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

**Monday 5 December 2016**

## **Journal des débats (Hansard)**

**Lundi 5 décembre 2016**

**Standing Committee on  
Social Policy**

Promoting Affordable Housing  
Act, 2016

**Comité permanent de  
la politique sociale**

Loi de 2016 sur la promotion  
du logement abordable

Chair: Peter Tabuns  
Clerk: Katch Koch

Président : Peter Tabuns  
Greffier : Katch Koch

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Hansard Reporting and Interpretation Services  
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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  
SOCIAL POLICY**

**COMITÉ PERMANENT DE  
LA POLITIQUE SOCIALE**

Monday 5 December 2016

Lundi 5 décembre 2016

*The committee met at 1400 in room 151.*

PROMOTING AFFORDABLE HOUSING  
ACT, 2016

LOI DE 2016 SUR LA PROMOTION  
DU LOGEMENT ABORDABLE

Consideration of the following bill:

Bill 7, An Act to amend or repeal various Acts with respect to housing and planning / Projet de loi 7, Loi modifiant ou abrogeant diverses lois en ce qui concerne le logement et l'aménagement du territoire.

**The Chair (Mr. Peter Tabuns):** Good afternoon, everyone. The social policy committee is now in session.

Committee members, as ordered by the House on Thursday, November 24, 2016, we're assembled here for clause-by-clause consideration of Bill 7, An Act to amend or repeal various Acts with respect to housing and planning. Marie-France Lemoine and Joanne Gottheil from legislative counsel are here to assist us with our work. The committee is authorized to meet today from 2 p.m. to 8 p.m. A copy of the numbered amendments received at 5 p.m. on November 30, 2016, at the deadline is on your desk. The amendments have been numbered in the order in which sections appear in the bill.

Committee members will know that at 4 p.m. today, I'm required to interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all the remaining sections of Bill 7 and any amendments thereto. From that point forward, those amendments which have not yet been moved shall be deemed to have been moved, and I will allow one 20-minute recess, if requested.

Are there any questions from committee members before we start? Fine. Thank you.

As you've probably noticed, Bill 7 is comprised of only three sections, which enact six schedules. In order to deal with the bill in an orderly fashion, I suggest we postpone the three sections in order to dispose of the six schedules first. Is that agreed? Agreed.

Is there any debate or comments on section—

*Interjection.*

**The Chair (Mr. Peter Tabuns):** My apologies, colleagues.

We go first to schedule 1. Schedule 1 has three sections and has no amendments. Can I bundle them? You're agreeable? Then shall schedule 1 carry? Carried.

*Interjection.*

**The Chair (Mr. Peter Tabuns):** Okay. I've had a corrective note here. I will go through it.

Schedule 1, section 1: Shall schedule 1, section 1—

*Interjection.*

**The Chair (Mr. Peter Tabuns):** Shall schedule 1, section 1, carry? Carried.

I apologize to you all. I have a cold. I'm not at my sharpest. I will do what I can. The Clerk will do his best to make sure that we don't go off the rails.

**Mr. Han Dong:** You do a good job, Chair.

**The Chair (Mr. Peter Tabuns):** Thank you.

Shall schedule 1, section 2, carry? Carried.

Shall schedule 1, section 3, carry? Carried.

Shall schedule 1 carry? Carried. Good.

Schedule 2: There are no amendments, so I'll bundle. Shall schedule 2, section 1 and section 2, carry? Carried.

Shall schedule 2 carry? Carried.

We're on schedule 3, and we have no amendments until we get to section 6. If you're agreeable, I'll bundle the first five. Shall schedule 3, sections 1, 2, 3, 4 and 5, carry? Carried. Done.

We go to our first amendment, then: schedule 3, section 6. We have a PC motion. Ms. Martow?

**Mrs. Gila Martow:** I move that subsection 35.1(1) of the Housing Services Act, 2011, as set out in section 6 of schedule 3 to the bill, be amended by striking out "10 days" and substituting "30 days".

**The Chair (Mr. Peter Tabuns):** Any discussion? Mr. Hardeman.

**Mr. Ernie Hardeman:** The intent of the amendment is just to provide a little bit more time for the service provider to contact the ministers on the changes. It just changes the intent to 30 days.

**The Chair (Mr. Peter Tabuns):** All right. Mr. Dong?

**Mr. Han Dong:** I recommend voting in favour of this motion because we agree that a 30-day notice period is reasonable for this type of decision.

**The Chair (Mr. Peter Tabuns):** Thank you. Are you ready to vote? Shall PC motion 1 carry? Carried.

Shall schedule 3, section 6, as amended, carry? Carried.

We go to amendment 2, an NDP motion. Mr. Hatfield?

**Mr. Percy Hatfield:** I move that section 7 of schedule 3 to the bill be amended by adding the following paragraph to subsection 40(3.1) of the Housing Services Act, 2011:

“3. The alternate form of financial assistance referred to in paragraph 1 must, in the opinion of the service manager, provide the same or better outcomes for the household than would be provided by rent-g geared-to-income assistance. In forming its opinion, the service manager must consider whether or not the guidelines published under subsection 120(3) of the Residential Tenancies Act, 2006 apply and the potential impact of future rent increases.”

**The Chair (Mr. Peter Tabuns):** Mr. Hatfield, did you want to say anything on this?

**Mr. Percy Hatfield:** Well, let me, in the interest of saving time, say that I’ll just see where we’re going with it before I feel like I have to add commentary or not.

**The Chair (Mr. Peter Tabuns):** Okay. Any other commentary? Mr. Dong.

**Mr. Han Dong:** I recommend voting in opposition to this motion because it will potentially constrain the ability to use the portable housing benefit to meet service level standards. Bill 7 already provides an alternate form of housing assistance used to meet service levels, which must be approved by the minister or be specified by the regulations.

**The Chair (Mr. Peter Tabuns):** Any further discussion? Mr. Hatfield.

**Mr. Percy Hatfield:** Well, the reason for putting it in there, of course, was that portable housing benefits must provide better outcomes for households than rent-g geared-to-income assistance. The municipality must consider whether the household is protected from rent increases. There may be benefits in giving municipalities the ability to hand out cheques instead of providing actual housing, but the decision must be made based on what is best for the household, not what is most convenient for the municipality. Also, without rent control, these benefits might simply wind up in the pockets of landlords, who can raise the rent knowing that the tenant has extra money in their pockets. The municipality must consider this. It’s the only reason for putting it in there. It simply makes sense—to some people.

**The Chair (Mr. Peter Tabuns):** Is there any further discussion? There being none, we’ll go to the vote. All those in favour? All those opposed? It fails.

We’ll go to voting on the section as a whole. Shall schedule 3, section 7, carry? All those in favour? Carried.

Now we go to schedule 3, section 8: I have no amendments. Shall schedule 3, section 8, carry? Carried.

We go to schedule 3, section 8.1. We have an amendment by the PCs. Ms. Martow.

1410

**Mrs. Gila Martow:** I move that schedule 3 to the bill be amended by adding the following section:

“8.1 Section 150 of the act is amended by adding the following subsections:

““Auditor General

“(2) The Auditor General appointed under the Auditor General Act may audit the accounts of the corporation and of each of its subsidiaries.

““Access to records and information

“(3) When the Auditor General conducts an audit under subsection (2), the corporation and its subsidiaries shall give the Auditor General and employees of the Auditor General access to all records and other information required to conduct the audit.”

**The Chair (Mr. Peter Tabuns):** Ms. Martow, I’ve been informed, and thus I’ve ruled, that the motion is inadmissible because it proposes to amend a section of the parent act that is not specifically amended by a clause of the bill. Therefore, I’m ruling it out of order.

We will go on to 4. Here we have a new section again. Ms. Martow.

**Mrs. Gila Martow:** I move that schedule 3 to the bill be amended by adding the following section:

“8.2 Section 151 of the act is repealed and the following substituted:

““Member participation not required

““151. Members of the corporation, such as service managers and local housing corporations, are not required to participate in any of the corporation’s programs or activities described in section 124.”

**The Chair (Mr. Peter Tabuns):** Thank you, Ms. Martow. Mr. Hardeman.

**Mr. Ernie Hardeman:** Mr. Chair, I believe you likely will look at this amendment as similar to the last one, and I would ask for unanimous consent to proceed with the amendment.

**The Chair (Mr. Peter Tabuns):** I appreciate you pointing that out, Mr. Hardeman. I will make my ruling first, and then we’ll have the unanimous consent put to the committee.

As I’d ruled previously, the motion is inadmissible because it proposes to amend a section of the parent act that is not specifically amended by a clause of the bill. Therefore, I’m ruling it out of order.

Mr. Hardeman, you’ve asked for unanimous consent—

**Mr. Ernie Hardeman:** Yes, Mr. Chair, I’d like to ask for unanimous consent to proceed with this motion.

**The Chair (Mr. Peter Tabuns):** Okay. Do I have unanimous consent? I hear a no. I’m sorry, you don’t.

Members, you will have to speak loudly when you’re saying noes if you are denying unanimous consent. I listened hard because I could see you nodding the right way, but catch my attention more sharply. Thank you.

*Interjection.*

**The Chair (Mr. Peter Tabuns):** No, no. Nodding the head doesn’t register that well in Hansard.

**Mr. Ernie Hardeman:** Maybe if I asked a second time, it would drown it right out.

**The Chair (Mr. Peter Tabuns):** Mr. Hardeman, I appreciate your approach.

The next item—there’s no amendment—is schedule 3, section 9. We’ll go to the vote. Shall schedule 3, section 9, carry? Carried.

Then we go to the next amendment, on schedule 3, section 10. Mr. Hatfield.

**Mr. Percy Hatfield:** I move that section 10 of schedule 3 to the bill be amended by adding the follow-

ing subsection to section 161 of the Housing Services Act, 2011:

“Same, minister

“(2.1) For a transfer of the designated housing project or the land where it is located, the written consent required under subsection (2) shall be the written consent of the minister if there would be a loss of housing units as a result of the transfer.”

**The Chair (Mr. Peter Tabuns):** Any discussion?

**Mr. Percy Hatfield:** This would allow the ministerial approval for any sales or transfers of social housing where there was a loss of affordable housing units. Social housing agencies should not have to seek ministerial approval for minor or benign changes, but thanks to provincial downloading of social housing, some municipalities may be tempted to look for short-term solutions to the challenges of meeting their obligations under the act, some of which may result in a loss of affordable housing units.

**The Chair (Mr. Peter Tabuns):** Mr. Dong.

**Mr. Han Dong:** I recommend voting in opposition to this motion because this motion would undermine a service manager’s ability to make local decisions about their housing portfolios. The phrase “loss of housing units” is also unclear and could cause interpretation problems.

**The Chair (Mr. Peter Tabuns):** Further discussion? Mr. Hatfield.

**Mr. Percy Hatfield:** What can be more clear than “a loss of housing units”? There’s going to be fewer than there were before. What’s going to be more clear than that? This gives a non-elected person the ability to get rid of the entire housing portfolio of Toronto Housing or any other housing complex in the province of Ontario. That would be a loss.

**The Chair (Mr. Peter Tabuns):** Thank you, Mr. Hatfield. Is there further discussion? There being none, are you ready to go to the vote? All those in favour of the motion? All those opposed? It fails.

Colleagues, we now go to a vote on schedule 3, section 10 as a whole. Shall schedule 3, section 10, carry? For clarity, can I have a show of hands? Shall that section be carried? Opposed? It is carried.

We now go to motion number 6: Mr. Hatfield?

