for just one quick comment, if I could.

**The Chair (Mr. Ted McMeekin):** Yes, sure. My apologies.

**Mr. Bill Walker:** I certainly support—no one around this table doesn't want better road safety at every opportunity, so I don't think there's any issue there. I think the idea of having some records, so that we understand the industry better, certainly has great merit.

I think what I'm just trying to represent here is particularly from the small operator community. A lot of things get drafted thinking—I just came out of another meeting earlier that was all about large franchisees, the

Tim Hortons of the world, who have the staff and all of the people to do this. That's not back to the small little person who has a mom-and-pop shop, running a business.

Even your comment—and I don't mean this in any derogatory way—in theory, it's just a sticker, but what I hear from people is, “What are the next 10 steps? What other compliance measurements, what other things, are going to be the cost? Doing a test?” These people are just trying to scrape a living by, in everything, not just the towing industry. I'm using this as a generic of what I hear from small business people in almost every industry: “We keep adding more regulation. When do I ever get time to be with my customer? Because there's more and more.”

I'm just trying to bring that to the table, that when I hear those types of comments, that it's “just”—what I hear from the opposing side, the people who are out in the world trying to make a living, is that they're saying, “Is this just the dip of the toe in the pool? What's coming at me? What's going to lead beyond this?”

That's why I asked that earlier question. Where did this emanate from? Why did this happen just now, as opposed to 20 years ago? Because their concern is, “How does this impact my ability to keep my business viable?” And that's where my questioning has been coming from. No one, I think, can object to actually improving anything, particularly if it's going to help our safety on our roads.

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**The Chair (Mr. Ted McMeekin):** Those are good comments, Mr. Walker. I just reference back to what I think Mr. Milner said about this emanating out of one of the coroners' inquests, and that being a primary driving force for it.

Okay. I'm in the committee's hands.

**Ms. Daiene Vernile:** Just a final comment?

**The Chair (Mr. Ted McMeekin):** Yes, go ahead.

**Ms. Daiene Vernile:** Just in reaction to something that Mr. Walker said: Requiring a tow truck operator, whether with a large company or a small company, to get a sticker on their truck provides safety and accountability in consumer protection. It's not a lot of paperwork. You do it once, and we have oversight.

So I would agree with you, Mr. Milner. This is about consumer protection and it's about road safety. It's not a lot of red tape. It's about making sure that we have oversight over this industry.

**The Chair (Mr. Ted McMeekin):** Mr. Milner has said that this is something that they know is coming.

All right. We have two options. Is there a motion? Ms. Vernile.

**Ms. Daiene Vernile:** Chair, based on what we've heard this morning, I'd like to underscore that the fact that we haven't had people within the industry complaining about the regulation, the way it is written, and that Mr. Milner has suggested that, with some lived experience with this regulation after it goes forth on January 1,

if there are any issues, we can look at this, the way it's written, I'm going to say we go with option 2.

**The Chair (Mr. Ted McMeekin):** You normally don't speak before you move a motion. Is there somebody who is prepared to move that motion?

**Ms. Daiene Vernile:** I will move option 2. Would you like me to read it into the record?

**The Chair (Mr. Ted McMeekin):** Yes, why don't you do that?

**Ms. Daiene Vernile:** The committee recognizes that O. Reg. 419/15 reflects language and requirements carried over from the act and that, in the ministry's view, it is understood by the persons affected by it. Accordingly, the committee has decided not to make any recommendations with respect to this regulation.

**The Chair (Mr. Ted McMeekin):** Okay. It's been moved by Ms. Vernile. Is there any debate? We probably had the debate. All those in favour of the motion, please indicate. Those opposed, if any? The motion is carried.

Where to from here?

*Interjections.*

**The Chair (Mr. Ted McMeekin):** You're going to walk us through this, I understand?

**Ms. Tamara Hauerstock:** Yes. Starting on page 8, we have just a brief update, on pages 8 and 9, on recommendations made in past reports.