**Mr. Percy Hatfield:** Thank you, Chair. My note would be “similar to the above,” or “ditto.”

I move that section 11 of schedule 3 to the bill be amended by adding the following clause to subsection 162(3) of the Housing Services Act, 2011:

“(0.a) there would be a loss of housing units as a result of the transfer;”

**The Chair (Mr. Peter Tabuns):** Any discussion? I have Mr. Hardeman.

**Mr. Ernie Hardeman:** Chair, I request a recorded vote.

**The Chair (Mr. Peter Tabuns):** A recorded vote is requested.

Mr. Hatfield, did you have anything further to say?

**Mr. Percy Hatfield:** I agree. Let’s get it on the record.

**The Chair (Mr. Peter Tabuns):** Okay. No further discussion? You’re ready for the vote.

**Ayes**

Hardeman, Hatfield, Martow.

**Nays**

Anderson, Des Rosiers, Dong, Mangat, McMeekin.

**The Chair (Mr. Peter Tabuns):** The motion is lost.

We go to the schedule and section as a whole. Shall schedule 3, section 11, carry? Opposed? It is carried.

We have no amendments on schedule 3, section 12. Unless there’s discussion, we’ll go to the vote. Shall schedule 3, section 12, carry? Opposed? It is carried.

We go to amendment 7: Ms. Martow?

**Mrs. Gila Martow:** I move that section 11 of schedule 3 to the bill be amended by adding the following clause to subsection 162(3) of the Housing Services Act, 2011:

“(0.a) there would be a loss of housing units as a result of the transfer;”

**The Chair (Mr. Peter Tabuns):** I think you’ve read—

**Mrs. Gila Martow:** That was an NDP motion. Sorry.

**The Chair (Mr. Peter Tabuns):** I appreciate your creative approach, but nonetheless you have to read a different motion. It is number 7.

**Mrs. Gila Martow:** Sorry. I thought I turned the page. We’ll try again. I thought it sounded familiar.

I move that schedule 3 to the bill be amended by adding the following section:

“12.1 Section 164 of the act is repealed.”

**The Chair (Mr. Peter Tabuns):** Thank you, Mrs. Martow.

Committee members, the motion is inadmissible, because it proposes to amend a section of the parent act that is not specifically amended by a clause of the bill. Therefore, I am ruling it out of order.

**Mr. Ernie Hardeman:** I request unanimous consent to vote on it anyway.

**The Chair (Mr. Peter Tabuns):** Mr. Hardeman has requested unanimous consent. Do we have unanimous consent? Unfortunately, I heard a no, so that is lost.

We go then to schedule 3, section 13: motion number 8 by the NDP. Mr. Hatfield?

**Mr. Percy Hatfield:** Chair, in the interests of currying favour with the Liberal majority, I will withdraw this motion in the hope of winning their support further down the road.

**1420**

**The Chair (Mr. Peter Tabuns):** So that one is withdrawn.

Then we go to amendment number 9. It is yours, Mr. Hatfield.

**Mr. Percy Hatfield:** Chair, I'd like to repeat my previous remarks.

**The Chair (Mr. Peter Tabuns):** I'll take it as withdrawn.

So now we'll consider schedule 3, section 13, as a whole. People are ready to vote? Shall schedule 3, section 13, carry? Carried.

Then we go to schedule 3, section—actually, we have a number here: schedule 3, sections 14 to 17. You're agreeable that I bundle them together? Fine.

Shall schedule 3, sections 14, 15, 16 and 17, carry? Carried.

**Mr. Percy Hatfield:** Just a question before you do that: I believe—

**The Chair (Mr. Peter Tabuns):** I think that you're a bit late. Sorry.

**Mr. Percy Hatfield:** Okay. I thought that NDP 10 was on section 16.

**The Chair (Mr. Peter Tabuns):** No, I've called them out—

*Interjection.*

**The Chair (Mr. Peter Tabuns):** It will be the next schedule.

Okay, there were no amendments. Shall schedule 3 carry?

*Interjection.*

**The Chair (Mr. Peter Tabuns):** I stand corrected. My apologies to you all.

Shall schedule 3, as amended, carry? Carried.

We go to schedule 4. Mr. Hatfield, you get to be very creative.

**Mr. Percy Hatfield:** Oh, thank you, Chair.

**The Chair (Mr. Peter Tabuns):** Your amendment number 10.

**Mr. Percy Hatfield:** I move that section 1 of schedule 4 to the bill be amended by adding the following subsection:

“(0.1) Subsection 16(1) of the Planning Act is amended by adding the following clause:

“(a.1) goals, objectives and policies established to ensure the adequate provision of a full range of housing, including affordable housing within the municipality;”

**The Chair (Mr. Peter Tabuns):** Discussion?

**Mr. Percy Hatfield:** I think this would explicitly require the municipality to have affordable housing policies in its official plan. Affordable housing is currently stated as a provincial interest under the Planning Act, but there is no explicit requirement to have affordable housing policies in the official plan of the municipality.

This amendment would provide more weight to affordable housing when approval authorities try to balance the need for affordable housing with other interests and considerations.

**The Chair (Mr. Peter Tabuns):** Any further discussion? Mr. Dong.

**Mr. Han Dong:** I recommend voting against this motion, because section 2 of the Planning Act already identifies the adequate provision of a full range of housing, including affordable housing, as a matter of provin-

cial interest. The reference to affordable housing was included as part of the 2010 Long-Term Affordable Housing Strategy.

The Provincial Policy Statement also provides policy direction to municipalities on providing for an appropriate range and mix of housing, which includes affordable housing. It requires all municipal official plans to be consistent with the Planning Act.

**The Chair (Mr. Peter Tabuns):** Mr. Hardeman.

**Mr. Ernie Hardeman:** I appreciate the comments from the government. But I don't think, in creating affordable housing, that we can ever mention it too often, so I see no harm in putting it in again here.

**The Chair (Mr. Peter Tabuns):** Thank you. Further discussion? There being none, we'll go to the vote. All those in favour? All those opposed? It is lost.

We go to amendment number 11: Mr. Hatfield.

**Mr. Percy Hatfield:** I move that subsection 1(1) of schedule 4 to the bill be struck out and the following substituted:

“(1)—do I have to keep saying “bracket” after I say “bracket” the first time?

**Interjection:** No.

**Mr. Percy Hatfield:** No from you. From the Chair or the Clerk? No?

**The Chair (Mr. Peter Tabuns):** No.

**Mr. Percy Hatfield:** Okay, thank you.

“(1) Subsection 16(3) of the Planning Act is amended by striking out the portion before clause (a) and substituting the following:

““Second unit policies

“(3) Every official plan shall, no later than five years after the Promoting Affordable Housing Act, 2016 receives royal assent, contain policies that authorize the use of a second residential unit by authorizing,”

**The Chair (Mr. Peter Tabuns):** Thank you, Mr. Hatfield. Did you want to comment on that?

**Mr. Percy Hatfield:** Only to explain that this establishes a deadline of five years from royal assent to finally include secondary unit policies in their official plans, as currently required under the Planning Act. There is currently no deadline, and many municipalities have subsequently failed to update their plan.

The NDP supports second units. In 1994, as you may recall, the NDP government introduced the Residents' Rights Act to allow secondary units as a right. The Harris Tories immediately repealed those provisions, but the Liberals partially restored them.

Given the critical need for more affordable housing, there is a need to allow secondary units. The preamble to section 16(3) is altered slightly by Bill 7, but I think it's indeed open that we should have it in there, just the five years. It makes a lot of sense.

**The Chair (Mr. Peter Tabuns):** Mr. Dong.

**Mr. Han Dong:** I recommend voting against this motion, because as part of the 2010 Long-Term Affordable Housing Strategy, the government amended the Planning Act to require municipalities to amend their official plans and zoning bylaws to allow secondary units



in single-detached, semi-detached and row dwellings, as well as in accessory structures. These provisions came into effect on January 1, 2012.

The act was also amended to provide the minister with regulatory authority to further mandate municipalities with respect to secondary units.

Based on this, this motion is not necessary. In addition, the outcome of this motion would be to wait another five years for municipalities to amend their official plans and bylaws to authorize second units.

**The Chair (Mr. Peter Tabuns):** Further discussion? There being none, you're ready for the vote? All those in favour? All those opposed? It fails.

Mr. Hatfield, do you have motion number 12?

**Mr. Percy Hatfield:** I don't know if I can recover from that loss, Chair.

I move that subsection 1(2) of schedule 4 to the bill be amended by adding the following subsection to section 16 of the Planning Act:

"Prescribed requirements re second unit policies

"(3.1) A policy that authorizes the use of a second residential unit must satisfy such other requirements as may be prescribed."

**The Chair (Mr. Peter Tabuns):** Mr. Hatfield, as I understand it, this motion is dependent on the previous one having been passed, and thus I have to rule it out of order.

**Mr. Percy Hatfield:** You couldn't slip it in there, eh?

*Laughter.*

**The Chair (Mr. Peter Tabuns):** Apparently, I've been given substantial advice that you're out of order.

*Interjection.*

**Mr. Percy Hatfield:** In the interests of my good friend, Mr. McMeekin, I will withdraw, so he doesn't have to give me another lesson.

**The Chair (Mr. Peter Tabuns):** Fair enough, sir.

**Mr. Percy Hatfield:** He's a good professor.

**The Chair (Mr. Peter Tabuns):** We go then to your motion 13.

**Mr. Percy Hatfield:** Is that in order?

**The Chair (Mr. Peter Tabuns):** You're more than welcome to read it out, but since it was dependent on 11 passing as well, you can—

**Mr. Percy Hatfield:** In the interests of time and in the interests of currying favour with my colleagues across the aisle, I will withdraw.

**The Chair (Mr. Peter Tabuns):** It is withdrawn.

We go to PC motion 14 then. Ms. Martow.

**Mrs. Gila Martow:** I move that subsection 16(4) of the Planning Act, as set out in subsection 1(2) of schedule 4 to the bill, be amended by striking out the portion before clause (a) and substituting the following:

"Inclusionary zoning policies

"(4) An official plan of a municipality may contain policies that authorize inclusionary zoning by,"

**The Chair (Mr. Peter Tabuns):** Any discussion? There being none—oh, Mr. Hardeman.

**Mr. Ernie Hardeman:** Mr. Chairman, this amendment is combined with 16(5). It will remove the

minister's ability to force inclusionary zoning on municipalities. As you know, in the act, it says he may do that in prescribed areas. Presently there are no prescribed areas, but in fact the ability for the minister to declare them exists, so we could find ourselves in a totally mandated inclusionary zoning regime in the province, strictly by the signing of the regulations.

**1430**

I don't think the debate that we've had so far within this bill has in any way indicated that that was a possibility or that that was a probability. So I think that to clear it up, to make sure that if we're going to use that as the housing policy to force municipalities to do that zoning—I think the bill should be clear in doing that. By removing the one section and adding the other, it actually takes out the inclusionary zoning reference, so that's why I think it's a great one to support.

Now, the minister claims that this is similar to a ministerial zoning order, so it allows the minister to facilitate the implementation of inclusionary zoning. But if it's not a mandated program, there is never a need to have a minister put a pre-zoning on a property to allow the zoning to happen, because if someone wanted to use the inclusionary zoning on their property and it presently didn't exist, they could work out a deal with the municipality that would be exactly the same as inclusionary zoning at their will, and there never would be a need for a minister's zoning order to make it happen.

As it's written presently in the act, it would strictly allow the minister—if they decided they were not getting inclusionary zoning as they had hoped to see, this section would give them the ability to designate any area he or she saw fit, and they would be bound by it because this bill allowed that to happen. That's why we have this motion, to try and move that forward so the minister must go through the process again if he wants to mandate it as a social housing policy for the province, as opposed to a social policy for municipalities. We don't think they should be able to change that retroactively with regulation.

**The Chair (Mr. Peter Tabuns):** Is there further discussion? Mr. Dong.

**Mr. Han Dong:** I recommend voting against this motion, because Bill 7 provides the authority for the minister to pass a regulation making inclusionary zoning mandatory for some or all of the municipalities. The proposed motion would remove the minister's flexibility to require the use of inclusionary zoning where it may be considered appropriate in the provincial interest; for example, along the provincially funded transit corridors. The authority to mandate is consistent with other such authorities in the Planning Act; for example, the minister's zoning order.

**The Chair (Mr. Peter Tabuns):** Thank you, Mr. Dong. Mr. Hardeman?

**Mr. Ernie Hardeman:** I think the government side just made my point, that this gives the minister power to mandate inclusionary zoning. If the minister saw the need for it, a zoning order would work in these circumstances

because the zoning order is in fact the ability to override a municipal zoning document in order to facilitate the development of a property for a different use. If the minister decided that in a designated area, they thought it in the best interests of the province that they should have inclusionary zoning on a property, and the municipality was not prepared to do it, the minister could do that with a zoning order.

This here makes it so that the minister could, just by regulation, prescribe a section or all of a municipality and designate it as a prescribed area, and then they could have inclusionary zoning wherever they prescribed it, without ever even talking to the municipalities. In some places, you'd call that the Henry VIII clause: Everything is said and done, and then the minister takes his will and imposes it upon the people without their consent.

I think this is a very important issue. They don't need it. If it's for the one case that the member just mentioned, that the minister may deem it necessary for certain small situations to use a minister's zoning order—a minister's zoning order does not define what land use the zoning order is for; it's to hold the zoning pattern for what the minister deems appropriate until the municipality can zone it to make it the proper zoning for that future use, such as a new industrial building coming into an area where it's presently designated residential but they don't know whether the municipality can get it all zoned properly in time for that development to take place. The minister walks in, puts a zoning order on it, and guess what? It all happens. That he can do with inclusionary zoning, too.

This here, "prescribed areas," is strictly to give him the power to override municipal bylaws and municipal documents in order to force inclusionary zoning. I don't think the government has been telling us that that was the intent of this bill, but that's exactly what could happen with this section.

**The Chair (Mr. Peter Tabuns):** Is there any further commentary? There being none, you're ready for the vote?

**Mr. Ernie Hardeman:** Recorded vote.

**The Chair (Mr. Peter Tabuns):** A recorded vote has been requested.

#### Ayes

Hardeman, Martow.

#### Nays

Anderson, Des Rosiers, Dong, Mangat.

**The Chair (Mr. Peter Tabuns):** The motion is lost.

We go to PC motion 15. Ms. Martow?

**Mrs. Gila Martow:** I move that clause 16(4)(a) of the Planning Act, as set out in subsection 1(2) of schedule 4 to the bill, be struck out and the following substituted:

"(a) authorizing the inclusion of affordable housing units within buildings or projects containing a total of 10

or more residential units before the inclusion of the affordable housing units, but excluding buildings or projects,

"(i) owned or operated by a non-profit corporation that is prescribed,

"(ii) containing a student residence designated by the Minister of Finance,

"(iii) containing a psychiatric facility within the meaning of the Mental Health Act,

"(iv) containing a long-term care home within the meaning of the Long-Term Care Homes Act, 2007,

"(v) containing an intensive support residence or a supported group living residence within the meaning of Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008,

"(vi) containing an addiction treatment facility,

"(vii) containing any other prescribed facility; and"

**The Chair (Mr. Peter Tabuns):** Any discussion? Mr. Hardeman.

**Mr. Ernie Hardeman:** I think this is the first amendment that deals directly with what we heard from the public. All those who were not involved with the—what should we say?—present building industry and the municipalities who govern them were concerned about whether their type of residential development would be forced to be part of inclusionary zoning. The question was, can a co-op still exist? Can a co-op housing establishment be built under inclusionary zoning if they're not exempt? They made a presentation being concerned with—there was a number of other ones.

We did some research, and Boston, Chicago, Denver, and Burlington, Vermont, all exempt certain types of residential development, such as student dormitories, subsidized senior housing and housing provided by government agencies. Again, it doesn't make sense to have those types of housing that I just listed be stuck with this type of inclusionary zoning, that somehow they have to make a deal to make—they can't make them all somewhat affordable; they have to make some more affordable than others because they're in that zoning.

So it makes great sense to have them—Boston, Chicago, San Francisco, Washington, DC, and Burlington, Vermont, all exempt developments with less than 10 units. Again, that's the same problem. We heard during the deputations, and we heard even when I met with the minister, that no one seems to have figured out yet how you decide, when you have a very small number of units, how you can make the right percentage affordable. When you can't use cash-in-lieu, then you have to build the units.

In rural Ontario, we have developments of three or four units. If that was an inclusionary zoning area, they would have to provide one, two or three of those as affordable units at a different value than the others. In other areas, there are places where even if you could give one of the houses away, the people who are eligible for affordable housing don't have the money to pay the taxes or the upkeep, nor do they want to live in that neighbourhood. That's not where they would buy a house if

they were buying their own house, because it's not the scale of the residential community that they would like to live in.

**1440**

We think that there's a need, first of all, to exempt certain types of housing that shouldn't be involved, and I think it's very important to recognize that there has to be a line you draw so that developments with less than so many units are not applicable to the same criteria.

With that, that's why I ask everyone to support this motion.

**The Chair (Mr. Peter Tabuns):** Is there any other discussion? Mr. Dong.

**Mr. Han Dong:** I recommend voting against this motion. Non-profit affordable housing providers have expressed their concerns around how inclusionary zoning requirements would apply to their developments, and have requested that they be exempt from inclusionary zoning.

This motion, which also identified other types of facilities proposed for exemption, is opposed in favour of one being proposed by the government, which would provide legislative authority to make regulations exempting certain developments, which could include developments by non-profit housing providers. This would allow careful consideration through the regulatory process, identifying the appropriate types of developments that should be exempt from inclusionary zoning.

**The Chair (Mr. Peter Tabuns):** Thank you, Mr. Dong. Mr. Hardeman.

**Mr. Ernie Hardeman:** For the sake of clarity—I don't know what I missed, but it sounded like you were speaking in favour of it, because you mentioned about who spoke, that they wanted to be involved. You spoke to the fact that the people were here saying that they wanted something like this, that they shouldn't be included in inclusionary zoning.

I was waiting to hear from the government what the opposition to this is, as opposed to the fact that you don't want to do it. Why is it that you didn't want to pass this motion?

**The Chair (Mr. Peter Tabuns):** Is there any other discussion? Mr. Dong.

**Mr. Han Dong:** We have a better version of this motion later on.

**The Chair (Mr. Peter Tabuns):** Any other discussion? There being none—

**Mr. Ernie Hardeman:** Recorded vote.

#### Ayes

Hardeman, Martow.

#### Nays

Anderson, Des Rosiers, Dong, Mangat.

**The Chair (Mr. Peter Tabuns):** The motion is lost. We go to NDP motion 16. Mr. Hatfield.

**Mr. Percy Hatfield:** I move that clause 16(4)(b) of the Planning Act, as set out in subsection 1(2) of schedule 4 to the bill, be amended by striking out “over time” at the end and substituting “for a period of not less than 30 years”.

**The Chair (Mr. Peter Tabuns):** Thank you, Mr. Hatfield. Did you want to comment further?

**Mr. Percy Hatfield:** Well, sure. Affordable housing units that are going to be created under inclusionary zoning policies and bylaws, we feel, must be maintained as affordable for at least 30 years. The current requirement is “over time.” If the government had a problem with “loss,” as you couldn't understand it, “over time” should give you a major problem as well.

We think that the minimum time—housing advocates have urged us that the government maintain affordable housing for as long as possible; 30 years is a lot better than “over time.”

**The Chair (Mr. Peter Tabuns):** Thank you, Mr. Hatfield. Mr. Dong.

**Mr. Han Dong:** I recommend voting against this motion. The government recognizes the importance of ensuring that inclusionary zoning units being built remain affordable over the long term. Bill 7 will allow the minister to set out rules for an affordability time frame through regulation. This motion is opposed, as it would not allow for further consultation on Ontario's approach to an affordability time frame.

**The Chair (Mr. Peter Tabuns):** Thank you, Mr. Dong. Mr. Hatfield.

**Mr. Percy Hatfield:** Well, I just wonder if the government can look into the crystal ball and tell me, down the road, what is a long period of time, or what is “over time.” Are we looking at five years, 10 years, 15 years, 20, 25, 30, 35, 40, 45 or 50? I mean, if you don't put it in there, at some point down the road somebody's going to say, “Well, what does this mean?” We just want to clarify and try to nail it down now.

If you put it in here now and you go to public consultation, and they say, “Let's make it 50,” I'll go with 50, but let's start at 30. Let's just not say that somewhere down the road someone can come in and say, “Ah, there's no need for this anymore. I want to get rid of it.”

**The Chair (Mr. Peter Tabuns):** Thank you, Mr. Hatfield. Mr. Hardeman, and then Mr. Dong.

**Mr. Ernie Hardeman:** Just very quickly: I haven't done much so far in agreeing with the government. I'm a little concerned with, at the end, suggesting that we somehow need more consultation. I've been around this place for some time, and I realize that consultation is supposed to take place before we get to the clause-by-clause, as to what we need to put in.

Having said that, I do believe that putting in 30 years, a defined number, is problematic, because a lot can happen in 30 years. There may be other purposes. The houses may not even exist that long; I'm not talking about the quality of them, but the town may have been totally changed. I think negotiating or having the ability

to negotiate the length of time that they should be built for, depending on how much cost is going into it, is a good thing. On this one here, I'm going to vote with the government. I just wanted the record to show that.

**The Chair (Mr. Peter Tabuns):** The record will be amazed. Mr. Dong?

**Mr. Han Dong:** I just want to remind the member, MPP Hatfield, that Bill 7 will give the ability to the minister to set the rules around the affordability time frame in regulation. As MPP Hardeman knows, part of the regulation process involves further consultation. That's where I meant consultation.

**The Chair (Mr. Peter Tabuns):** There being no further discussion, you're ready for the vote? All those in favour of NDP motion 16, please indicate. All those opposed?

**Mr. Percy Hatfield:** It's unanimous.

**The Chair (Mr. Peter Tabuns):** It has lost. Sorry, Mr. Hatfield.

We go on to NDP motion 17: Mr. Hatfield.

**Mr. Percy Hatfield:** I move that subsection 1(2) of schedule 4 to the bill be amended by adding the following subsection to section 16 of the Planning Act:

"Interpretation

"(4.1) For the purposes of policies that authorize inclusionary zoning, an affordable housing unit means a housing unit that,

"(a) is priced below the market price that would otherwise prevail for the same housing unit in the absence of the policies;

"(b) is priced with regard to household income and ability to pay; and

"(c) satisfies any additional requirements as may be prescribed."

Chair, I guess when we're looking at a definition for affordable housing, it's priced below the market price that would otherwise prevail for the same housing unit if we didn't have any policies at all, and it's priced with regard to household income and ability to pay. The government may prescribe other requirements, but the lack of a definition of affordable housing with market price-setting based on the ability to pay could make inclusionary zoning policies ineffective.

For example, sir, a mandatory 25% discount on a suite at the Trump Tower is not the same as providing affordable housing. If the market already supplies some affordable housing, but not enough, the inclusionary zoning policies may be ineffective if they simply provide for affordable housing that might be created anyway.