The first one on page 8 relates to O. Reg. 136/15, which we saw in the last report of this committee. The date that is noted in the “Current Status” box in the copy that you've got is August 29, but I actually had updated that to—I'm sorry. I'm just going to check my dates. One moment. September 22 was the last time that was checked. No amendment had been made with respect to the recommendation made by the committee as at that date.

Just moving on to page 9, that's a recommendation made in the first report, 2016, with respect to regulations filed in 2014. These were recommendations made with respect to O. Reg. 309/14, made under the Collection and Debt Settlement Services Act. Similarly, there were no relevant amendments made to the regulation or the act.

At the bottom of the page—this is with respect to regulations filed in 2013. The committee had made a recommendation with respect to O. Reg. 288/13 under the Education Act. In terms of status, that recommendation has been adopted. The fix that we had requested to a section of that regulation was made. I've got the details of the particular provisions and the particular regulation that made that change in that box called “Current Status.”

Unless there are any questions, I think that completes my report to the committee.

**The Chair (Mr. Ted McMeekin):** Thank you. Ms. French?

**Ms. Jennifer K. French:** I know that we went over this last week, but just so that I'm clear—on page 8 and page 9, with the current updates or, as you said, as of September 22, on the air ambulance one—this issue that, as of yet, or as of September 22, no amendment has been made; also, the fact that regulations requiring collectors

to keep records and provide them to the registrar upon request has not been dealt with. As a committee, our options are to just appreciate the update—and we don't have any power to go forward to make additional recommendations. Do we have the opportunity to shove these recommendations back under those ministry doors? What are our options at this time, other than to accept the update?

**Ms. Tamara Hauerstock:** As you know, the power of the committee is to recommend.

**Ms. Jennifer K. French:** I know.

**Ms. Tamara Hauerstock:** I know that in the past, the committee has followed up with ministries, with a reminder and a question: “What, if anything, is the ministry intending to do with respect to these recommendations?”

**The Chair (Mr. Ted McMeekin):** Apparently, they're not prepared to do anything at this point, if I'm reading your report correctly. They haven't responded to that.

**Ms. Tamara Hauerstock:** They have not. To my knowledge, there has been no response that has come to my attention from the ministries. But I would say, at least with respect to the second report, 2016, which was filed quite recently, that there has not been a long time lapse since that recommendation was made by the committee.

**Ms. Jennifer K. French:** Oh. I saw the regulations filed in 2014 and got a little confused. I said, “Are you kidding?” I see now.

**Ms. Tamara Hauerstock:** That's the one on page 8. The others are older recommendations.

**Ms. Jennifer K. French:** Got it. Then, just so I'm clear, our options today are limited for time, but our options going forward—we could, as a committee, write a letter and remind these ministries, or put two letters forward or something from the committee, saying, “Just a reminder that this was a recommendation. Could you

follow up with us and let us know whether you have any intent?” Or don't we have that much clout? I just don't like to see things be recommended and then totally ignored. If they are choosing to follow them or not is up to them; I understand.

**The Chair (Mr. Ted McMeekin):** Let me jump in. If the committee would like to do that, we can do that. Do you want to move that?

**Ms. Jennifer K. French:** Yes.

**The Chair (Mr. Ted McMeekin):** Okay.

**Mr. Bill Walker:** I'll second it.

**The Chair (Mr. Ted McMeekin):** Okay. Any discussion? All in favour? Any opposed? It's carried. Thank you.

That having been accomplished, shall the draft report on regulations made in the second half of 2015, as amended, carry? Carried.

Shall the Chair be authorized to sign off on the final copy of the draft? Carried.

Shall the report be translated?

**Ms. Daiene Vernile:** Absolutely.

**The Chair (Mr. Ted McMeekin):** That's your favourite part, right? Okay.

Shall the report be printed?

**Ms. Daiene Vernile:** Print it.

**The Chair (Mr. Ted McMeekin):** Print it. Good. Done.

Shall I present the report to the House and move its adoption?

**Ms. Daiene Vernile:** Please do.

**The Chair (Mr. Ted McMeekin):** Thank you. I believe that completes our business today. This committee, having done some very good work this morning, stands adjourned.

*The committee adjourned at 1010.*







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