**The Chair (Mr. Peter Tabuns):** Is there further discussion on this matter? Mr. Dong.

**Mr. Han Dong:** I recommend opposing this motion, because the provincial policy statement's definition of "affordable" is broad enough to let municipalities define the target households that they wish to direct their inclusionary zoning program towards. Municipal council decisions in respect of inclusionary zoning in official plan policies must be consistent with the provincial policy statement of 2014. Creating a new definition for

an affordable housing unit that is different from the current definition of "affordable" may lead to confusion. Based on this, this motion is not necessary.

**The Chair (Mr. Peter Tabuns):** Further discussion? There being none, are you ready for the vote? All those in favour of motion 17? All those opposed? It is lost.

We go to PC motion 18.

Ms. Martow, you are free to read it out. I'll just note that this was dependent on an earlier motion passing, which did not pass.

**Mrs. Gila Martow:** We'll withdraw.

**The Chair (Mr. Peter Tabuns):** You withdraw. Fine. Okay.

We now go to government motion 19. Mr. Dong.

**Mr. Han Dong:** I move that section 1 of schedule 4 to the bill be amended by adding the following subsection:

"(3) Section 16 of the act is amended by adding the following subsections:

"Assessment report

"(9) Before adopting the parts of an official plan which contain policies described in subsection (4), the council of the municipality shall ensure that an assessment report has been prepared.

"Updating of assessment report

"(10) Within five years after the parts of its official plan which contain policies described in subsection (4) come into effect, the council of the municipality shall ensure that an updated assessment report is prepared for the purpose of determining whether any of those parts of the official plan should be amended.

"Periodic updating

"(11) As long as its official plan contains policies described in subsection (4), the council of the municipality shall ensure that an updated assessment report is prepared within five years after the date of the most recent updated assessment report, for the purpose of determining whether any of the parts of the official plan which contain policies described in subsection (4) should be amended.

"Requirements relating to assessment reports

"(12) The council of the municipality shall ensure that the initial assessment report and every updated assessment report includes the information and documents specified in the regulations and complies with the requirements specified in the regulations.

"Assessment reports to be made available to public

"(13) The council of the municipality shall ensure that the initial assessment report is made available to the public before the parts of the official plan which contain policies described in subsection (4) are adopted and that every updated assessment report is made available to the public before any amendments to the parts of the official plan which contain policies described in subsection (4) are adopted."

**The Chair (Mr. Peter Tabuns):** Did you want to speak to that motion?

**Mr. Han Dong:** Yes. I recommend voting in favour of this motion because the motion would require a municipality to consider adopting inclusionary zoning

official plan policies to prepare a report to help inform council, the public and the stakeholders of the details considered in developing a local inclusionary zoning program. This requirement provides for a transparent and public process that will allow for informed discussion and stakeholder input to municipal councils that could help garner community support by articulating community needs and circumstances.

A five-year review would allow municipalities to reassess and refine the inclusionary zoning program as needed. It is anticipated that a proposed approach would codify the best practice as municipalities would typically prepare such a report for council in support of the inclusionary zoning program.

**The Chair (Mr. Peter Tabuns):** Any discussion? Mr. Hardeman.

**Mr. Ernie Hardeman:** Mr. Chair, we believe, having an assessment report, that it should almost go without saying that people should know what's needed before we actually implement it. I agree with the amendment. My concern, and our concern, is that a five-year period of time—when they prepare the first report, that will be before they pass the inclusionary bylaw, it will take five years to build the first unit, the way the red tape in our municipalities and in our province is right now. So we will be doing a review before we have anything to review. I think the time frame for the reviews and the ongoing reviews is far too short to make it really practical.

With that, we will be supporting the motion.

**The Chair (Mr. Peter Tabuns):** Mr. Hatfield.

**Mr. Percy Hatfield:** I will be supporting the motion as well, because I know the government will be supporting my next motion. So it's just a tête-à-tête exchange.

**The Chair (Mr. Peter Tabuns):** Mr. McMeekin.

**Mr. Ted McMeekin:** I'm not sure I heard my honourable friend Mr. Hardeman correctly. I thought he was arguing a while back that municipalities shouldn't be forced into things.

Of course, we don't just need a partnership. We need participants, and a process to guide that.

Were you really suggesting we shorten the term and maybe require them to do it every year, every 18 months?

**Mr. Ernie Hardeman:** No. Ten.

**Mr. Ted McMeekin:** Oh, you want to lengthen it.

**Mr. Ernie Hardeman:** I think it's—

**The Chair (Mr. Peter Tabuns):** Gentlemen? Mr. Hardeman?

**Mr. Ted McMeekin:** Oh, sorry.

**The Chair (Mr. Peter Tabuns):** If you have a statement to make, make a statement, and then when you're done, I'll see if anyone has a comment.

**Mr. Ted McMeekin:** My statement is, I was surprised, but the honourable member has clarified it. I think this is better than what he was suggesting, so I'll support this.

**The Chair (Mr. Peter Tabuns):** Thank you, Mr. McMeekin. Any further commentary? There being none, are you ready to vote?

All those in favour of motion 19, please show. Opposed? It is carried.

With that, we can vote on the schedule and section as a whole. Shall schedule 4, section 1, as amended, carry?

*Interjections.*

**Mr. Ernie Hardeman:** Recorded vote.

**The Chair (Mr. Peter Tabuns):** It's a bit late. I had heard "carried" and then a no. I'm sorry. It is carried.

**Mr. Ernie Hardeman:** Chair, not to argue with the vote, but did you actually call the vote, or did you just say "all those in favour?"

**The Chair (Mr. Peter Tabuns):** Yes, I had. I called for the vote.

**Mr. Ernie Hardeman:** Okay.

**The Chair (Mr. Peter Tabuns):** We go on to schedule 4, section 3—

*Interjection.*

**The Chair (Mr. Peter Tabuns):** It has been pointed out to me, Mr. Hardeman, that you may ask for something at this point.

We also have to vote—no. I see how they're divided, yes. Next is schedule 4, section 2—

*Interjection.*

**Mr. Ernie Hardeman:** Recorded vote.

**The Chair (Mr. Peter Tabuns):** Recorded vote. Schedule 4, section 2, recorded vote.

Ready to vote?

#### Ayes

Anderson, Des Rosiers, Dong, Hatfield, Mangat, McMeekin.

#### Nays

Hardeman, Martow.

**The Chair (Mr. Peter Tabuns):** It is carried.

We go to schedule 4, section 3, and NDP motion 20. Mr. Hatfield.

**Mr. Percy Hatfield:** I move that subsection 34(5.1) of the Planning Act, as set out in subsection 3(1) of schedule 4 to the bill, be amended by adding "and shall be consistent with the provincial interest of promoting development that is designed to be sustainable, to support public transit and to be oriented to pedestrians" at the end.

Basically, this has to do with parking. It specifies that the parking requirements in the site plan "shall be consistent with the provincial interest of promoting development that is designed to be sustainable, to support public transit and to be oriented to pedestrians."

Again, this is a stated provincial interest under the Planning Act, but this motion will explicitly require that parking requirements be consistent with the stated interest.

Mandatory parking minimums are responsible for much sprawl and needless housing costs. Many planning experts now argue that parking minimums should be

replaced with parking maximums in areas where there is an abundant access to transit and many amenities can be accessed by foot.

For example, in certain parts of downtown Toronto, condo developers struggle to sell parking spaces that they have been obliged to provide, since the new condo owners are able to and would prefer to walk, cycle or take transit instead of owning a car. There's no reason why condo buyers should be forced to pay higher home prices to have parking spaces that they do not want and they do not need.

This amendment does not make specific prescriptions because the NDP recognizes that there is no one-size-fits-all rule in this case, and for many municipalities there remain plenty of situations where parking requirements are reasonable and are consistent with provincial interest. If anything, we should be talking about providing more parking for bicycles. More bicycle parking in certain areas, especially in this city, would make more sense than condos having to provide so many parking spaces for every unit they have.

That's the purpose behind this motion, and I hope my friends and colleagues on the other side would agree wholeheartedly.

**The Chair (Mr. Peter Tabuns):** Ms. Martow.

**Mrs. Gila Martow:** I would just comment about accessible parking. We want to make sure that there's enough accessible parking, because sometimes when we say "no minimums"—

**The Chair (Mr. Peter Tabuns):** Thank you, Ms. Martow. Is there any further discussion? Mr. Dong.

**Mr. Han Dong:** We are aware of and support goals for creating healthy and sustainable communities. I agree with the member opposite's, MPP Hatfield's, point on creating communities where we're going to promote more pedestrian—or maybe the use of transit. That's why one of our provincial interests addresses the physical design that supports public transit and a walkable space.

But I'm going to recommend opposing this motion because the provincial interest identified under section 2 of the Planning Act already includes the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians. The motion would have the effect of constraining and limiting the minister's regulatory authority solely to sustainability, transit supportiveness and orientation of pedestrians.

**The Chair (Mr. Peter Tabuns):** Further discussion? You're ready to vote? We're voting on motion number 20. All those in favour? All those opposed? It is lost.

We go to government motion number 21. Mr. Dong.

**Mr. Han Dong:** I move that section 3 of schedule 4 to the bill be amended by adding the following subsection:

“(1.1) Section 34 of the act is amended by adding the following subsection:

“No appeal re inclusionary zoning policies

“(11.0.6) Despite subsection (11), there is no appeal in respect of all or any part of an application for an amendment to a bylaw if the amendment or part of the amendment proposes to amend or repeal a part of the

bylaw that gives effect to policies described in subsection 16(4).”

**The Chair (Mr. Peter Tabuns):** Thank you, Mr. Dong. Did you wish to comment?

**Mr. Han Dong:** Yes. Chair, I recommend voting in favour of this motion because Bill 7 does not include provisions in respect of Ontario Municipal Board appeals that may arise from private rezoning applications to amend an inclusionary zoning bylaw and a municipal council refuses or fails to make a decision on the application. The motion would shelter the municipal inclusionary zoning bylaw from such appeals, in keeping with the overall direction in Bill 7 to shelter the inclusionary zoning bylaw from appeal.

**The Chair (Mr. Peter Tabuns):** Further discussion?

**Mr. Ernie Hardeman:** Mr. Chair, I'm opposed to this motion, partly because, in principle, I think to put too many no-appeal processes in place for any municipal bylaw takes away the people's right to be heard. There are two sides to every story, and every time you take the judge out of the centre, one side wins every time. So I have a little problem with that.

I also have a problem with the fact that in your explanation about the inclusionary zoning bylaw, it already doesn't allow an appeal, and now you want to take it one further and say that any other bylaw that is in an exclusionary bylaw area would not have an appeal.

I think, again, that's taking us down the road of “father knows best,” and people can't be heard if they disagree. They should have a right to have an arbitrator make that decision. If it isn't the original bylaw, to then not have any more appeals in that because it includes some of the issues in the bylaw I think is going too far.

**The Chair (Mr. Peter Tabuns):** Further comment? You're ready for the vote?

**Mr. Ernie Hardeman:** Recorded vote.

#### Ayes

Anderson, Dong, Hatfield, Mangat, McMeekin.

#### Nays

Hardeman, Martow.

**The Chair (Mr. Peter Tabuns):** The motion is carried. We go to government motion 22.

**Mr. Han Dong:** I move that section 3—sorry, just a second.

**The Chair (Mr. Peter Tabuns):** Motion 22.

**Mr. Han Dong:** I move that section 3 of schedule 4 to the bill be amended by adding the following subsection:

“(4) Section 34 of the act is amended by adding the following subsection:

“Matters referred to in s.34(1)

“(19.3.1) Despite subsection (19.3), there is an appeal in respect of any matter referred to in subsection 34(1) even if such matter is included in the bylaw as a measure

or incentive in support of the policies described in subsection 16(4).”

**The Chair (Mr. Peter Tabuns):** Any discussion?

**Mr. Han Dong:** Yes, Chair. I recommend voting in favour of this motion, because Bill 7 provides that appeals of a zoning bylaw relating to inclusionary zoning are not permitted except by the minister. This motion will clarify that typical zoning matters such as building height and density, building orientation, massing and shadowing can be appealed, even if they are used as measures and incentives in inclusionary zoning bylaws.

The ability to appeal planning aspects of proposed developments to the Ontario Municipal Board will continue, including for community members and area landowners. In this way, restricting appeal rights in all inclusionary zoning elements will not supersede the ability to appeal developments in relation to the typical land use matters—just giving more say to the community.

**The Chair (Mr. Peter Tabuns):** Any further discussion on this matter?

**Mr. Ernie Hardeman:** Just so I understand: If the application from a developer was to go beyond the allowable height in the zoning area, can that be appealed? If the city gives—can the people then appeal that they’re going too high?

**The Chair (Mr. Peter Tabuns):** Did you wish to respond, Mr. Dong?

**Mr. Han Dong:** I think the intent of this motion is to maintain the appeal rights of the community, to make sure that they have a say at the Ontario Municipal Board, should they choose.

**The Chair (Mr. Peter Tabuns):** Further discussion?

**Mr. Ernie Hardeman:** I just want to say that when you have a piece of legislation that gives rights to protect the rights of the community, the other side of the community has the same rights. As we go further down the road, don’t be surprised if the appeals are coming from a different direction. I support the amendment, though, Mr. Chair.

**The Chair (Mr. Peter Tabuns):** Further discussion? There being none, you’re ready to vote?

**Mr. Ernie Hardeman:** Recorded vote.

### Ayes

Anderson, Des Rosiers, Dong, Hardeman, Hatfield, Mangat.

**The Chair (Mr. Peter Tabuns):** It is carried.

1510

Now we go to the vote on the schedule and section as a whole.

**Mr. Ernie Hardeman:** Recorded vote.

**The Chair (Mr. Peter Tabuns):** A recorded vote is requested.

Shall schedule 4, section 3, as amended, carry?

### Ayes

Anderson, Des Rosiers, Dong, Mangat.

### Nays

Hardeman, Martow.

**The Chair (Mr. Peter Tabuns):** It is carried.

We go now to schedule 4, section 4, and we have PC motion 23: Ms. Martow.

**Mrs. Gila Martow:** I move that subsection 35.2(1) of the Planning Act, as set out in section 4 of schedule 4 to the bill, be struck out and the following substituted:

“Bylaws to give effect to inclusionary zoning policies

“(1) If the official plan in effect in a local municipality contains policies described in subsection 16(4), the council of the municipality may pass one or more bylaws under section 34 to give effect to the policies.”

**The Chair (Mr. Peter Tabuns):** Any discussion? Mr. Hardeman.

**Mr. Ernie Hardeman:** This is the subsequent amendment that would remove mandatory requirements that prescribe municipalities to have inclusionary zoning. It goes back to my conversation from before. The government has said repeatedly that inclusionary zoning is another tool for municipalities and that they would not be forcing it on anyone. In fact, the minister said that he can’t think of a circumstance where this clause would be used.

We respect municipalities as a mature level of government, and we have to respect their judgment on whether or not inclusionary zoning will work in their community. I think this really is just to do that and to make sure that the opportunity for a change of heart—I’m sure that the present minister wouldn’t do it, but who knows who the next minister may be? They may very well take advantage of that loophole in here, and this will help clear that up.

**The Chair (Mr. Peter Tabuns):** Is there further discussion on this matter? Mr. Dong.

**Mr. Han Dong:** I recommend opposing this motion. Bill 7 provides the authority for the minister to pass a regulation making inclusionary zoning mandatory for some or all of the municipalities. The proposed motion could remove the minister’s flexibility to require the use of inclusionary zoning where it may be considered appropriate; for example, along a provincially funded transit corridor. The authority to mandate is also consistent with other such authorities in the act.

**The Chair (Mr. Peter Tabuns):** Further discussion? Mr. Hardeman.

**Mr. Ernie Hardeman:** Well, again, I want to ask the question—I notice we’re not getting answers in the debate this afternoon. But we keep hearing the member opposite suggesting that there may be places that the minister wants to designate it so he can apply the inclusionary zoning against the will of the municipality, such as along transit routes. The minister was very clear

when I spoke to him that he could never think of a place or a time where he would use this zoning, so I don't know where we've come from. Are you suggesting that some municipalities will be forced to have inclusionary zoning in their bylaws?

**The Chair (Mr. Peter Tabuns):** Have you finished your statement, Mr. Hardeman?

**Mr. Ernie Hardeman:** Hmm?

**The Chair (Mr. Peter Tabuns):** You've done your statement now?

**Mr. Ernie Hardeman:** Well, yes. I'm just waiting for a reply.

**The Chair (Mr. Peter Tabuns):** Well, I will see if anyone wants to comment. Any comments? There are none. Are you prepared to vote?

**Mr. Ernie Hardeman:** Recorded.

**The Chair (Mr. Peter Tabuns):** A recorded vote is requested.

#### Ayes

Hardeman, Martow.

#### Nays

Anderson, Des Rosiers, Dong, Mangat.

**The Chair (Mr. Peter Tabuns):** It is lost.

We go to government motion number 24: Mr. Dong.

**Mr. Han Dong:** I move that clause 35.2(2)(a) of the Planning Act, as set out in section 4 of schedule 4 to the bill, be struck out and the following substituted:

“(a) shall require that the development or redevelopment of specified lands, buildings or structures include,

“(i) the number of affordable housing units determined under the regulations or, in the absence of such regulations, the number of affordable housing units determined under the bylaw, or

“(ii) affordable housing units occupying the gross floor area determined under the regulations or, in the absence of such regulations, the gross floor area determined under the bylaw;”

**The Chair (Mr. Peter Tabuns):** Any discussion? Mr. Dong?

**Mr. Han Dong:** I'm recommending voting in favour of this motion because this is a motion that responds to the request made by the municipal and housing sectors during the consultation on inclusionary zoning. Allowing the use of gross floor area will provide greater flexibility for municipalities in expressing requirements for affordable housing units in inclusionary zoning bylaws.

**The Chair (Mr. Peter Tabuns):** Any further commentary? There being none, are you ready for the vote?

**Mr. Percy Hatfield:** I was just going to say, Chair—

**The Chair (Mr. Peter Tabuns):** Mr. Hatfield, please.

**Mr. Percy Hatfield:** I like it.

**Mr. Ernie Hardeman:** Good man, good man.

**The Chair (Mr. Peter Tabuns):** Mr. Dong?

**Mr. Han Dong:** Chair, I just want to say: I like it when you like it.

*Interjections.*

**The Chair (Mr. Peter Tabuns):** Oh, committee members, please. I gather you're now ready for the vote?

**Mr. Ted McMeekin:** Sounds like it.

**The Chair (Mr. Peter Tabuns):** Excellent. All those in favour, please indicate. All those opposed? The motion is carried.

We go to NDP motion number 25: Mr. Hatfield?

**Mr. Percy Hatfield:** Since you shot me down the last time on “not less than 30 years,” if I get an indication that you've changed your mind, I'll read it. If you haven't changed your mind, I'll withdraw it.

In the interest of saving time, it's withdrawn, Chair.

**The Chair (Mr. Peter Tabuns):** Withdrawn, okay.

We go then to government motion 26: Mr. Dong?

**Mr. Han Dong:** I move that subsection 35.2(3) of the Planning Act, as set out in section 4 of schedule 4 to the bill, be struck out and the following substituted:

“Procedure to ensure affordability maintained

“(3) A council of a municipality that passes a bylaw giving effect to policies described in subsection 16(4) shall establish a procedure for monitoring and ensuring that the required number of affordable housing units, or the required gross floor area to be occupied by affordable housing units, as the case may be, is maintained for the required period of time.”

**The Chair (Mr. Peter Tabuns):** Any commentary?

**Mr. Han Dong:** Yes, please. I recommend voting in favour of this motion because this is a motion that responds to the request made by the municipal and housing sectors during the consultation on inclusionary zoning. Allowing the use of gross floor area will provide greater flexibility for municipalities in expressing requirements for affordable housing units in inclusionary zoning bylaws.

**The Chair (Mr. Peter Tabuns):** Thank you. Further discussion? There being none, you're ready for the vote? All those in favour of government motion number 26, please indicate. Opposed? It is carried.

We go on to NDP motion 27: Mr. Hatfield?

**Mr. Percy Hatfield:** Thank you, Chair. It's time to fish or cut bait, I think.

I move that section 4 of schedule 4 to the bill be amended by adding the following subsections to section 35.2 of the Planning Act:

“Exception

“(5.1) Despite subsection (5), if a council of a municipality passes a bylaw giving effect to policies described in subsection 16(4) with respect to specified land or a specified building or structure, the council may pass a bylaw described in section 37 with respect to the same land, building or structure if the passage of the bylaw is authorized under the policies described in subsection 16(4).

“Same

“(5.2) A bylaw described in subsection (5.1) shall satisfy such requirements as may be prescribed.”



**The Chair (Mr. Peter Tabuns):** Thank you, Mr. Hatfield. Comments?

**Mr. Percy Hatfield:** This would allow municipalities to make inclusionary zoning bylaws—no. I'm sorry. I've gone backwards. This allows for section 37, along with inclusionary zoning bylaws, subject to prescribed conditions—as you know, Chair, Bill 7 currently is written that municipalities must choose one or the other. The NDP fully understands that there's only so much water in the well, but municipalities need the flexibility to sensibly integrate section 37 bylaws with inclusionary zoning bylaws.

1520

If Bill 7 forces municipalities to choose one or the other, then this may become the poison pill that simply ensures that no municipality will ever pass an inclusionary zoning bylaw. It's got to be flexible; it can't be either/or. You've got to have flexibility for municipalities to see their way fit to go to inclusionary zoning bylaws, knowing that there's also a provision, should they so choose and work out a deal, so that section 37 will apply. Otherwise, inclusionary zoning as presented just isn't going to happen.

**The Chair (Mr. Peter Tabuns):** Thank you, Mr. Hatfield. Mr. Dong.

**Mr. Han Dong:** I recommend opposing this motion. This motion is opposed in favour of the one proposed by the government, which would allow the use of section 37 with inclusionary zoning, subject to criteria set out in regulation.

I also want to add that we've heard all sectors saying that municipalities should not have to choose between inclusionary zoning and section 37 community benefits, like heritage protection, park improvement and public art, but we favour our own motion to allow for this.

**The Chair (Mr. Peter Tabuns):** Thank you, Mr. Dong. I have Mr. Hardeman. Mr. Hardeman?

**Mr. Ernie Hardeman:** I think one of the concerns I have was the minister—it was at one of the delegations. I forget now because the minister wouldn't do it in the public forum, so I don't remember exactly where I heard it, but the comment was made that a lot of consultation took place, and we had to find a happy medium to make everyone understand that this wasn't against them, it was for everyone that we would have a better system.

One of the things that the development industry was very concerned about was the fact that it was going to increase the cost of all housing if you added on that they have to provide the supportive housing to everyone at the expense of the other people in the building. Of course, the counter-argument was, "Well, yes, but if you didn't have this section 37, then in fact that would balance." That would be the municipality's contribution to the same agreement.

To then, after the hearings and after everyone's had their say on it—obviously, we knew during the hearings there were two sides to it. The municipalities believed we should have both; the development industry was very adamant—in fact, I think that was the only thing that they

did support, this inclusionary zoning, but as long as it was a concerted effort of the whole community. If you pass a resolution now to allow both on these developments, maybe the municipalities would not say no, but we're going to start seeing, because of the added cost to the housing, a great increase in the unaffordability of the houses that are in the units that are not part of the inclusionary lower prices.

Five years from now, when they do the second review that was talked about, we're going to see that we didn't accomplish what we needed to accomplish because all we managed to do was for those units that are being built, the remainder of the units are going so high that no one can afford to buy them.

I said this in the House when we spoke to this bill on second reading. The bill's title is Promoting Affordable Housing Act. That doesn't mean "just for some people." We have to try to make housing affordable for all people. This resolution goes in exactly the opposite direction by increasing the cost of housing for everyone and asking the industry that builds it to cover the total cost of doing that. Five years from now, we're all going to be disappointed that this was put in place.

**The Chair (Mr. Peter Tabuns):** Okay. Ms. Martow.

**Mrs. Gila Martow:** I would just add to that that it's sort of the rule of unintended consequences. Sometimes if you're subsidizing things for a certain group, say, to a family with a combined income of \$40,000 a year, what about the family that earns \$45,000? They shouldn't be subsidizing the under \$40,000. I think that's what we're trying to address here, that we don't make affordable housing for some people so that other people are now not able to afford housing to help subsidize those people.

**The Chair (Mr. Peter Tabuns):** Thank you. Mr. Hatfield.

**Mr. Percy Hatfield:** I don't think anyone in the room would deny that we have a crisis in Ontario in affordable housing. The waiting lists are miles long. The cost of repairs of our social housing is in the stratosphere. We have to do something to create more affordable housing.

Inclusionary zoning is just one small piece of a greater puzzle. But municipalities and the people who advocate for affordable housing—the activists—say that you've got to work in a partnership with the development industry. Up till now, there have been some minor attempts—perhaps in Toronto more so than elsewhere—on inclusionary zoning, where the ward councillor might be able to swing a deal with the developer to provide some affordable housing units. But we're hoping for legislation that can be enforced that says, "Inclusionary zoning is a good thing and here's how you might be able to work it out."

In doing so, you have to give the flexibility to municipalities for some cash-in-lieu, some section 37. They may never ask for it, or they may ask for it once or twice because it makes sense to make a project work. But the flexibility should be there. It shouldn't be either/or: that you're either going to do inclusionary zoning, or you're going to do the section 37 and we go on as we are

and there's no affordable housing built. I don't think that's the answer, when we all agree that we need to somehow create a working partnership or relationship with the development industry and the municipalities to get serious about affordable housing.

I know former minister McMeekin, when he had the file, wanted to get rid of homelessness. He wanted to create a playing field that was level for everybody to get involved and work on affordable housing. We talked away from the microphones about rent control and how we could work on rent control and upgrade that so that there's protection in a more standard form than there is now. There are all these little things that go into providing affordable housing and keeping housing affordable, but it's the flexibility.

Municipal politicians know their community better than I do. When I was on city council in Windsor, I took exception if I thought the province was trying to download something on me that didn't make sense. I know what my municipal tax base can afford. I also know that I have to work with the development industry if I want to get something done.

The cash-in-lieu—I don't think we should just throw it aside and say, "Forget about that. We're just going to do this." I think we need both. I don't see how we can go on talking about inclusionary zoning unless there is both. It's just the flexibility that everybody needs, and everybody says that they need it.

When we come to these hearings, you listen to the people at the table, you incorporate their ideas and you make amendments trying to support what you heard, and then we get here and the majority says, "No, we're not going to go there." Then we'll go out and present a bill that—it might get a headline, but it's not going to do much else. There's nothing in here that will eventually say, "Now we have inclusionary zoning. Now it's going to work," because you haven't put in that flexibility on the section 37 benefits that may still be required by some municipalities, in some projects, to make it work.

I just see this as such a common sense thing to do. But I'm just bashing my head against the wall, I can tell.

**The Chair (Mr. Peter Tabuns):** Thank you. Mr. Dong.

**Mr. Han Dong:** I get it. We heard concerns from both sides during consultations, and this debate that's taking place right now has illustrated these arguments.

I think members of this committee will see later in the government's motions that we will strike the right balance when it comes to the matter that we are talking about right now.

1530

**The Chair (Mr. Peter Tabuns):** Okay. Thank you. Further discussion? There being none, you're ready for the vote? All those in favour, please indicate. Thank you. All those opposed? The motion is lost.

We go to NDP motion 28. Mr. Hatfield?

**Mr. Percy Hatfield:** I move that subsection 35.2(6) of the Planning Act, as set out in section 4 of schedule 4 to the bill, be struck out and the following substituted:

"Money in lieu of affordable housing, etc.

"(6) If a council of a municipality passes a bylaw giving effect to policies described in subsection 16(4) with respect to specified land or a specified building or structure, the municipality is permitted to do the following if the requirements set out in subsection (6.1) are satisfied:

"1. Authorize the payment of money in lieu of the provision of affordable housing units as specified in the bylaw.

"2. Authorize the erection or location of affordable housing units on land or in a building or structure other than the land, building or structure which the bylaw specifies for those affordable housing units, in lieu of their erection or location on the land or in the building or structure specified in the bylaw.

"Requirements

"(6.1) For the purposes of subsection (6), the requirements are as follows:

"1. The municipality is authorized to do either or both of the things mentioned in paragraphs 1 and 2 of subsection (6) only if authorized to do so by the policies described in subsection 16(4).

"2. The payment of money in lieu of the provision of affordable housing units or the erection or location of affordable housing units on other land or in another building or structure must, in the municipality's opinion, serve the greater public interest after considering both of the following:"

Is that small "I"?

**The Chair (Mr. Peter Tabuns):** Roman numeral one.

**Mr. Percy Hatfield:** "i. The provision of new affordable housing units in a timely manner.

"ii. The prevention of housing segregation by income.

"Special account

"(6.2) All money received by the municipality under subsection (6.1) shall be paid into a special account and used only for affordable housing units.

"Expenditure of money in special account

"(6.3) The money in the special account must be spent in accordance with the rules and timeframes as may be prescribed.

"Transparency re money in special account

"(6.4) Subsections 37(6) to (10) apply, with necessary modifications, to the special account."

**The Chair (Mr. Peter Tabuns):** Discussion?

**Mr. Percy Hatfield:** Sure. Why not? Bill 7's inclusionary zoning provisions require that affordable housing be part of the development and prohibits the use of cash-in-lieu and off-site housing as an alternative.

There are good intentions behind this prohibition. It ensures the timely construction of affordable housing, and prevents segregation by income into rich and poor neighbourhoods that have no connection with each other.

A lot of people have written extensively about this—I know David Hulchanski has, and his warnings are well taken—but affordable housing advocates such as ACTO, CHF and Richard Drdla say that flexibility is crucial. There are cases where a municipality might reasonably

feel that far better outcomes would be achieved by allowing off-site construction of affordable housing. For example, the municipality might have a choice between setting aside a single floor in the Trump Tower or, for the same amount of money, building an entire co-op just down the street.

The NDP's proposed amendments would allow cash-in-lieu and off-site housing, but only if the municipality decides it would serve the greater public interest, after considering the need to build affordable housing in a timely manner and the need to prevent segregation by income.

Accountability and transparency provisions, similar to those recently established for section 37, cash, under Bill 73, would apply to the special account, in which the cash would be held to be spent only on affordable housing.

**The Chair (Mr. Peter Tabuns):** Mr. Hardeman, and then Mr. Dong.

**Mr. Ernie Hardeman:** We will be supporting this amendment. We heard from stakeholders at the hearings here: Habitat for Humanity, the city of Toronto, the co-op housing federation and the federation of rental-housing providers. They all spoke to both the cash-in-lieu and the off-site.

I mentioned this in my earlier discussion, about the fact that maybe this works in downtown Toronto, but in the rest of Ontario, not all development is conducive to having part of it built in an affordable way that makes it practical to become part of our affordable housing markets. In those cases where that's not possible on that site, to allow mutual agreement with the municipality and the developer to take the money, make sure it's in a dedicated fund, as we do with parkland funding and so forth, and to make sure that the money they get for that is in fact put in and is going to be used for affordable housing in a more practical way—the reason that the stakeholders such as Habitat for Humanity, the co-op housing federation and people like that agree with the cash-in-lieu and the off-site is because without those, they will not be able to build any more affordable housing. They will not be able to access any of the resources that inclusionary zoning creates. They're not in that development business, so they would have to then try to work with another developer and get—oh no, they can't even do that. They would have to own or operate, on behalf of other owners, the facilities that were built, because they can't even build them into a different site.

If it was allowed to be off-site, a developer could put a number of units together and build a facility in that neighbourhood where it's required by transit or wherever the best place is, and we would all get more housing out of it.

If it's cash-in-lieu, I think the municipality, as long as it's dedicated to that, can put it into their public housing envelope to, dare I suggest it, maybe fix up some of those units that are sitting empty because they're uninhabitable presently under the auspices of the Metro Toronto Housing Authority, so we could actually have places for people to live. We could use the money to do that, pro-

viding we have the cash-in-lieu for future development. If we were looking for how we were going to create more livable space in the province in the short term, I don't think that there would be any better way than using that part of it.

I think it's very important that we ensure that what we do in this bill is, in fact, in the best interests of getting more housing units in the places that we need them. Without having some leeway in moving the money or moving the units to where they're needed, without putting one of those two in place, we're going to be very slow in increasing the affordable housing that's being built in the province.

I totally support this motion because it does—I think the government mentioned they have a motion further on, but the government motion will be just for the off-site, not for the cash-in-lieu. I think the cash-in-lieu is even more important. The fact that they don't have to look for another place to build it—they can let the affordable housing industry use the money and use it where the activity is already taking place.

We could see a boom in co-op housing and that type of thing, because there would be money available from the development where people couldn't build the affordable housing in their development, they paid cash-in-lieu, and the municipality could then turn that into public housing where it's presently being constructed. So I think we would see a boom in public housing and actually help the building industry to carry on and do what they do best, which is to build affordable housing for all people.

**The Chair (Mr. Peter Tabuns):** Mr. Dong.

**Mr. Han Dong:** I like my friends across the floor, MPP Hardeman and MPP Hatfield. It hurts me when I have to say that I recommend opposing this motion as follows: First, allowing money in lieu of affordable housing will not support the province's goal of increasing supply for affordable housing and ensuring that these units are integrated into neighbourhoods. Second, this motion, in relation to off-site units, is opposed in favour of one being proposed by the government to allow municipalities to permit units to be built on other sites, subject to criteria set out in regulations.

1540

**The Chair (Mr. Peter Tabuns):** Further discussion? There being none, you're ready for the vote? All right. All those in favour of NDP motion 28 please indicate—

**Mr. Ernie Hardeman:** Recorded.

**The Chair (Mr. Peter Tabuns):** Recorded vote.

#### Ayes

Hardeman, Hatfield, Martow.

#### Nays

Anderson, Des Rosiers, Dong, Mangat.

**The Chair (Mr. Peter Tabuns):** The motion has lost.

We go to PC motion number 29. Mrs. Martow, before you read this—

**Mrs. Gila Martow:** Is it out of order?

**The Chair (Mr. Peter Tabuns):** It will be out of order, and it's a long motion to read. If you want to read it, I have no objection.

**Mr. Ernie Hardeman:** Mr. Chair, with the explanation, I'd like to ask for unanimous consent to have it considered—

**The Chair (Mr. Peter Tabuns):** You have to read it first and then I'll make a formal ruling, and then you can put the unanimous consent.

If you wish to read?

**Mrs. Gila Martow:** Sure. I move that subsection 35.2(6) of the Planning Act, as set out in section 4 of schedule 4 to the bill, be struck out and the following substituted:

“Extended authority

“(6) If a council of a municipality passes a bylaw giving effect to policies described in subsection 16(4) with respect to specified land or a specified building or structure, the municipality may,

“(a) authorize the payment of money in lieu of the provision of affordable housing units as specified in the bylaw; or

“(b) authorize the erection or location of affordable housing units on land or in a building or structure other than the land, building or structure which the bylaw specifies for those affordable housing units, in lieu of their erection or location on the land or in the building or structure specified in the bylaw if the units, building or structure are located,

“(i) within 1.6 kilometres of the specified land or the specified building or structure, as the case may be, or

“(ii) within one kilometre of a transit station.

“Special account

“(6.1) All money received by the municipality under subsection (2.1) shall be paid into a special account and spent only for providing affordable housing units, including the erection, improvement or repair of buildings to be used as affordable housing units.

“Investments

“(6.2) The money in the special account may be invested in securities in which the municipality is permitted to invest under the Municipal Act, 2001 or the City of Toronto Act, 2006, as the case may be, and the earnings derived from the investment of the money shall be paid into the special account, and the auditor in the auditor's annual report shall report on the activities and status of the account.

“Treasurer's statement

“(6.3) The treasurer of the municipality shall each year, on or before the date specified by the council, give the council a financial statement relating to the special account.

“Requirements

“(6.4) The statement shall include, for the preceding year,

“(a) statements of the opening and closing balances of the special account and of the transactions relating to the account;

“(b) statements identifying,

“(i) any building erected, improved or repaired during the year with funds from the special account,

“(ii) details of the amounts spent; and

“(c) any other information that is prescribed.

“Copy to minister

“(6.5) The treasurer shall give a copy of the statement to the minister on request.

“Statement available to public

“(6.6) The council shall ensure that the statement is made available to the public.”

**The Chair (Mr. Peter Tabuns):** Committee members, the motion is inadmissible because subsection 6.1 references a subsection that does not exist. Therefore, I am ruling it out of order.

**Mr. Ernie Hardeman:** Mr. Chair, I would ask for your indulgence. As you know, legislative counsel have drafted this amendment. There was a typo which was not caught before the amendments were submitted, due to the tight timelines. Obviously, the committee will know how tight the timelines were for getting these prepared, and legislative counsel, as you know—

**The Chair (Mr. Peter Tabuns):** Mr. Hardeman?

**Mr. Ernie Hardeman:** Yes?

**The Chair (Mr. Peter Tabuns):** You're just asking for unanimous consent.

**Mr. Ernie Hardeman:** Unanimous consent.

**The Chair (Mr. Peter Tabuns):** It's not a debate, sir.

**Mr. Ernie Hardeman:** Okay. I ask for unanimous consent not necessarily for the motion to be passed, but unanimous consent to make the correction in there of the section in the—

**The Chair (Mr. Peter Tabuns):** Mr. Hardeman? You have a request for unanimous consent. Is there unanimous consent? I hear a no.

**Mr. Percy Hatfield:** Yes.

**The Chair (Mr. Peter Tabuns):** I've heard a no; there is not unanimous consent.

We go to motion number 30. Ms. Martow?

**Mrs. Gila Martow:** I move that subsection 35.2(6) of the Planning Act, as set out in section 4 of schedule 4 to the bill, be struck out and the following substituted:

“Extended authority

“(6) If a council of a municipality passes a bylaw giving effect to policies described in subsection 16(4) with respect to specified land or a specified building or structure, the municipality may authorize the payment of money in lieu of the provision of affordable housing units as specified in the bylaw.

“Special account

“(6.1) All money received by the municipality under subsection (2.1) shall be paid into a special account and spent only for providing affordable housing units, including the erection, improvement or repair of buildings to be used as affordable housing units.

“Investments

“(6.2) The money in the special account may be invested in securities in which the municipality is permitted to invest under the Municipal Act, 2001 or the City of Toronto Act, 2006, as the case may be, and the earnings derived from the investment of the money shall be paid into the special account, and the auditor in the auditor’s annual report shall report on the activities and status of the account.

“Treasurer’s statement”—is this different from the other one? Is this any different from the previous one?

*Interjection.*

**Mrs. Gila Martow:** It’s for a different section. Okay.

“Treasurer’s statement

“(6.3) The treasurer of the municipality shall each year, on or before the date specified by the council, give the council a financial statement relating to the special account.

“Requirements

“(6.4) The statement shall include, for the preceding year,

“(a) statements of the opening and closing balances of the special account and of the transactions relating to the account;

“(b) statements identifying,

“(i) any building erected, improved or repaired during the year with funds from the special account,

“(ii) details of the amounts spent; and

“(c) any other information that is prescribed.

“Copy to minister

“(6.5) The treasurer shall give a copy of the statement to the minister on request

“Statement available to public

“(6.6) The council shall ensure that the statement is made available to the public.”

**The Chair (Mr. Peter Tabuns):** Thank you, Ms. Martow. Committee members, the motion is inadmissible because subsection (6.1) references a subsection that does not exist. Therefore, I am ruling it out of order.

Mr. Hardeman?

**Mr. Ernie Hardeman:** Mr. Chair, I ask for unanimous consent to consider it anyway.

**The Chair (Mr. Peter Tabuns):** I’ve had a request for unanimous consent—

*Interjections.*

**The Chair (Mr. Peter Tabuns):** No? I’ve heard a “no.” It is out of order.

We go then to PC motion number 31: Ms. Martow.

**Mrs. Gila Martow:** I move that subsection 35.2(6) of the Planning Act, as set out in section 4 of schedule 4 to the bill, be struck out and the following substituted:

“Extended authority

“(6) If a council of a municipality passes a bylaw giving effect to policies described in subsection 16(4) with respect to specified land or a specified building or structure, the municipality may authorize the erection or location of affordable housing units on land or in a building or structure other than the land, building or structure which the bylaw specifies for those affordable housing units, in lieu of their erection or location on the

land or in the building or structure specified in the bylaw if the units, building or structure are located,

“(a) within 1.6 kilometres of the specified land or the specified building or structure, as the case may be; or

“(b) within one kilometre of a transit station.”

**The Chair (Mr. Peter Tabuns):** Thank you, Ms. Martow. Any discussion on this? Mr. Hardeman.

**Mr. Ernie Hardeman:** Mr. Chair, unlike the government’s amendment—and obviously we’re going to hear that—this would encourage inclusive communities but in a way that is cost-effective to build and operate. It would also allow the housing to be located near the services that the tenants need. New York and San Francisco use the same distance for their off-site policies and, again, this is on the off-site rather than the cash-in-lieu. If it’s going to be built, let’s direct it to where the people who are going to live in it can access the services. That’s why we’ve put this motion forward.

**The Chair (Mr. Peter Tabuns):** Any further discussion? Mr. Dong?

**Mr. Han Dong:** Thank you, Chair. I recommend opposing this motion. This motion will not work in all communities in Ontario. The stakeholders across sectors indicated that there may be circumstances where off-site development may be appropriate; for example, high-end buildings with extensive amenities and small-scale developments. This motion is opposed in favour of one being proposed by the government to allow municipalities to permit units to be built on other sites, subject to limits and the criteria set out in regulations.

**The Chair (Mr. Peter Tabuns):** Thank you, Mr. Dong. Further discussion? There being none, you’re ready for the vote? You’re ready to vote?

**Mr. Ernie Hardeman:** Recorded vote.

**The Chair (Mr. Peter Tabuns):** A recorded vote has been requested.

**Ayes**

Hardeman, Hatfield, Martow.

**Nays**

Anderson, Des Rosiers, Dong, Mangat.

**The Chair (Mr. Peter Tabuns):** The motion is lost.

We go to government motion 32. Mr. Dong?

**Mr. Han Dong:** I move that subsections 35.2(5) and (6) of the Planning Act, as set out in section 4 of schedule 4 to the bill, be struck out and the following substituted:

“Restrictions on authority

“(5) If a council of a municipality passes a bylaw giving effect to policies described in subsection 16(4),

“(a) the council may, subject to the prohibitions or restrictions contained in the regulations, authorize the erection or location of some or all of the required affordable housing units in or on lands, buildings or structures other than those that are the subject of the development

or redevelopment giving rise to the bylaw requirement for affordable housing units; and

“(b) the council may, subject to the prohibitions or restrictions contained in the regulations, use its authority under section 37 with respect to the development or redevelopment giving rise to the bylaw requirement for affordable housing units.

“No authority for payment in lieu

“(6) For greater certainty, if a council of a municipality passes a bylaw giving effect to policies described in subsection 16(4), nothing in this section authorizes the council to authorize the payment of money in lieu of the provision of any or all of the required affordable housing units.”

**The Chair (Mr. Peter Tabuns):** Is there any commentary or discussion? Mr. Dong.

**Mr. Han Dong:** I recommend voting in favour of this motion because municipal sectors, including the city of Toronto and AMO, requested at the standing committee public hearings that they be able to use section 37 and inclusionary zoning concurrently. The regulation could address the development sector’s concern that the use of inclusionary zoning and section 37 would result in using the same height and density to secure both inclusionary zoning units and the additional community benefit under section 37.

The co-op housing federation and the Ontario Home Builders’ Association requested at the public hearings the flexibility to provide affordable housing units on other sites under certain circumstances; for example, high-end, high-amenity buildings and smaller-scale development. All sectors through written submissions on inclusionary zoning made requests to allow off-site construction of inclusionary zoning units. This motion responds to those requests.

**The Chair (Mr. Peter Tabuns):** Thank you.

*Interruption.*

**Mrs. Gila Martow:** Is there a vote?

**Mr. Granville Anderson:** Chair, there’s a vote—

**The Chair (Mr. Peter Tabuns):** We haven’t seen the time yet. We’ll continue until we see what the time is.

Are there other comments?

**Mr. Granville Anderson:** It’s a five-minute bell. It said five minutes earlier.

**The Chair (Mr. Peter Tabuns):** We’re going to check with the table.

In the meantime, Mr. Hatfield?

**Mr. Percy Hatfield:** Well, I might be confused here, which is not that difficult for me, but I thought, when Mr. Dong was speaking, he was saying that this amendment would allow for cash-in-lieu. Did I mishear that?

**M<sup>me</sup> Nathalie Des Rosiers:** No.

**Mr. Percy Hatfield:** I didn’t hear that correctly?

*Interjections.*

**Mr. Percy Hatfield:** Gee, because he said everybody who came here who argued for it, and so I thought you were making—yes, you were giving them what they wanted.

**Mr. Han Dong:** No, I was commenting on off-site—

**Mr. Percy Hatfield:** Oh, the off-site—

**Mr. Han Dong:** —use of section 37.

**The Chair (Mr. Peter Tabuns):** Mr. Hatfield, you have the floor.

**Mr. Percy Hatfield:** Thank you, Chair. I’ll support the motion—

*Interjection.*

**The Chair (Mr. Peter Tabuns):** Okay. Mr. Hatfield, I apologize.

Members of the committee, we have to recess for this vote. We will return in about 10 minutes.

*The committee recessed from 1554 to 1609.*

**The Chair (Mr. Peter Tabuns):** All right. The committee is back in session.

Committee members, pursuant to the order of the House dated Thursday, November 24, 2016, I am required to interrupt the proceedings—they’ve been interrupted—

**Mr. Ernie Hardeman:** You didn’t have to do it in such a grand fashion.

**The Chair (Mr. Peter Tabuns):** I do my best—and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of Bill 7 and any amendments thereto. From this point forward, those amendments which have not yet been moved shall be deemed to have been moved.

I want to say before we continue further that one 20-minute recess is allowed if requested. Is there a request? None. We will continue.

We were on government motion 32, which had been moved. No further discussion or debate is allowed. We will go to the vote.

**Mr. Ernie Hardeman:** A recorded vote, please.

**The Chair (Mr. Peter Tabuns):** Mr. Hardeman, you request a recorded vote. Had you requested more than one recorded vote?

**Mr. Ernie Hardeman:** I would request a recorded vote for the rest of the votes until the end of the bill.

**The Chair (Mr. Peter Tabuns):** Thank you. Recorded vote on government amendment 32.

#### Ayes

Anderson, Des Rosiers, Dong, Hatfield, Mangat.

#### Nays

Hardeman, Martow.

**The Chair (Mr. Peter Tabuns):** That is carried. We go to PC motion number 33. I will read it out.

I move that section—

**Mrs. Gila Martow:** I have to read it out?

*Interjection.*

**The Chair (Mr. Peter Tabuns):** It is deemed moved by Ms. Martow.

I move that section 35.2 of the Planning Act, as set out in section 4 of schedule 4 to the bill, be amended by adding the following subsection:

“Transition

“(10) A bylaw of a municipality giving effect to policies described in subsection 16(4) does not apply to the development or redevelopment of specified lands, buildings or structures if an application for a building permit for the development or redevelopment has been made to the municipality before the day that the municipality passes the bylaw.”

**Ayes**

Hardeman, Martow.

**Nays**

Anderson, Des Rosiers, Dong, Mangat.

**The Chair (Mr. Peter Tabuns):** The motion is lost. Shall schedule 4, section 4, as amended, carry? A recorded vote was requested.

**Ayes**

Anderson, Des Rosiers, Dong, Mangat.

**Nays**

Hardeman, Hatfield, Martow.

**The Chair (Mr. Peter Tabuns):** It is carried.

I’m going to bundle the next group, because I don’t have further amendments here.

Shall schedule 4, sections 5, 6, 7, 8 and 9, carry?

**Ayes**

Anderson, Des Rosiers, Dong, Hardeman, Hatfield, Mangat, Martow.

**The Chair (Mr. Peter Tabuns):** They are carried.

We go, then, to schedule 4, section 10. We have PC motion 34, moved by Ms. Martow.

I move that paragraph 15.1 of the Planning Act, as set out in subsection 10(1) of schedule 4 to the bill, be struck out.

Recorded votes throughout. All those in favour, please indicate.

**Mr. Ernie Hardeman:** Withdrawn.

**The Chair (Mr. Peter Tabuns):** It is withdrawn. All right. Then we go to PC motion 35. It was dependent on 15, so—

**Mrs. Gila Martow:** Withdrawn.

**The Chair (Mr. Peter Tabuns):** Withdrawn? Withdrawn.

We go to government motion 36, moved by Mr. Dong.

I move that section 10 of schedule 4 to the bill be amended by adding the following subsection:

“(1.1) Subsection 70.1(1) of the act is amended by adding the following paragraph:

“15.4 specifying that a bylaw passed under section 34 to give effect to policies described in subsection 16(4) does not apply to development or classes of development

specified in the regulation and specifying the circumstances in which the bylaw does not apply;”

Recorded vote.

**Ayes**

Anderson, Des Rosiers, Dong, Hardeman, Hatfield, Mangat, Martow, McMeekin.

**The Chair (Mr. Peter Tabuns):** It is carried.

We go then to government motion 37, moved by Mr. Dong.

I move that paragraphs 24.0.2 and 24.0.3 of subsection 70.1(1) of the Planning Act, as set out in subsection 10(3) of schedule 4 to the bill, be struck out.

Recorded vote.

**Ayes**

Anderson, Des Rosiers, Dong, Hatfield, Mangat, McMeekin.

**Nays**

Hardeman, Martow.

**The Chair (Mr. Peter Tabuns):** It is carried.

Shall schedule 4, section 10, as amended, carry?

**Ayes**

Anderson, Des Rosiers, Dong, Hatfield, Mangat.

**Nays**

Hardeman, Martow.

**The Chair (Mr. Peter Tabuns):** It is carried.

We have two more sections that I will put together.

Shall schedule 4, sections 11 and 12, carry? Recorded vote.

**Ayes**

Anderson, Des Rosiers, Dong, Hardeman, Mangat, McMeekin.

**The Chair (Mr. Peter Tabuns):** They are carried.

Shall schedule 4, as amended, carry?

**Ayes**

Anderson, Des Rosiers, Dong, Mangat, McMeekin.

**Nays**

Hardeman, Martow.

**The Chair (Mr. Peter Tabuns):** It is carried.

We go now to schedule 5, and we go to PC motion 38 in schedule 5, section 1, moved by Ms. Martow.

I move that section 1 of schedule 5 to the bill be struck out and the following substituted:

"1. Section 58 of the Residential Tenancies Act, 2006 is amended by adding the following subsections:

"Rent-g geared-to-income assistance

"(3) For greater certainty, paragraph 2 of subsection (1) does not authorize a landlord to give a tenant notice of termination of the tenancy on the ground that the tenant has ceased to be eligible for, or has failed to take any step necessary to maintain eligibility for, rent-g geared-to-income assistance as defined in section 38 of the Housing Services Act, 2011.

"Supportive units

"(4) For greater certainty, paragraph 2 of subsection (1) authorizes a landlord to give a tenant notice of termination of,

"(a) a tenancy in accommodation that is subject to the Homes for Special Care Act on the ground that the tenant no longer requires care under that act; or

"(b) a tenancy in accommodation that is a supported group living residence or an intensive support residence under the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008 on the ground that the tenant no longer requires service and support under that act."

Recorded vote.

**Ayes**

Hardeman, Martow.

**Nays**

Anderson, Des Rosiers, Dong, Mangat, McMeekin.

**The Chair (Mr. Peter Tabuns):** It is lost.

Now to the vote on the section. Shall schedule 5, section 1, carry?

**Ayes**

Anderson, Des Rosiers, Dong, Hatfield, Mangat, McMeekin.

**Nays**

Hardeman, Martow.

**The Chair (Mr. Peter Tabuns):** It is carried.

Colleagues, the next few sections have no amendments. I'll bundle them. Shall schedule 5, sections 2, 3 and 4, carry?

**Ayes**

Anderson, Des Rosiers, Dong, Mangat, McMeekin.

**Nays**

Hardeman, Hatfield, Martow.

**The Chair (Mr. Peter Tabuns):** They are carried.

We go now to schedule 5, section 5. We have PC motion 39, moved by Ms. Martow.

I move that section 5 of schedule 5 to the bill be amended by adding the following section to the Residential Tenancies Act, 2006:

"Minister to receive complaints

"224.2(1) If the prescribed maintenance standards apply to a residential complex located in unorganized territory, the minister shall receive any written complaint from a current tenant of a rental unit located in the residential complex respecting the standard of maintenance that prevails with respect to the rental unit or the residential complex.

"Complaints to be investigated

"(2) Upon receiving a complaint under this section, the minister shall cause an inspector to make whatever inspection the minister considers necessary to determine whether the landlord has complied with the prescribed maintenance standards."

Recorded vote.

**Ayes**

Hardeman, Martow.

**Nays**

Anderson, Des Rosiers, Dong, Mangat.

**The Chair (Mr. Peter Tabuns):** It is lost.

Then the vote on the section as a whole: Shall schedule 5, section 5, carry?

**Ayes**

Anderson, Des Rosiers, Dong, Mangat, McMeekin.

**Nays**

Hardeman, Hatfield, Martow.

**The Chair (Mr. Peter Tabuns):** It is carried.

I will bundle the next two. Shall schedule 5, sections 6 and 7, carry?

**Ayes**

Anderson, Des Rosiers, Dong, Mangat.

**Nays**

Hardeman, Hatfield, Martow.

**1620**

**The Chair (Mr. Peter Tabuns):** Carried.

We go now to schedule 5, section 8, and PC motion 40, moved by Ms. Martow.

I move that section 229 of the Residential—

*Interjection.*

**The Chair (Mr. Peter Tabuns):** I have been informed that this is out of order because it depended on 39 being carried. I rule it out of order.

Shall schedule 5, section 8, carry?



**Ayes**

Anderson, Des Rosiers, Dong, Mangat, McMeekin.

**Nays**

Hardeman, Hatfield, Martow.

**The Chair (Mr. Peter Tabuns):** It is carried.  
I'll bundle from here to—just one second, colleagues.  
Shall schedule 5, sections 9, 10, 11, 12 and 13, carry?

**Ayes**

Anderson, Des Rosiers, Dong, Mangat, McMeekin.

**Nays**

Hardeman, Hatfield, Martow.

**The Chair (Mr. Peter Tabuns):** Carried.  
Then we go to motion number 41 in schedule 5, section 14: Mr. Hatfield.  
I move that subsection 14(2) of schedule 5 to the bill be struck out.  
**Mr. Percy Hatfield:** Withdrawn.  
**The Chair (Mr. Peter Tabuns):** Withdrawn? Okay.  
Shall schedule 5, section 14, carry?

**Ayes**

Anderson, Des Rosiers, Dong, Mangat.

**The Chair (Mr. Peter Tabuns):** It is carried.  
Just one second, colleagues. No amendments.  
Shall schedule 5 carry?

**Ayes**

Anderson, Des Rosiers, Dong, Mangat.

**The Chair (Mr. Peter Tabuns):** It is carried.  
Then we have two sections of schedule 6. Shall schedule 6, sections 1 and 2, carry?

**Ayes**

Anderson, Des Rosiers, Dong, Hardeman, Hatfield, Mangat.

**The Chair (Mr. Peter Tabuns):** They are carried.  
Shall schedule 6 carry?

**Ayes**

Anderson, Des Rosiers, Dong, Hardeman, Mangat.

**The Chair (Mr. Peter Tabuns):** Carried.  
We go back to the three sections at the beginning of Bill 7. Shall section 1 carry?

**Ayes**

Anderson, Des Rosiers, Dong, Hardeman, Mangat, McMeekin.

**The Chair (Mr. Peter Tabuns):** It is carried.  
Shall section 2 carry?

**Ayes**

Anderson, Des Rosiers, Dong, Hardeman, Hatfield, Mangat, Martow, McMeekin.

**The Chair (Mr. Peter Tabuns):** It is carried.  
Shall section 3 carry?

**Ayes**

Anderson, Des Rosiers, Dong, Hardeman, Mangat, McMeekin.

**Mr. Percy Hatfield:** A clarification on section 3: Is that schedule 3?

**The Chair (Mr. Peter Tabuns):** No, section 3 of the bill.

*Interjections.*

**The Chair (Mr. Peter Tabuns):** I apologize. We'll need to retake that.

**Ayes**

Anderson, Des Rosiers, Dong, Hardeman, Hatfield, Mangat, Martow, McMeekin.

**The Chair (Mr. Peter Tabuns):** It is carried.  
We go now to the last few questions.  
Shall the title of the bill carry?

**Ayes**

Anderson, Des Rosiers, Dong, Hardeman, Hatfield, Mangat, Martow, McMeekin.

**The Chair (Mr. Peter Tabuns):** It's carried.  
Shall Bill 7, as amended, carry?

**Ayes**

Anderson, Des Rosiers, Dong, Hardeman, Hatfield, Mangat, Martow, McMeekin.

**The Chair (Mr. Peter Tabuns):** It is carried.  
Shall I report Bill 7, as amended, to the House?

**Ayes**

Anderson, Des Rosiers, Dong, Hardeman, Hatfield, Mangat, Martow, McMeekin.

**The Chair (Mr. Peter Tabuns):** Opposed? Carried.  
That's it. Thank you all. With that, we are adjourned.  
*The committee adjourned at 1626.*





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